

The SPECIAL meeting of the Town Council of the Town of Front Royal, Virginia was held on Monday, January 5, 2009, in the Town Hall Third Floor Conference Room, commencing at 5:00 p.m.

PRESENT: Mayor Eugene R. Tewalt
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.)

COUNCIL APPROVAL – Addition of Items to the Liaison Committee Meeting Agenda

Councilman Conkey moved that Council approve the addition of the items listed to be added to the January 15, 2009 Liaison Committee meeting Agenda as presented.

Councilman Conkey asked if the items presented were the only agenda items. Mayor Tewalt noted that they were the only items for review and the Town had yet to receive anything from the County. Vice Mayor Hrbek expressed concern, as his intent was to resolve agenda problems by having the boards approve the agenda prior to the meeting. Mr. Graham noted that the Town and County had to agree to discuss the same topics.

Vice Mayor Hrbek noted that he was not willing discuss matters which the Town Council had not approved for discussion. Mayor Tewalt stated that the County's items would be approved by the County and the Town's by the Town. He noted that what was in place at the current meeting would not work for the Liaison Meeting.

Vice Mayor Hrbek stated that his understanding was that the Council and the Board would approve the exact same agenda ahead of time. Mayor Tewalt stated that his understanding would be that the Town would pass the Town's side of items. Mr. Graham read the agenda approval portion of the policy, which stated:

Meeting agendas shall be provided by the Town Manager and County Administrator upon consultation with the Mayor and Board Chairman respectively. Any request to place an item on the agenda shall be made by 1:00 p.m. on the Thursday prior to the meeting. All requests to place an item on the agenda must be accompanied by a written summary of the request which can be placed in the agenda packet. The agendas shall be distributed on the Friday prior to the Liaison Committee meeting to be held on the following Thursday.

In order for an item to be formally discussed on the Liaison agenda, it must be first approved by a majority vote of the Town Council and Board of Supervisors.

Councilman Parker stated that there were two requests from the Town and one request from the County, so the meeting could take place.

Councilman Conkey explained that the County should prepare their items, the Council could approve or disapprove the items at their meeting Monday, the 12th, and the meeting could take place on the 15th.

Vice Mayor Hrbek noted that Item C, the Route 522 Corridor Agreement should not be discussed. He opined that the County was on record as stating they are supporting the Town. Councilman Holloway stated that the matter was already being discussed in the media and the Town should discuss the issue.

Mayor Tewalt stated that any modifications needed to be approved by the three judge panel. Councilman Parker clarified that if both parties agreed, it did not have to go back to the three judge panel.

Discussion among Council ensued as to whether the corridor agreement should be discussed at the Liaison Meeting or whether bringing the matter to the table would be asking the County if they wanted to discuss the agreement at a later time.

Vice Mayor Hrbek stated that he did not want to discuss the matter at the Liaison Meeting, nor did he want to ask the County if they wanted to discuss the agreement at the meeting either. He noted that there was no need to discuss the agreement, as the agreement was working and there was no benefit to the Town in discussing the issue.

Councilman Parker disagreed, noting that discussion did not mean that they were changing the agreement. Councilman Conkey stated that the County may want to extend the no annexation timeframe. He pointed out that the Town and County needed to be of one mind regarding the agreement and potentially open discussion on the agreement, but not at this time.

Councilman Holloway reiterated his point, asking that the Town and County at least discuss the matter. Councilman Parker stated that his intent was to only determine if the document should be revisited. He noted that it was a good opportunity to work with the County as it was the largest agreement between the Town and the County.

Councilman Conkey stated that the document was brought up in recent months because individuals did not read their contracts fully. He noted that they were now unhappy with the contract and they were paying the price for not doing their due diligence. Councilman Conkey expressed his agreement with Vice Mayor Hrbek.

Councilman Holloway stated that some people did not read the agreement until they went to turn their water on at the Town Business Office. He noted that many people did not know about their contract until they were too far into their business.

Councilman Parker stated that the Council should take the first step towards discussing the contract with the County.

Vice Mayor Hrbek moved to amend the motion to remove Item C – 522 Agreement from the proposed Liaison Agenda.

Vote: Yes – Conkey, Hrbek, Lauder and Sayre
No – Holloway and Parker
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(By Roll Call, to remove Item C – 522 Agreement)

Councilman Conkey stated that six month rotation was too long based on how long terms of office were. Vice Mayor Hrbek stated that it previously worked well to serve six month terms on the committee. Councilman Conkey suggested that Council consider a three month rotation, rather than six months. After some discussion, for clarification, Director of Environmental Services, Mr. Burke, stated that the text seemed to state that the actual meetings would take place six months at the Town Hall, six months at the Government Center, rather than a month to month change in members.

Vice Mayor Hrbek explained that he had issue with the other Boards asking questions of the other government administrator or manager. He stated that it could be used to embarrass the Town and County, even with ground rules.

Mr. Graham stated that he would not be opposed to briefing them on operational issues only, but not policy issues. Councilman Parker stated that questions could be fair and answers could be given at a later time. Vice Mayor Hrbek noted that it was not the answer of the managers that mattered, but the question that could be asked.

Councilman Conkey expressed his agreement with Mr. Graham and Mr. Hrbek, stating that the Council should not set up the Staff for failure.

Councilman Parker moved to strike the question portion from the summary attachment, while leaving item B as it was worded on the agenda sheet.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(By Roll Call, On the motion to amend the summary of Item B)

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(By Roll Call, On the final motion as amended)

There being no further business, the Mayor declared the meeting adjourned at 5:44 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council