

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 11, 2011, 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
Vice Mayor Chris W. Holloway
Councilman Thomas E. Conkey
Councilman Carson C. Lauder, Jr.
Councilman N. Shae Parker
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Interim Town Manager Steven M. Burke, P.E.
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry, CMC

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

Councilman Parker moved that Council approve the Regular Council Meeting minutes of March 28, 2011 as amended.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Tim Ratigan, of 241 Church Street, noted that the Town survey was due in four days. He stated his support of moving the election to November, and how it would close the door on race and economic status factors completely. Mr. Ratigan described some of the history regarding race and economic status relating to the elections as well. He opined that while some had claimed that the local issues would get lost if the elections were moved to November, he challenged that train of thought. He stated his hope to have candidates who will present real issues, new job creation and the promotion of tourism. Mr. Ratigan encouraged all to voice their support of November elections.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mayor Darr presented William “Bill” Kuser with a plaque honoring his retirement. He stated that Mr. Kuser had served the town for 33 years, since April 1978, from the concrete crew to currently the Water Treatment Plant Superintendent. Mayor Darr noted that the Town had sincere gratitude for his efforts and wished him success in all he pursues. He added that Mr. Kuser was a rock solid employee with a high level of commitment and dedication to public service. Mr. Burke noted that it was the quality of the Town’s water that has kept Mr. Kuser looking so young.

Mr. Burke:
• Stated that the Town would be tallying the results of the Town survey and reporting said findings back to Council;

- Noted that Public Works was continuing their ditch work at various locations through Town, and he asked the citizenry to observe the road work signs;
- Reported that the work at 6th Street and Washington Avenue would have intermittent road closures, and he asked the public to be aware of those closures;
- Stated that the Town was beginning to receive the community's work orders via the Town's online system. He encouraged the public to report pot holes or other issues via the website 24-hours per day, or during business hours by calling Public Works at 635-7819.

Councilman Sayre thanked Mr. Burke for their discussions earlier in the day, referencing the \$80,000 figure from the County. Mr. Burke summarized that the valuation and estimated tax return that the County has provided to the Town to develop the budget for the personal property taxes. Mr. Burke noted that the \$80,000 value referred to by Mr. Sayre was the County's estimate based on total valuation when the information is requested, if everyone were to pay their tax bill. Mr. Burke explained that there was a reduction from that number in order to have the Town develop a conservative revenue projection. He added that there was a decrease noted from the County's total at this time.

Councilman Sayre noted that the adopted amount for fiscal year 2010 was \$240,000, which is the same for this year as well. He stated the mid-year rate and how well the amounts were coming in from citizens. Mr. Sayre noted that taking into account the 64¢ rate, and the 11¢ rate for mobile homes, the amount has gone up significantly. He began to discuss the State amounts paid for personal property taxes. Councilman Parker stated that Mr. Sayre had strayed from the agenda; Mayor Darr agreed.

Councilman Parker read the following statement into the record:

This past week I have received numerous inquiries via email, in person, and on the phone regarding the Town's sign Code, specifically flags. While this issue has been in the public consciousness for at least a month, it seems to have found a renewed vigor with each passing week. Though I am aware we have taken the proper steps to rectify this section of the Town Code by referring it to the Planning Commission; I am still befuddled by the circumstances as they arose. I would not be shocking anyone to say we have sections of our Town Code which are outdated and even potentially irrelevant. Code which was written 70+ years ago; Code which specifically calls for the destruction of personal property. I mean come on now, do you prove a case if you destroy the evidence before it goes to trial.

Perhaps the content of the Code should be contemplated before enforcement. If a citizen or an employee or member of this Council notices a glaring problem with the Code of the Town of Front Royal – we need to contemplate the outcome. When we have a large contingent of individuals who are in violation of a Town Code perhaps before we slam down the iron fist we should rethink the violation. It should be brought to Council and explained that enforcement of this section of Town Code will result in public outcry due to the large number of citations.

It is absurd that a non-profit organization, the American Association of Small Property Owners, to be specific, has to pass a resolution adopting as it's insignia the word **OPEN**. They approached me and asked if this would be satisfactory to allow businesses to display flags with this insignia in Front Royal. While this sounds good to me, I was counseled this could merely be construed as an effort to circumvent the Code. While the Town Code does allow for **OPEN** banners, even those printed on cloth, a permit and fee is required. So we don't specifically outlaw the **OPEN** or **SALE** flags, we just don't allow them for free.

Now given the negative persona this has portrayed on the Town, and given the bad press we received whether warranted or not, for other decisions, I implore our citizens, Staff, and business owners, to help us find the problems in our systems; in our Code books and bring them to the Council or Department Heads to help us correct these flaws. And please do it before it causes unnecessary burdens and a general distaste for this Town to those whom it affects and to whom we serve.

Councilman Sayre noted that Council would be discussing the budget and at said time he would speak on the mobile homes and machinery and tool amounts.

Councilman Sayre noted that he had spoken with Reverend James Kilby, and he then read the following into the record:

We both agree that the Byrd machine was a horrible part of the past history. Mr. Kilby had no intention of having Mr. Sayre portrayed in bad light. Mr. Kilby believes that it was a misunderstanding on his part and neither he nor I will have additional comment. We remain very good friends.

Councilman Sayre noted that an area newspaper printed that Mrs. Sayre had "booed" during the last meeting. Mr. Sayre stated that his wife did not do so.

Mayor Darr noted that he was fortunate to participate in the Meals on Wheels program with the Warren Senior Center and the Shenandoah Area Agency on Aging. He thanked those that took the time to participate, adding that center did a wonderful job of providing many services to the area seniors. Mayor Darr stated that he was able to visit as well with some attendees and have lunch. He added that he was the reigning bean bag champion at one point, and the day had been successful and rewarding for him personally. He encouraged area volunteers to get in touch with the Senior Center to discover ways they could help out.

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

Councilman Conkey moved to remove Item C from the Consent Agenda – Lantz Construction, completely from the agenda.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

CONSENT AGENDA

- A. COUNCIL APPROVAL – Proclamation – Administrative Professionals Week and Administrative Professionals Day
- B. COUNCIL APPROVAL – Proclamation – Arbor Day
- ~~C. COUNCIL APPROVAL – Full Bond Release – Lantz Construction of Winchester – Warren County Middle School~~
- D. COUNCIL APPROVAL - Bid – Additional Salt Purchases
- E. COUNCIL APPROVAL – Acceptance of a Byrne Justice Assistance Grant for Police Department

Vice Mayor Holloway moved that Council approve the Consent Agenda as presented.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

PUBLIC HEARING – An Ordinance to Amend and Re-enact Section 4-48 of the Town Code Pertaining to the Custody and Preservation of the Records of Town Council

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

Vice Mayor Holloway moved that Council adopt an Ordinance to Amend and Re-enact Section 4-48 of the Town Code pertaining to the Custody and Preservation of the Records of Town Council.

Councilman Conkey stated that the matter was a prime example of why the Code needs constant updating.

Councilman Sayre asked if the records matter was State mandated; Mr. Robinett noted that he was unsure if it was mandated, though the process was out of date. Mrs. Berry added that several years ago the State Library ceased providing the service for municipalities throughout Virginia.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

COUNCIL APPOINTMENT – Economic Development Authority (EDA)

Vice Mayor Holloway moved that Council appoint Rob Llewellyn to a four year term to the Economic Development Authority (EDA), said term to expire February 28, 2015.

Councilman Sayre noted that Linda Allen and others had interviewed, and he was impressed with these candidates as well. He stated that former Mayor Eastham currently serves on the EDA Board, and Mr. Eastham had Mr. Llewellyn as a friend, and as his campaign manager and Mr. Sayre had hopes that the Town would spread out their selections among different viewpoints. Mr. Sayre noted that he was unhappy with the strip bar type of business such as in West Virginia. He added that it was nothing personal with Mr. Llewellyn, and what had taken place with Debbie Llewellyn was horrible, and he wished her the very best.

Councilman Parker thanked all the candidates who applied and interviewed, adding that the Town had an outstanding pool of candidates to choose from. He stated that the new names coming forward to serve was encouraging and he wished others would step forward as well.

Councilman Conkey echoed the comments of Mr. Parker, adding that there were many remarkable interviewees for the position. He thanked those who had applied, and encouraged others to consider serving the Town. Councilman Parker reminded Town citizens that they could serve on County Boards as well, as they were Town and County citizens.

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

COUNCIL REFER TO PLANNING COMMISSION – Zoning Ordinance Amendment to Add “Zoning Uses Not Provided For”

Councilman Parker moved that Council refer to the Planning Commission a Zoning Ordinance Amendment to add “Zoning Uses Not Provided For.”

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

There being no further business, the Mayor declared the meeting adjourned at 7:34 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council