



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, May 6, 2013 after Worksession
Front Royal Administration Building Conference Room

PRESENT: Mayor Timothy W. Darr
Vice Mayor N. Shae Parker
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Eugene R. Tewalt

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

Council Approval - Authorization by Resolution for Town Manager to Execute Property Acquisition Documents

Councilman Hrbek moved, seconded by Councilman Tharpe, that Council direct the Town Manager, the Town Attorney, and Finance Director to proceed with the closing, settlement and purchase of the Property, and hereby gives and empowers its Town Manager, and Town Attorney to do all things and execute all documents necessary and appropriate to close, settle and finalize the purchase of the Property in the name of the Town of Front Royal, Virginia and in accordance with the Contract of Sale; and further, gives and empowers its Finance Director to withdraw and pay out all funds necessary and appropriate to pay for the purchase of the Property as directed by the Town Manager and as called for by the Contract of Sale in reference to the Ramsey Resolution/property.

In response to Council's questions, Mr. Burke explained that it was triggered by the title company.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Tewalt

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

(By Roll Call)

RAMSEY RESOLUTION – Electric Line Easement

WHEREAS, the Town Council of the Town of Front Royal, Virginia ("Town Council") authorized the Town of Front Royal entering into that Contract of Sale dated October 17, 2012 (the "Contract of Sale") with Chris S. Ramsey to purchase those certain parcels of land situate and located along or near the south side of State Route 55 in the County of Warren, Virginia, as shown on that

certain plat of survey titled "PRELIMINARY PLAT, ELECTRIC LINE EASEMENT AND SUBDIVISION OF THE LAND OF CHRIS S. RAMSEY", dated 10 August, 2012, prepared by Darryl G. Merchant, Consulting Land Surveyor (hereinafter referred to as the "Plat"), said parcels being further described on the Plat as 1) "PARCEL 'A-1, 1.4124 ACRES", and 2) "PROPOSED 40' WIDE ELECTRIC LINE EASEMENT, 3.2246 ACRES", as well as other easements, which said Plat has now been updated by the said Darryl G. Merchant to a final plat titled 'PLAT SHOWING EXEMPT SUBDIVISION AND VARIOUS EASEMENTS ON THE LAND OF CHRIS S. RAMSEY PREPARED FOR THE TOWN OF FRONT ROYAL", dated 15 January, 2013, revised 18 April, 2013, all collectively referred to as the "Property"; and,

WHEREAS, the Town Council wishes to close, settle and finalize the purchase of the Property and to give and empower its Town Manager and Town Attorney to have all necessary authority and power to do all things and execute all documents necessary and appropriate to close, settle and finalize the purchase of the Property in the name of the Town of Front Royal, Virginia and in accordance with the Contract of Sale;

WHEREAS, the Town Council wishes to give and empower its Finance Director to withdraw and pay out all funds necessary and appropriate to pay for the purchase of the Property as directed by the Town Manager and as called for by the Contract of Sale; and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Front Royal, Virginia hereby direct its Town Manager, Town Attorney, and Finance Director to proceed with the closing, settlement and purchase of the Property, and hereby gives and empowers its Town Manager, and Town Attorney to do all things and execute all documents necessary and appropriate to close, settle and finalize the purchase of the Property in the name of the Town of Front Royal, Virginia and in accordance with the Contract of Sale; and further, gives and empowers its Finance Director to withdraw and pay out all funds necessary and appropriate to pay for the purchase of the Property as directed by the Town Manager as directed by the Town Manager and as called for by the Contract of Sale.

Closed Meeting – 1) Property Acquisition and 2) Consultation with Legal Counsel - Specific to Annexation

Motion to Go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711. A. 3. of the Code of Virginia and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, Annexation, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

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

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

COUNCIL APPROVAL – EDA – Certain Property for Redevelopment

Vice Mayor Parker moved, seconded by Councilman Hrbek that the Town Council authorize the Town Manager to make recommendations at the next EDA meeting of certain properties that the EDA pursue for purchase for redevelopment or tourism purposes within the Town limits and to not exceed \$675,000 for said purchase with the Town to be responsible for the debt service per agreements currently in place with the EDA; and further to transfer \$50,000 from General Fund Reserve, to the EDA to cover processing fees.

Vote: Yes – Hrbek, Parker and Sayre
No – Funk and Tharpe
Abstain – N/A
Absent – Tewalt
(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 9:11 p.m.

Jennifer E. Berry, CMC
Clerk of Council