

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on November 24, 2014, 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 N. Shae Parker  
Councilman Daryl L. Funk  
Councilman Bret W. Hrbek  
Councilman Thomas H. Sayre  
Councilman Eugene R. Tewalt  
Councilman Hollis L. Tharpe  
Town Attorney Douglas W. Napier  
Clerk of Council Jennifer E. Berry, CMC

**ABSENT:** Town Manager Steven M. Burke, P.E.

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

*Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve the Regular Council Meeting minutes of September 22, and the Special Meeting Minutes of November 10, 2014 as presented.*

Vote: Yes – Funk, Hrbek, Parker, Tewalt, 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**

Paula Wayland, of 429 Belair Avenue, read the following into the record:

On October 29<sup>th</sup> I had to contact our town police department due to an issue with one of my children. Outlined here is the accounting of how things went; hereinafter known as stages. Due to this being an ongoing investigation by the Virginia State Police I can’t give you names of the minors involved just the issues at hand.

Stage 1: On October 29<sup>th</sup> the town pd was dispatched to our residence on Belair Avenue for an older gentlemen having contacted my daughter who is 14 thru a phone messenger application propositioning her for phone sex in lieu of payment. I contacted the Warren County High School as well for them to be aware of the issue since we had no idea at the time who this gentlemen was or where he was. I asked the school to make sure my daughter was not allowed out at any time without an adult with her. I also made sure they were aware she was not to leave with any one.

Officer Keller arrived shortly after my speaking with the school and took a statement from us and viewed the conversation this gentlemen had with my daughter. He said they would investigate and he would be back in touch with me. I asked Officer Keller if they could trace the ip address and see where he was he then told me that

was a possibility; I then asked if a female investigator could go online and pretend to be younger and try to get him to talk to them and that was met with we have no budget for that. I told him I wanted this looked into and this man charged. He then proceeded to tell me this was not a crime show on tv and it wouldn't be solved in an hour. He then told me he would be in touch.

Stage 2: The same afternoon Officer Keller and another officer came back to the house and asked to speak with my daughter and she gave him the names of some of her friends that were mutual friends with this gentlemen. He said they would be in touch with the other girls and see if this gentlemen had responded to any of them in the same manner. Which it turned out including my daughter he did this to 3 underage females.

Stage 3: I spoke with Hollis Tharpe and questioned him on budgeting issues and he clarified for me that was one issue the town council fully backed was the police department's budget and told me to contact the Chief and ask him if this was something the town pd needed to have added as a new line item into their budget. So from there I contacted the Chief and had to leave a message for him.

Stage 4: I finally was able to speak with Chief Shiflett and Sargent Nicewarner regarding the budget and if they had the resources available to them to handle a situation of this magnitude and they assured me they had what they needed in place. That this was a miss-communication with the officer and they would look into it. They were supposed to be taking this matter to the Commonwealth Attorney shortly and would be in touch.

Stage 5: I spoke with one of the other girl's mother that this gentlemen contacted and she said Officer Keller after meeting with her daughter wrote down the conversation this gentlemen had with her and told her to delete it from her phone. Last time I checked this is **STILL AN ONGOING INVESTIGATION** and he should not have told her to delete the evidence from her phone.

Stage 6: I contacted the Florida police department for Orlando and spoke with a Sargent Edwards and explained the situation to her and emailed her what evidence I had and she stated she would be back in touch with me.

Stage 7: I was contacted back by Officer Keller and he said the Commonwealth Attorney Michael Fleming would not prosecute this gentlemen because he had not broken any laws. I was then told it would be forwarded to their internet department for further investigation. I was then told they would be in touch. I contacted the town pd and left messages for Chief Shiflett and/or Sargent Nicewarner to contact

me back. After waiting a couple of days I tried calling again only to be told by the dispatcher I needed to contact the Commonwealth Attorney's Office.

Stage 8: I contacted the Commonwealth Attorney's Office only to leave several unreturned messages for several days. Finally on November 7<sup>th</sup> I finally spoke to Michael Fleming whom Officer Keller spoke with and he told me this gentlemen did not break any laws and that the law has not yet caught up with technology and that I needed to contact my local legislator. After getting his name (Mark Berg) I proceeded to email our legislator. My daughter missed her last football game at the high school because I felt it was not safe to allow her to go because no one at this point had been able to tell me where this gentlemen was or what access he had to my daughter or her friends.

Stage 9: On Saturday the 8<sup>th</sup> I contacted our local state police unit in Culpepper va and was rewarded with an immediate return call from Trooper Pam Neff. Within an hour and a half of emailing her the ip address she assured me this man was not local to our area. She then called me 2 hours later to tell me that after speaking with one of the other mothers her daughter was told to delete the conversation from her phone and they didn't have a copy of that conversation to go on. Well luckily her daughter sent a copy of it to my daughter who saved it and I was able to send it to Trooper Neff. She then asked permission for them to proceed on this matter because THEY took this seriously. I gave them the go ahead and she said that her supervisor would be contacting me at the beginning of the week to set up a meeting with my daughter regarding this matter.

That afternoon I received a return email from Mark Berg's assistant and was rewarded with an immediate appointment with his office on the 12<sup>th</sup> of November.

Stage 10: I received a phone call from Sgt Edwards in FL and she stated that they could not find this gentlemen locally in Orlando and they would be widening their searching area. She is in charge of Florida's ICAC SVU Unit.

Stage 11: After 3 days one being a holiday I received a phone call from Special Agent Morris with the VSP and we went over what had transpired and he said this matter would be looked into and this gentlemen would be brought to Va to stand trial when they had the evidence they needed. Unlike Warren County Rockingham County would prosecute this case.

Stage 12: My husband and I went and met with Mark Berg and his assistant and after reviewing everything and reading the statue the conclusion was that yes this gentlemen did in fact break the law. They are right now working on a new bill to

introduce so nothing like this ever happens again. Mark Berg stated he would have a meeting with our Commonwealth Attorney and get this matter resolved.

Now my question to the Town Council is why did I have to go to such great lengths to get something done on this matter and why do we pay taxes for officer training if our officers are not trained on proper protocol to handle evidence. Why is our Commonwealth Attorney's Office trying to interpret the law instead of enforcing it?

Also if this matter was turned over to the town pd's internet department why have I not heard from them at this point? What other matters like this has fallen thru the cracks with our town pd. If we can't trust our local officers to do their jobs who can we trust.

I should not have had to be the one to contact Florida, I should not have had to contact VSP, but when you insult my intelligence and not take my concerns seriously I will do what has to be done to protect not only my daughter but others as well.

Phil Sayre, of 835 Shenandoah Shores, noted that he wanted to clarify that from October 3-5<sup>th</sup> he was at a school function for the majority of the time. He noted that on Saturday the 4<sup>th</sup> of October he met his dad, Thomas Sayre, briefly about 1 p.m. and they gathered lunch. Mr. Sayre stated that about 1:25 p.m. his father drove him to Wal-Mart for supplies and then between 3-3:30 he was driven back to Main Street and he did not see him again the rest of the weekend. Mr. Sayre stated that he hopes that information clarifies the rumors that are floating around.

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

Reporting for Town Manager Steve Burke, Kim Gilkey Breeden, Finance Director::

- Reported the holiday refuse days for the upcoming Thanksgiving;
- Stated that Commonwealth Drive would have storm drain work for the next two weeks;
- Noted that the time capsule placement would be held on December 8<sup>th</sup>;
- Reminded citizens that taxes were due by December 5<sup>th</sup>;
- Announced that the Christmas parade would be held on December 6<sup>th</sup>

Marshall Jones, Smithsonian Conservation Biology Institute Advisor:

- Kathleen Q. Johnson was now part of their team, and he stated that they had a new Deputy Director as well;
- Noted that they no longer go by the name "The Remount";
- Stated that their Core mission was regarding endangered species, breeding and research;
- Announced that they work with zoos, universities and agencies in the United States, and as far as Thailand;
- Stated that they were working on breeding and research on the black footed ferret, which was initially thought to be extinct;
- Noted that they are part of the global tiger population;

- Announced that they continue their work with the N.E.O.N. project, which was working towards the best science and data sharing in the country;
- Commented that they would have 20-30 staff members that would need housing in the area, and they expect that increasingly that number may grow;
- Reported that he wished that they were open to the public and they hope for more transparency in the future, as currently they were open only one weekend a year to the public;
- Stated that at times they do host public lectures available to the community; and
- Noted that they were partnering with George Mason University and they have several programs, including an undergraduate program with an intensive conservation curriculum here in Front Royal.

Councilman Hrbek thanked Mr. Jones for the report. He noted that he had fond childhood memories looking for the zebra that used to be at the organization. He asked about the number of undergraduates currently; Mr. Jones stated that there were 25. In response to Mr. Hrbek's questions, Mr. Jones noted that there were ideas that had been discussed and they do have 24-hour camps for families, where they can spend the night. He added that they dreamed to be open on the weekends and could be a great area tourist attraction for the community.

Councilman Hrbek stated that the Smithsonian Conservation was a hidden treasure here in the community and he would be encouraged to hear of any expansion. Councilman Tewalt noted that several years ago, there had been discussion of James Madison being present. Mr. Jones stated that they were open to partnering with other universities, though nothing was currently in the works.

Mayor Darr thanked him for coming and he noted that the Town appreciates the contributions by both the Smithsonian and George Mason University.

Councilman Sayre noted that they would like to discuss the food and parking expenses listed on VML. He listed specific amounts for various amounts for travel for each Councilman that attended. He stated that he had the express permission to attend the exhibit booths from Mary Jo Fields of VML. Mr. Sayre noted that he met with various vendors and went to every exhibit booths and that he received a lot of education.

Councilman Sayre listed many vendor names and categories, stating that it was very educational. He read the affidavit from Pennoni Associates representatives on file with the Clerk's office. He noted that his son spoke earlier in the evening noting his location during a portion of the weekend.

Vice Mayor Parker stated that he has taken his responsibility of being entrusted with the finances and the welfare of the Town quite seriously. He noted that the Town had taken steps to eliminate the meals and shirts that were being provided to members of Council, which were frivolous expenses. He noted that Mr. Sayre unofficially attended the conference for less than one day and then submitted his expenses for reimbursement to the Town.

Vice Mayor Parker noted that whether Mr. Sayre was there in an official or unofficial capacity, the reimbursement was paid without any questions and this brings this to the point where Council is now – the inquiry into the reimbursement and the lack of oversight. Mr. Parker noted that

Council needs to examine their ethics policies. He stated that unfortunately no one is able to make a determination on this matter, though on the surface the issue has some glaring problems. Vice Mayor Parker stated that the complaint to look into the reimbursement was in no way vindictive. He noted that he would request that future reimbursements be reviewed and approved by the majority of Council.

Councilman Sayre noted that he spoke with the Town Manager and the Clerk of Council prior to the travel to VML He stated that Vice Mayor Parker had another meal later in the evening being billed to the Town.

Mayor Darr stated that he and other members of Council attended the Salvation Army Kettle Kick Off recently.

Mayor Darr noted that he received a phone call from K-Mart Corporation regarding the resolution that they sent recently. He stated that they thanked the Town Council for sending the resolution and noted that it was a tough decision and added that they could not offer any solution at this time.

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

*Councilman Funk moved, seconded by Councilman Tharpe, that Council remove Item 7C – Habitat for Humanity Curb & Gutter until the next regular Council meeting.*

Vote: Yes – Funk, Hrbek, Parker, Tewalt, 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 ITEMS**

- A. ~~COUNCIL APPROVAL – Budget Amendment for Purchase and Installation of Monitors in Government Center Board Room~~
- B. COUNCIL APPROVAL – Donation of Old Christmas Wreaths to FRIBA
- C. ~~COUNCIL APPROVAL – Waiver of Curb, Gutter, and Apron for Habitat for Humanity~~
- D. COUNCIL APPROVAL – Resolution to Endorse Expansion of Tourism Program

*Vice Mayor Parker moved, seconded by Councilman Tharpe that Council approve the Consent Agenda as presented.*

Councilman Tewalt asked that Council discuss Item 7A – Government Center Monitors separately, rather than on Consent.

Vote: Yes – Funk, Hrbek, Parker, Tewalt, 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)  
(Items B & D)

**COUNCIL APPROVAL – Budget Amendment for Purchase and Installation of Monitors in Government Center Board Room**

**SUMMARY:** The Town has received a request from Warren County to cost share the installation of monitors in the Warren County Government Center Board Room to enhance visibility when the overflow room is used. The total cost of this project is \$4,811.45 of which the Town is responsible for half (\$2,405.73) of the amount. Council is requested to consider approval of a budget amendment in the amount of \$2,000, as \$405.73 will be from the Information Technology Budget.

*Councilman Tharpe moved, seconded by Councilman Funk that Council approve a Budget Amendment in the amount of \$2,000 to cost share with Warren County for the purchase and installation of monitors at a total cost of \$4,811.45 to be placed in the Warren County Government Center Board Room. He further moved that the remaining \$405.73 be from the Information Technology Budget.*

Councilman Tewalt noted that unless it is for emergency uses, he is not in favor of removing funds from the General Fund. He stated that it was not a safety issue or an emergency. Councilman Sayre stated that he shared the concerns of Mr. Tewalt.

Councilman Funk noted that it was an important step to working with Warren County and it was a matter of viewing the information and there were some issues that should not wait for the next budget cycle.

Vice Mayor Parker noted that he agreed with Mr. Tewalt; however, he noted that the Town and County have a Fair Funding Formula and this project was not following said formula. He stated that he could only recall once or twice that the extended area in the conference room was used in the last year.

In response to Councilman Sayre's question, Mrs. Breeden noted that the funding was in General Fund Reserves.

Councilman Tharpe stated that the number of people being served was not the issue, but rather if just one person was assisted, then it was worth the expense to the citizens of the Town of Front Royal.

Councilman Tewalt noted that taking money out of the General Fund was not a priority, as this was a want, rather than a need. He stated that he can recall only one person present at the budget presentation that would need to see the screen.

- Vote: Yes – Funk, Sayre and Tharpe
- No – Hrbek, Parker and Tewalt
- Abstain – N/A
- Absent – N/A

Mayor Darr stated that he wished there was an amendment to the motion stating that the reimbursement would come from the IT budget. He added that that being said he would support the motion as he saw the need for the proposal as submitted by the County of Warren.

Vote: Yes – Mayor Darr, to break the tie

(By Roll Call; Motion Carried)

-----  
**COUNCIL APPROVAL – Resolution to Establish 2014 Holiday Home Decorating Contest**

**Summary:** Council is requested to approve a Resolution to establish the 2014 Holiday Home Decorating Contest sponsored by the Town on the Town’s Facebook Page with awards to the top three votes as presented.

*Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve a Resolution to establish the 2014 Holiday Home Decorating Contest as presented.*

Mrs. Breeden noted that the voting would be on the Town’s Facebook page and tallied through the Town’s IT Department.

Vote: Yes – Funk, Hrbek, Parker, Sayre, Tharpe and Tewalt  
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 APPROVAL – Town Manager Contract/Vacation Time**

**Summary:** Council is requested to approve the purchase back of forty hours of vacation time from the Town Manager per his contract for employment, said funds to be provided from salaries in the Town Manager budget.

*Councilman Sayre moved, seconded by Councilman Tharpe that Council approve the purchase back of forty hours of vacation time from the Town Manager per his contract for employment, said funds to be provided from salaries in the Town Manager budget.*

Councilman Tharpe noted that half will be given back to the employees.

Councilman Sayre noted that he would add \$100 of his personal funds as a stated motion.

Vote: Yes – Funk, Hrbek, Parker, Sayre, Tharpe and Tewalt  
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 APPROVAL – Advertise for Public Hearing to Receive Public Input for a Town Building Official Position**

**Summary:** Councilman Hrbek has requested that Council consider advertising for a Public Hearing to receive input from the public on a Town of Front Royal Building Official Position.

*Councilman Hrbek moved, seconded by Vice Mayor Parker that Council advertise for a Public Hearing to receive public input on a Town of Front Royal Building Official Position.*

Councilman Hrbek noted that he would like to obtain information from the public to determine if such a building official is needed. He stated that it was his intent to gather data, rather than take action at the meeting.

Councilman Sayre stated that he would not be voting for the matter. Councilman Tharpe stated that Council should work as a team and he would support the motion.

Councilman Funk noted that he did not think it was realistic to think that the Town's position would be interpreting the law any different than the County official, and he felt it was a duplication of services.

Vote: Yes – Hrbek, Parker, Tharpe and Tewalt  
No – Funk and Sayre  
Abstain – N/A  
Absent – N/A  
(Mayor Darr 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 8:07 p.m.

APPROVED:

\_\_\_\_\_  
Jennifer E. Berry  
Clerk of Council