



Town of Port Royal

Established 1744

“Behold Us Rising”

Port Royal Town Council Official Town Council Meeting Minutes & Public Hearing

Members Present: Bill Henderson, Alex Long, Sharon Farmer, JP Wilkerson, Donna Wilkerson, Gladys Fortune and Jeff Isaacs.

Members Absent: None

Others Present: Allyson Finchum, Town Manager, Town Clerk Terri Harrison,

Audience: Jim Heimbach, Liz Heimbach, Mr. Robinson, Carolyn Barley, Florine Brown, Edgar Yates, Jennifer Gooch and Jim.

The Mayor opened the Town Council Meeting at 6:00 PM.

The Clerk took the roll and a quorum was established.

Public Comments:

- Edgar Yates addressed Council with concerns regarding the grass near the water construction site. The meshing the contractors have placed on the ground is interfering with his mowing. The town manager will address this issue with the engineer. Mr. Yates also questioned the added portion of grass near Hornes, he stated that additional fees will be charged to maintain that area outside of his regular contracted amount. The council will add this to the agenda under discussion/action items.

Hearing no other comments from the citizens the mayor closed the floor for Public Comments.

Public Hearing SPEX-1-2019; 139 Main Street, Port Royal – Auto Sales

The Mayor opened the Public Hearing at 6:03 PM.

The Zoning Administrator presented the report, outlining the Applicant's request for a Special Exception for Used Auto Sales. A copy of the report is attached to the meeting packet distributed for the April 2019 town council meeting.

The Mayor opened the floor for comments from citizens in attendance. Comments included the following:

Ms. Carolyn Barley who is in support of Mr. Robinson's efforts, however has some concern with regard to safety issues with respect to traffic flow, but also stated that safety along that corridor (Main Street) is an issue for all businesses. Also having heard some concerns by citizens of the town with respect to closeness to churches, special exceptions could be included in his Business License as a way of addressing those concerns to ensure that he is following what is intended.

Ms. Florine Brown supports Mr. Robinson's request. She has known Mr. Robinson for many years and prides him on his work ethic and community concerns.

Mr. Robinson spoke regarding his desire to have the sales lot and different scenarios to make it work, he stated also he would consider giving up the thrift store if the property could not support both car sales and thrift store sales.

Mayor Long called for more comments, hearing none, he called for comments a second time, hearing none, and the Mayor closed the floor to public comments at 6:14 PM.

The Public Hearing was officially closed to public comment at 6:14 PM.

The Mayor opened the floor for staff to answer any questions the Council may wish answered.

Bill Henderson pointed out his concerns for safety, display of items for sale, the general over all appearance of the business. How will it affect neighbors, churches?

Jeff Isaacs questioned what year vehicles does he have in inventory?

JP Wilkerson brought up the past issue of non-compliance with town ordinance by operating without a Business License. Mr. Wilkerson asked if a site plan was available.

Alex Long stated that Auto Use is inappropriate in that location of town. Mr. Long did offer the town's assistance in assisting Mr. Robinson with creating a Business Plan.

Motion was made by J P Wilkerson, to defer the request until the Council sees a site plan. The motion to defer did not receive a second.

Upon motion by Jeff Isaacs, with a second by Bill Henderson, Council voted to deny the application for a special exception for the purpose of auto sales at 139 Main Street. Voting Aye: Long, Henderson, Farmer, Wilkerson, (D), Wilkerson, (JP), Isaacs and Fortune. Motion carried.

Announcements and Agenda Additions and Revisions:

- Discussion/revision to grass cutting bid proposal.

Reports of Members of the Town Council:

JP Wilkerson reported that Bill Henderson and some of his friends and past Ruritans members, picked up 19 trash bags of litter. The council commended Bill on a great job and gave him sincere thanks to both he and his group.

Bill Henderson reported on the Historic Port Royal Sign project. Dwight Storke, owner of Mid Atlantic Lab and the Storage Unit Business has granted permission to place a brown Historic Port Royal Welcome sign near the Chimneys facing the river, similar to the one near Hornes on his property. The cost of the sign is \$495.00, labor for our Maintenance employee, Joe Fortune is \$125.00. **Upon motion by J P Wilkerson with a second by Gladys Fortune council voted to proceed with the sign project on the southbound side of Rt. 301 on the property of Dwight Storke and to appropriate \$625.00 for cost associated with the project. Voting Aye: Long, Henderson, Farmer, Wilkerson (JP), Isaacs, Wilkerson (D) and Fortune. Opposed: None. Motion Carried.**

04-10.1 Consent Agenda:

Upon motion by Gladys Fortune with a second by Jeff Isaacs, Council voted to approve the Consent Agenda. Voting Aye: Long, Henderson, Farmer, Wilkerson, Wilkerson, Isaacs and Fortune. Opposed: None. Motion carried.

04-11: Financials:

Upon motion by J P Wilkerson with a second by Donna Wilkerson, Council voted to accept the Financials for February 2019. Voting Aye: Long, Henderson, Farmer, Wilkerson (JP), Isaacs, Wilkerson (D) and Fortune. Opposed: None. Motion Carried.

Upon motion by Sharon Farmer with a second by Jeff Isaacs, Council voted to accept the financials for March 2019. . Voting Aye: Long, Henderson, Farmer, Wilkerson (JP), Isaacs, Wilkerson (D) and Fortune. Opposed: None. Motion Carried.

04-12: Report of the Town Attorney

None.

04-13: Report of the Town Clerk

Attached

04-14: Report of the Zoning Administrator

Attached

04-15: Report of the Town Engineer:

The Town Manager

04-16: Report of the Town Manager:

04.16.1 Giles/Storke Encroachment issue: Town Council instructed the Town Manager to forward all the information to the town attorney and have the town attorney respond to Mr. Giles.

04-17: boards/Commission/Agency Representatives and Public Hearings:

None

01-18: Action Items

04-18.1: Upon motion by Bill Henderson with a second by Jeff Isaacs Council approved placing the public notice in the Free Lance Star to advertise for a public hearing for the Proposed FY19-20 Budgets for both the Water and Corporate Accounts. Voting Aye: Long, Henderson, Farmer, Wilkerson (JP), Isaacs, Wilkerson (D) and Fortune. Opposed: None. Motion Carried.

04-18.2: Upon motion by Bill Henderson with a second by Gladys Fortune, Council approved making the first Payment to Virginia Resources Authority for the Water Improvement project loan in the amount of \$ Voting Aye: Long, Henderson, Farmer, Wilkerson (JP), Isaacs, Wilkerson (D) and Fortune. Opposed: None. Motion

04-19 Formal Presentations and Reports:

04.19.1 Special Events Report and Accounting continued from April 2019 Meeting.

In the absence of Monica Chenault, Events Coordinator, no report was presented to the town.

The Council entertained a lengthy discussion with regard to Town Events. The council agreed that until the town is in receipt of documentation from its Insurance Provider stating that all aspects of the events and attendees are covered by the town's liability insurance, that Council cannot make a sound determination on the future of town events. The council also discussed the necessity of complete accounting of the past two years events that were put on by the town. While the Council agreed it is not a matter of whether any money was made for the town, (not saying that a sizable loss is agreeable either) the real issue at hand is accountability of public funds. The item will be deferred to the May 2019 meeting.

04-20 Discussion Items:

04.20.1 Grants Comparison: Sharon Farmer did a considerable amount of research and presented handouts for Council to read over that offer possible grant opportunities. Sharon stated that the “Go Virginia is Dead in the Water”.

04.20.2 Town Code Update: Deferred to May 2019 meeting.

04.20.3 Town Brochure: Ms. Jennifer Gooch presented the Council with a Town Brochure she created as part of her semester grade in College. The Council will review it and speak with Ms. Gooch regarding the possibility of having the rights to the brochure so that they may have them printed professionally.

04.20.4 Grass Cutting Bid Proposal & Amendment: Upon motion by Bill Henderson, with a second by J P Wilkerson, Council voted to accept the Bid Proposal already presented last month by Edgar Yates and to add additional \$30.00 for the East Side on Rt. 301 headed North near Hornes Restaurant.

04.20.4 Collection of existing Water Debt: Council deferred discussion. Consensus was to turn over to a Law firm for collections.

04-21 Information items:

04-22 Closed Session:
None

Conversation initiated without formally going into a closed session since there was no public in attendance.

Items were presented by Council with regard to how the office staff is conducting town business. JP Wilkerson questioned the recent request to the County for assistance with delivering chairs for a Church function, both he and Sharon Farmer do not feel that is something the Town needed to be involved in. If the Sunrise Committee wanted this, then their committee should initiate the request for assistance. Also, it should come before full council. The mayor should not be assigning work to staff that has not had full council discussion and approval. Mayor Long stated he had nothing to do with the issues of the chairs. It was the Sunrise Committee Chair, Nancy Long who communicated with town staff on behalf of the committee. Mayor Long stated that the chairs had not yet been delivered and that it could easily be stopped. He called for a motion to notify the County to stop the assistance requested with regard to delivery and pick up of the chair

The conversations carried on to another topic regarding Chris Flora and his project located on Cumberland and King Street and the letter that the Town Manager wrote to Mr. Flora, demanding he produce documentation, ie. Permits such as his zoning permit. There were other letters and meetings going on by the town manager and the mayor elsewhere, letters sent to the health department, none of which came before the town council. J P Wilkerson and Sharon Farmer again reiterated that they were never made aware of any correspondence or letter that the town sent on behalf of the town of Port Royal. They stated that this type of behavior cannot continue. That the staff works for the town council, and all of council need to be made aware of any types of letters being mailed out on behalf of the Town.

Upon motion by Sharon Farmer, with a second by J P Wilkerson, Council voted to cease and desist any further action against C. L. Flora Construction Company by requiring him to fill out a Zoning Application or produce any copies of his Zoning Permit, or any other permits he has already been issued and claims to have associated with his Mobile Home Park. Voting Aye: Wilkerson (JP), Farmer, Fortune and Wilkerson (D). Against: Long, Henderson & Isaacs. Motion Carried 4-3

Mr. Wilkerson further requested that the Town Manager review with the Town Attorney, the language used in the previous motion to ensure that it is legal in expressing their intent, and if the motion needs to be amended, then Mr. Wilkerson requests that the town attorney give the Council guidance and direction on how to properly word the motion to accomplish their intent. The request is to be submitted by the Town Manager to the Town Attorney and the response from the Town Attorney is requested to be in writing to all of Council for review.

The Port Royal Town Council formally requested the Town Manager to proceed with Mr. Wilkerson's request for clarification in writing from the Town Attorney as noted in the preceding paragraph. The request is to be made by the Town Manager, not by the Town Mayor.

The Council discussed further the motion that was properly made and passed by council.

- Mr. Long does not feel it is legal, but stated he is not a lawyer.
- Bill Henderson stated that he doesn't want to have legal fees and wind up bankrupting the town.
- Sharon Farmer stated that she had been advised by the Town Engineer hat the septic would work.
- Gladys Fortune stated it is a whole lot better now, then what she has had over there in the past years, she is happy with the work Mr. Flora has done.
- Donna mentioned the off street parking? Why are we showing partiality to some residents in town who have put down gravel, and are parking on town and VDOT right of way, but not allowing it in this case? [Flora Construction]

It was noted that there are many areas in town where property owners have placed gravel down in front of their homes/driveways on VDOT AND/OR Town Right of Way, many people in Town Park on town right of way.

- Jeff Isaacs: Pointed out favoritism isn't an issue as one council member stated, it is more a matter of being fair and up front and reputation means a lot.

Upon motion by Donna Wilkerson with a second by Gladys Fortune at 8:57 PM, Council voted to adjourn the meeting. Voting Aye: Long, Henderson, Farmer, Wilkerson (JP), Isaacs, Wilkerson (D) and Fortune. Opposed: None. Motion

Respectfully Submitted:

Terri Harrison

M. Therese Harrison