



TOWN COUNCIL WORK SESSION

Monday, January 27, 2014 @ **6:00p.m.**
Warren County Government Center

1. CLOSED MEETING – 1)Disposition of Publicly Held Property, 2)Consultation with Legal Counsel and 3)Acquisition of Real Property for a Public Purpose

Motions to Go Into Closed Meeting

- 1) I move that Council convene and go into Closed Meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically, the former Town Hall 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.
- 2) I move that Council convene and go into Closed Meeting pursuant to Virginia Code § 2.2-3711.7 for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, the Afton Inn property and the former Town Hall Property, requiring the provision of legal advice by such counsel.
- 3) I move that Council convene and go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, specifically, real property to be used in conjunction with a future public right of way, 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.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move 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.

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 27, 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 Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

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

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council approve the Regular Council Meeting minutes of January 13, 2014 as presented.

Vote: Yes – Funk, Hrbek, Parker, Sayre, Tewalt 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Timothy Ratigan, 1476 Canterbury Road, noted that he had been watching Council over the course of the last year and he wished to praise Council for their efforts to keep the Town on the right track. He stated that Council's mindset seemed to be one of looking out for the best interest of the Town of Front Royal and he asked Council to continue to keep up the good work and moving the Town forward.

Matthew Tederick, 21, Edgewood Street, noted that the Town was not moving forward by suing the County of Warren in an annexation fight. He stated that apparently there was a budget amendment for the purchase of a telephone system for \$150,000 and he asked if the current phone system in the Town Hall cannot be transferred to the Main Street's Administration Building. Mr. Tederick stated that they will be obtaining a new phone system, which he is not in favor.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Thanked the Town crews for their work during the recent snow event, and he reminded the public that the requirement was to remove snow from their sidewalk within 48 hours of the snow ending;
- Reminded Council and the public that they had difficulty removing garbage during the snow/ice storm, and he apologized for the

collection delay. He asked that anyone that was still awaiting collection to contact DES with any lingering refuse issues;

- Noted that the Business Forum would be held the evening of January 30th;
- Reported that the Energy Services Department had synchronized the traffic lights along Jackson and Royal Avenues; and
- Stated that PJM was requesting that electricity conservation on January 28th wherever possible.

Jennifer McDonald, Executive Director of the Economic Development Authority:

- Noted that they continued to work with the stakeholders on the Avtex easement revisions;
- Stated that they awaited feedback and signatures for the Police Department site;
- Noted that continued to work with three bakeries, a fast food establishment and a retail shop;
- Announced that they continued to work with Mr. Beahm and Mr. Camp for the Development Review Committee;
- Noted that Blue Wing Frog is open on Chester Street with a unique menu;
- Announced that Happy Creek Coffee & Tea is open on High Street, right off of Jackson Street;
- Leach Run Parkway work continues with a bid hopefully would be in a few short months;
- Brown Bag Lunches by the Chamber of Commerce are scheduled and would soon be held; and
- Afton Inn/Town Hall work continues and the EDA has been in discussion with several developers if the swap occurs.

Councilman Hrbek asked if the EDA's purpose was to facilitate economic development within Front Royal and Warren County. Mrs. McDonald noted that it was. Mr. Hrbek asked about the funding provided for the EDA. Mrs. McDonald explained that their operational funding comes from the County and the EDA. Mr. Hrbek asked if the EDA was seeded originally by the local governments; Mrs. McDonald noted that was correct.

Councilman Sayre asked Mrs. McDonald about having the Town Hall building as a possible incubator. Mrs. McDonald noted that she has worked with a regional incubator that was not successful. She added that there was one on Main Street and in the Happy Creek Park and there had not been much success with them. She noted that it would cost the Town a significant amount to run the Town Hall as an incubator site.

Councilman Hrbek asked about the phone system in Town Hall being at the end of its life. Mr. Burke stated that it was functionally obsolete and the parts were no longer available, nor could the Town obtain software service. He noted that the Town's intent was once the new system was up and running, the equipment would be removed from the Town Hall structure and would not be contained within the building.

Councilman Sayre asked about the phone system left at the Town Hall and whether it was worth anything. Mr. Burke reiterated that it was not serviceable and parts were not available, so

therefore it would have minimal value. He added that the Town would be removing the system from the building.

Councilman Sayre asked Chief Shifflett about placing the Police Department in the Town Hall. Chief Shifflett noted that the Town's consultant has shown that the Town Hall would not meet the Police Department's goals at this time, nor would the building meet the Department's future goals. Councilman Sayre noted that the extensive research showed that the Department needed up to 25,000 square feet. Chief Shifflett stated that the Town Hall, once renovated would have only about 8,000 unfortunately.

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

Vice Mayor Parker moved, seconded by Councilman Sayre, that Council remove item 10, CLOSED SESSION.

Vote: Yes – Funk, Hrbek, Parker, Sayre, Tewalt 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)

CONSENT AGENDA ITEMS - NONE

PUBLIC HEARING – Memorandum of Agreement with EDA that Incorporates a Land Exchange Agreement between the EDA and Afton Inn, LLC

Summary: Council is requested to approve a Memorandum of Agreement (MOA) with the Economic Development Authority (EDA) that incorporates a Land Exchange Agreement between the Economic Development Authority (EDA) and Afton Inn, LLC. as presented.

Mayor Darr opened the public hearing.

Jennifer McDonald, Executive Director of the Economic Development Authority, noted that the EDA has attempted to continually work with Mr. Barros, along with his daughter, and they had a very positive meeting with Mr. Burke. She stated that the EDA Board feels as though it could be a positive change for the community and the corner property could be developed into something great and something that the entire area could soon be proud of.

Pat Callahan, of 222 S. Royal Avenue, stated that the present situation was a blighted concern, though the Council's proposal was outrageous and needs to be turned down. She asked that the Town de-couple the two properties, as there was no reason that the Town Hall should have been baited for such a blighted company. She encouraged the Town to work with the GSA and find offices that could go into the structure with a 99 year lease. Ms. Callahan stated that the owner of Afton Inn should submit a spot blight abatement plan, and she noted that derelict property owners must be held accountable not rewarded for their laziness.

Linda Allen, of 416 Salem Avenue, congratulated Council on attempting to resolve all the issues with the two buildings. She stated that the deal would place the Town Hall on the tax rolls and

then possibly allow a buyer for the Afton Inn, which is a critical corner of the Town. Ms. Allen stated that it could be something great for the community. She stated that it limits the role of government with no apparent cost to the tax payer. She noted that the comment that Council has presold the deal is unsettling, as she has not seen that at all. Ms. Allen added that rather, it seems that Council wants a public hearing on the matter, and here we are. She expressed hope that the proposal is passed this evening.

Sharon D. Smith, of 126 E. Main Street, stated that she has often wondered for years why nothing has been done with the Afton Inn. She noted that it would be wonderful if something could be done with that end of Main Street and she stated that she was in favor of the exchange and she believes that it could be a benefit to the community.

Christian Failmezger, of 124 E. Main Street, thanked the Town for their efforts for the snow removal efforts. He noted that he was greatly in favor of the exchange of the buildings, adding that it would increase the tax revenue and the tourism flow at that end of the street. Mr. Failmezger stated that Main Street is one sided and not balanced and the proposed change is the "light" at the end of street. He noted that with the Afton Inn and the empty stores, it discouraged people from visiting that end of the street. He stated that with the swap of the structures, it would contribute taxes and it would assist with tourism along the entire street. Mr. Failmezger noted that new businesses on the Afton Inn side would be great, and he encouraged a strong presence on the Afton Inn corner.

John Connolly, of 426 Duncan Avenue, noted that while he wants something done with the Afton Inn, he is unsure if the Town Hall swap is the right way to handle the issue. He noted that he questioned issues with the property owner of the Afton Inn and he added that he would prefer to see that the Council take a stewardship approach with the Town Hall, rather than a tax based approach.

Mike McCool, of 125 W. 8th Street, stated that it was not economically sound to throw money at the Town Hall to renovate the structure, though the Town would retain control of the outside look of the building. He noted that the Afton Inn will not be redeveloped, it will be bulldozed. Mr. McCool noted that the Town did not have to hold onto the Afton inn building, and as there was nothing magical about the structure. He added that it did not even look good in old pictures from the early 1900's and it did not look good in 1975 either. He stated that the Town cannot keep putting band-aids on things. Mr. McCool noted that he appreciated Council's initiative in this project and he thinks it's a step in the right direction. He opined that it was a great effort for the community and he was in favor of the project.

Tim Ratigan, of 1476 Canterbury Road, noted that Council was in a unique situation. He stated that the Town has the opportunity to do something and it had been a long time coming. He noted that this is the opportunity to finally do something. Mr. Ratigan stated that the Afton Inn was not salvable and the Town has an opportunity to do something positive with the Afton Inn and the Town can finally move forward with something great on that corner and could also have a redevelopment of the Town Hall. Mr. Ratigan noted that they could make something with both buildings to help the Town overall.

Homer Funk, of 424 Kerfoot Avenue, noted that he was puzzled by the swap because the owner of the hotel was held up for a number of years for various reasons. He stated that there were apparently concerns with parking issues, vision, and zoning matters. Mr. Funk stated that

there may be great ideas, though they were not carried through. He noted that issues may not be implemented because regulations may impede matters once again. He commented that the Town Hall may become run down in the future and he expressed concerns.

Matt Tederick, of 21 Edgewood Street, stated that due diligence should be done and a plan should be in place by any businessman in order to obtain a return on their investment. He noted that the Town was making a decision with little to no information and no plans in place. He asked about a preliminary engineering study, the building's electric and parking, any impact on traffic patterns, whether it was ADA compliant, possible health issues, potential and any environmental issues. Mr. Tederick noted that the public does not know if the Town is renovating or tearing down the Afton Inn. He questioned fire suppression needs and whether Council has an actual plan for the building and how much renovating the building will cost. He asked whether they would be forced to tear the structure down.

Rick Novak, of 117 E Main Street, noted that he was in favor of the proposal as stated. He stated that the Town has held many public meetings and forums and *this* needs to be the last meeting on the issue. Mr. Novak stated that he has sat through meeting after meeting regarding the cancer at the end of Main Street – the Afton Inn. He noted that in perfect world it would happen with private-public partnership, though that has not taken place, so he implores Council to take this opportunity and get it done quickly. Mr. Novak stated that no money was being spent and the community finally gets to be involved in doing something great and positive for all. He congratulated the EDA and the Town for their efforts for trying to address the needs of the community.

Craig Laird, of 203 E. Main Street, stated that he strongly echoed Mr. Novak's comments. He noted that the community just held a visioning session about Front Royal and he was happy to participate. He stated that so many want the Afton Inn area to be an attractive entrance parcel instead of an eyesore. Mr. Laird noted that with progress it seems the Town could make the area better for all. He stated that in the visioning process many, many people said, make the Afton Inn area better – improve it. He implored Council to delay no longer on the project. He added that for those people that say “take it slow” – he noted that, we have had plenty of meetings on this topic and this is a great opportunity that should not be overlooked. Mr. Laird stated that he has performed work in the Town Hall building -- running wires and such, and there are obstacles running electricity through the Town Hall building. He noted that the façade will be preserved and that was important. He stated that the time is right, and he urged the Town to move forward.

David Downes, of 14 Chester Street, noted that he was a proud owner of property along Chester Street and he was against the exchange. He stated that Mr. Barros is brilliant and involved in so much litigation and has a knack for coming out on top. He said that he did not know about the proposal or that the Town Hall was on the market. He added that it was appealing as a law office, with no net tax benefit. Mr. Downes added that a precedent is being set is to encourage people to let their structures become neglected that the Town runs after them to obtain the buildings.

Tom Conkey, 1401 N. Royal Avenue, stated that when he was on Council previously when they were attempting to eliminate the Afton Inn eyesore, and they had tried repeatedly to meet with Mr. Barros. He congratulated Mrs. McDonald for getting through to him finally. Mr. Conkey noted that anything that the Town could do to make this change, to do so. He encouraged them

to be brave, take the plunge and make the swap. He asked them to get the Afton Inn corner under control. Mr. Conkey noted that the alternative was to be remembered as the one or two members of Council that did not have the courage to do the right thing to improve the corner where that derelict building stands.

Herb Melrath, of 215 E. Main Street, stated that the EDA working together with the Town pleases him and encouraged the Council to do something about the structures and move forward with the exchange.

Daniel Pond, of 1128 Happy Ridge Drive, noted that he felt an obligation to Council to speak on the matter. He stated that while he agrees that something should be done with the Afton Inn, it would be a terrible mistake to make the swap with the Town Hall in his opinion. He noted that the Town Hall was a landmark of Front Royal, that matches our courthouse and giving it away to someone that demonstrates bad behavior with such a track record. Mr. Pond referred to two sheets of lawsuits and a pending trial against him in Prince William County. He stated that it was the wrong deal for the Town and he felt that the Council was the trustee of the Town's land and while the Afton Inn was enticing, this is not the right deal.

Kim Athey, of 112 N. Easterly Street, noted that the Afton Inn was a beer joint and that is not the worse that it could be called. She stated that the first issue should have been whether to keep the Town Hall or not, and that was her concern. She noted that the building swap reminded her of the ugly bail out. Ms. Athey referenced a lawsuit of Mr. Barros for not paying his taxes. She stated that there was a natural life cycle to downtown and the Town just needed an effective downtown manager. She stated that the Town Hall should be preserved and the Town should avoid interactions with Mr. Barros.

Lori Glascock, 25 Bedford Drive, noted that the Afton Inn is an eyesore and a blemish and it is a time to do something with the property. She stated that the property exchange with a move in the positive direction. She explained that when she brings friends and family to the community they always make comments about the Afton Inn corner and the corner of 6th and Royal as well and she would like the Council to make changes to the parcels of land to benefit the community.

Letters submitted to Council for entry into the record:

George McIntyre, The Apple House Deli, Main Street

I would like to convey a few thoughts to the Council in support of this exchange being discussed. The Afton Inn has been sitting empty for many years. We all are aware of this. The current owner has done nothing to stimulate this historic location.

As a community that is eager to enhance our image, our quality of life and our Main Street, it is obviously prudent to do what is necessary to make this change happen. You and all the other elected and employed officials are our chosen leaders. You have a job to work for the best interest of our "hometown". Our trust is placed in your hands to make great decisions that will help us all.

All of your team work on this project has been very lengthy and very detailed. Through your vigilance and hard choices, both legally, professionally and ethically, I feel your recommendations for the exchange are wise and fair. We need to get moving and stop playing. With the EDA at your side, this is a win.

Joyce Jenkins-Wimmer, 319 Amherst Drive

I am writing in support of the swap of the former Town Council building on Royal Ave. for the former Afton Inn property on the corner of Royal Avenue and Main Street.

The town officials, as concerned property owners, are, I feel, taking an appropriate step to improve the appearance of the intersection of Royal Ave. and Main St. Anyone traveling through town is likely to be stopped at that traffic light and scan the area and make an assessment of the town.

It is obvious that the Afton Inn is an unkempt property and would make one wonder why. Also, as the new town offices' nearest neighbor anyone doing business with the town would look to the Afton Inn and wonder why. Again, I support the Town's proposal for a swap of property.

Tim Frees, 181 South Hatcher Drive

I, Tim Frees, support the effort by the town and the EDA to transfer the town hall to the EDA for the purpose of swapping it for the Afton Inn. It will give the downtown a long time needed opportunity to improve the image of the town while enhancing business and tax revenue opportunities.

For the past 15 years that I have been involved in the community, the Afton Inn has had 3 owners and progress has been at a standstill almost the entire time. Now is the time to go forward.

As I understand, the covenants attached to the town hall will help protect the façade of the structure. We do not need a repeat 10 or 20 years from now the current situation of the Afton Inn. The downtown physical environment strongly influences the perception of visitors, business entrepreneurs, tax payers, and the public. We must do all we can to enhance and maintain this environment, the nucleus of successful community; to live, work & play.

Rhonda North, Front Royal

Dear Mayor Darr and Members of the Council,

As I indicated in my conversations with some of you, I am not in favor of the proposed swap of the former Town Hall building for the Afton Inn building as I do not believe it is in the best interest of the Town citizens. Unfortunately, I will be out of town the evening of the public hearing; therefore, I am writing this letter to share my concerns.

The reason cited in newspaper articles for the trade is to put the Town Hall back on the tax rolls. Based upon the figures quoted in the newspaper, this would result in an additional \$103.84 per year in tax revenue as the result of the additional \$94,400 in assessed valuation (at the current tax rate of \$.11 per \$100) to the tax rolls. This means it would take nine hundred eight (908) years for the Town citizenry to recoup the value they would lose in the swap. This obviously does not make financial sense for the Town; therefore, it cannot be the real reason for the swap.

In talking with some members of the Council, they indicated that the swap was actually being proposed for economic development reasons. While I certainly commend you for this, I do not believe this to be the best approach.

For many years, I have been a strong believer that the renovation of the Afton Inn would be the driving force behind making Main Street stronger and more viable. In fact, several years ago when Mr. Burrows applied to the Board of Zoning Appeals for a variance to add an additional floor to the Afton Inn, which he needed to make his renovation project financially feasible, I spoke during the public hearing in support of his application. Unfortunately, shortly after the BZA granted the variance, the Town Council sued them over their decision, which essentially halted the project. If this had not occurred, I believe the town citizens would have already been reaping the benefit of that project. But, that is the past and this is the present. Rather than handing over a Town treasurer – and I do view this historical building as a Town treasure – I would strongly encourage the Council to instead secure the Afton Inn property through an outright purchase, whether directly or through a third party. Once secured, the building could be put into the hands of the Economic Development Authority so it may be sold or redeveloped by the EDA, perhaps for use as an incubator for small businesses.

Again, I believe the Town Hall should remain in the possession of the Town citizenry. I would suggest it be renovated and used for another Town purpose, such as for the Police Department. In talking with some of you, you indicated the building was not large enough to support that use. At the encouragement of a member of Council, I spoke with Police Chief Norman Shiflett so he could “explain to me why it would not work”. In doing so what I learned was that it was not a matter of the building not being large enough to house the Police Department, but rather **it was not his preference** to locate there. In talking with him, however, it sounds as if a complete renovation of the building

As I indicated in my conversations with some of you, I am not in favor of the proposed swap of the former Town Hall building for the Afton Inn building as I do not believe it is in the best interest of the Town citizens. Unfortunately, I will be out of town the evening of the public hearing; therefore, I am writing this letter to share my concerns.

there. In talking with him, however, it sounds as if a complete renovation of the building would resolve his concerns regarding handicapped accessibility, office locations, etc. As to his concern about the amount of traffic congestion on Union Street, I would question why the Council would want to put members of the public in harms way by putting this property into private hands if this alley is truly deemed to be too dangerous for the members of the Police Department to safely traverse it. Finally, as to his preference that the department all be on one floor, that is only a **preference** – and an expensive one at that.

In talking with Chief Shillett, he indicated that the total cost for the construction of a new facility on Kendrick Lane would be approximately \$4 million. The Town currently owns the Town Hall free and clear. Nine years ago, the renovation costs for the building were projected to be approximately \$1.2 million, which included a new electrical system, a new HVAC system, new windows, the placement of an elevator in the old fire hose shaft and the gutting of the space for a new building configuration. Even if this figure were increased to \$2 million, this is half the cost to construct a new facility on Kendrick Lane. In addition, placing the Police Department in the former Town Hall would allow the Department to be centrally located in the downtown area, close to the courthouse. This would be a green way to approach the Town's needs in both the area of construction and the fact that the officers could walk to court rather than having to drive.

In fact, to take it even further, the Town could take some of the money that it would have used to build a new Police Department to purchase the Afton Inn building for what I understand to be the "asking price". This approach would "save" the taxpayers close to \$1 million and would still put the Afton Inn in the Town's hands.

While I believe Mr. Burrows was not treated well in his initial interactions with the Town, I cannot support giving up a historical building that was constructed specifically for the Town's citizens to a gentleman who does not live in this community. I also cannot support trading a building that, while it needs updates, is able to be occupied in its current condition for a building that is not and that has a lesser value. Finally, I have to ask, is this the legacy you wish to leave behind?

Wally & Kelly Martin
1418 Virginia Ave., Front Royal, VA 22630

Town Council of Front Royal, Virginia
P.O. Box 1560, Town Administration Building, Front Royal, VA 22630

Dear Councilmen,

We are writing to you regarding the matter of the property exchange between the former town hall and the former Afton Inn. As property owners, life-long citizens and parents in Front Royal, we are concerned first and foremost about the future economic viability of our home town. From our childhood, we have only been able to associate the words such as, neglect, deterioration, and sadly, ill repute. Being owners of one of Front Royal's other 19th century structures, we realize that with vision, a property can be both restored to its original beauty and serve as a contribution to the town's tax-base (i.e., future inn).

Given the current stalemate in the town's attempts to work with the Warren County Inspector's Office, the Afton Inn owners and engineers, the fate of the property is subject to extend beyond being that of an eye sore, to that of a public safety concern and thus, legal liability.

On the surface, the physical appearance, and perhaps perceived value, of the two (2) properties is unequal; no dispute. However the true value of physical property lies not in the structure alone, but rather in the structure, its intended use (or potential use) and its location. The location of the Afton Inn sits at one of the most historical and prime locations of Front Royal.

Our hope is that the council will share in our position in making a timely decision in creating an opportunity for change and in making a positive impact to improving (or restoring) beauty to our downtown locale.

Councilman Funk moved to continue the public hearing until the next regular Council Meeting. Motion failed due to the lack of a second.

As no one else came forward to speak, the public hearing was closed.

Vice Mayor Parker moved, seconded by Councilman Sayre, to postpone Council action until February 10, 2014, to allow Staff and EDA to finalize all documents relating to the properties.

Councilman Funk noted that during the public comment section of the next regular meeting members of the public can speak on the matter and they are welcome to do so.

Councilman Tewalt noted that he would like to move forward this evening to finalize matters and get rid of the Afton Inn.

Councilman Sayre stated that he was in favor of postponing matters because we have a MOA that needs full review and we are still in need of a land swap agreement that needs to be in complete form.

Vote: Yes – Funk, Hrbek, Parker, Sayre, Tewalt 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; On Motion to Postpone)

COUNCIL APPROVAL – Budget Amendment and Purchase of Telephone System

Summary: Council is requested to approve a budget amendment in the amount of \$103,807 to supplement the \$31,500 currently dedicated towards acquisition and installation of a new Voice Over Internet Protocol phone system for the Town offices. Council is also requested to accept a bid of \$107,863.76 from Blackbox Network Services for the phone equipment and software, a bid of \$15,500 from Syntax Communications for fiber installation, network equipment and battery backup systems, and a bid of \$5,500 from VMWare Licensing for the virtual network software, plus a 5% Contingency for a total amount of \$135,307. The Police Department will also pursue funding towards this project associated with the call recording function required by State law. Funding to restore the budget amendment amount shall be included in the future budget.

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council approve a Budget Amendment in the amount not to exceed \$103,807 to supplement dedicated funding to fund the new Town phone system. He further moved that Council accept the bid of \$107,863.74 from Blackbox Network Service, the bid of \$15,500 from Syntax Communications, and the bid of \$5,500 from VMWare Licensing, plus a 5% contingency in the total project amount of \$135,307 for the acquisition and installation of a new Town phone system.

Councilman Tewalt opined that the current phone system is fine as is. He noted that he would not vote in favor of the motion as presented.

Councilman Hrbek disagreed, noting that the phone system currently was at the end of it's life with no maintenance available for it. He stated that if the system collapsed the Town would lose all communication for every Department and the Police Department.

Councilman Funk asked if there had been a worksession on this item. Mr. Burke noted that there had been a budget worksession on the matter. Mr. Funk voiced his agreement with Mr. Tewalt, adding that he will not be supporting the system as presented.

Councilman Sayre stated that it appears that the system was installed in 2003-2004. Mr. Burke stated that it was not a new system when it was installed. Mr. Sayre stated that evidently it support was not offered for the system and effectively in 2009, the support of the system was terminated and if the system goes down the Town's phone system could be down for weeks.

Mr. Burke noted that the system needs replacement, if not now, it would be in 2015. He added that the system will match up with the Police Department recording system and extend to the telecommunications center with the new site voice over IP needs as well.

Vice Mayor Parker stated that these funds should have been allocated in the funds for the move to the new Administration Building. He noted that he feels that the Town misled the community in the amount it would take to renovate the Main Street building.

Vote: Yes – Hrbek, Parker, Tharpe and Sayre

No – Funk & Tewalt

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 8:30 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council