

The SPECIAL MEETING of the Town Council of the Town of Front Royal, Virginia was held on August 27, 2009, in the Town Hall Conference Room. The roll was called at 6:05 p.m.

PRESENT: Mayor Eugene R. Tewart
Vice Mayor Bret W. Hrbek
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

ABSENT: Councilman Thomas H. Sayre

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

Mayor Tewart instructed Mrs. Berry to read the Waiver of Notice into the Record:

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I, THOMAS H. SAYRE, A Member of the Town Council of the Town of Front Royal, Virginia, do hereby certify that I am aware of a Special Meeting of the Town Council of the Town of Front Royal to be held at Town Hall on Thursday, August 27, 2009, at 6:00 p.m., having previously received a written call for that Meeting via e-mail. Pursuant to Virginia Code Section 15.2-1418, I hereby waive any formal notice of said Meeting other than the Notice already received. I fully understand and agree that the purpose of that meeting will be to discuss potential litigation with the Town Attorney and the interest expressed by an incoming industry to locate in Warren County, where no previous public announcement of this intention has been made.

Given under my hand this 26th day of August, 2009.
[Signed by Thomas H. Sayre]

[Signed by Jennifer E. Berry]
Witness

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Vice Mayor Hrbek moved that Council waive any defects in the meeting notice.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Tewart
No – N/A
Abstain – N/A
Absent – Sayre

(By Roll Call)

CLOSED MEETING – 1) Probably Litigation; and 2) Prospective Business or Industry Motion to Go Into Closed Session

Vice Mayor Hrbek moved that Council convene in a Closed Meeting for the purposes of: 1) conferring with the Town Attorney regarding probably litigation between the Town and Riverton Commons, LLC (Edens & Avant) pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia, 1950, as amended; and 2) discussion concerning a prospective business' or industry's interest in locating in the community, pursuant to Section 2.2-3711 (A)(5) of the said Code.

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

Motion to Certify Closed Session

Vice Mayor Hrbek moved that Council certify that, to the best of each Council member's knowledge as recognized by each Council member's affirmative vote, that only public business matters as were identified in the motion by which the preceding closed session was convened; were heard, discussed or considered during the closed session of the Council; and, that the vote of each individual member be taken by roll call and recorded and included in the minutes of this meeting.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Tewalt
No – N/A
Abstain – N/A
Absent – Sayre

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:22 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council