

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 22, 2015, 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 Hollis L. Tharpe
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
Clerk of Council Jennifer E. Berry, CMC

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

Councilman Tewalt moved, seconded by Councilman Funk that Council approve the Regular Council Meeting minutes of June 8, 2015 as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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

Vicki Althouse, of 158 Deerhaven Road, noted that she was in favor of the tree ordinance and fully supported the revisions to Chapter 156 and 148. She stated that as a new person to the area, she moved to the area a year ago from Washington, DC, she had hoped that Council would continue their work towards protecting the trees and adding to the economics of the area. Ms. Althouse stated that the Corridor area has had a lot of tree replacement and it was important to Town and County as well.

Sandra Wilson, of 297 Hickerson Hollow Road, noted that it was nice to have a beautiful Town, as trees were vital to the residents of the Town and the County and it played a large part of tourism. She stated that last week during his encyclical, Pope Francis stressed the world's environmental crisis and he also planted a tree during the ceremony and that was significant in her opinion. Ms. Wilson noted that she looked forward to the ordinance being passed as presented.

Jim Huttar, of 158 Roma Court, noted that he moved from upstate New York with his wife. He stated that he had a long history with his wife in that location and they chose to relocate to Virginia to have the four seasons, which included the massive trees in this area. Mr. Huttar stated that he was generally against interfering in private sector matters unless necessary, but it was true: The more trees -- the more business.

Stacy Dearing, of 102 S. Charles Street, thanked those in the Planning and Zoning Office who had assisted her and stated that the ordinance protecting trees would assist with developing the

Town and help with tourism efforts. She stated that no Town tree should be topped and that the issue was near and dear to her as it was unhealthy and damaging and could bring down power lines. Ms. Dearing noted that she was pleased that the ordinance included the topping matter. Ms. Dearing added that in the screens and buffers portion it spoke of developers and their responsibilities, and she opined that those responsible for clearing should also be responsible for replacing the trees and greenery as well as it brings economic benefit to the Town. She urged the Council to pass the ordinance.

Todd Huffman, of 206 W. First Street, noted that he was in favor of Chapter 156. He explained that he had seen a lot of tree butchering and the Town's tree ordinance was a valuable resource and careful planning needed to be in effect. Mr. Huffman added that the ordinance was a vital document and he hated to see 50-60 year old trees disappear. He stated that the trees mean something and they add a valuable aspect to the community.

Ron Perlik, of 566 Skyline View Drive, noted that he wished to encourage Council to pass the amendments to Chapters 156 and 148. He thanked Council for the changes to the Code as it brought change to the community.

Sonja Carlborg, of 210 W. First Street, thanked Councilmen Egger and Funk for their recent participation in the kiosk dedication, and she also thanked Ms. Berry for her help with all of the contacts. She noted that the movie "A Walk in the Woods" comes out soon and Front Royal played an important part in the book. She stated that "Chicken John" is here this evening, and was an important character in the book. Ms. Carlborg stated that increased traffic would be coming in next few years after the movie premiered. She opined that incompatible development is scarring the landscape of the community and she asked Council to consider balance between commerce and nature; adding that where we are, commerce and nature is one. She noted that we are rich and privileged in our surroundings.

Connie Cermak, of 75 Patty Tract Lane, noted that she was new to the community and they chose this area because of their love for hiking and she spoke in favor of the amendments to the ordinances. She stated that they have so many visitors that adore the Town and they love to share the area with their friends and family. Ms. Cermak spoke in favor of the ordinance and the enhanced beautification of the Town.

David Means, 210 W. First Street, stated that the tree ordinance has been a five year process. He thanked Bruce Drummond, Sandra Charles, Glenn Wood, Mike Kenyon, Jill Keihn, Dave Gushee, and Ann Rose for their help in making the ordinance come to fruition. He listed the many communities that have substantial tree ordinances in the area, adding that he would never want Front Royal to become a Fairfax. He stressed that the Town has the opportunity to keep matters in check and keep things in perspective.

Tamar Yager, of 818 E. Stonewall Drive, stated that she was attracted to the natural aspects of the community, the low utility costs, and the Shenandoah National Park when she moved to the area. She thanked the Council for allowing her to speak, noting that trees were an important part of our quality of life. Mrs. Yager stated that the ordinance was a tool used for the successful management of a healthy community. She added that a strong tree ordinance was important as the Town moved forward with more development. Mrs. Yager stated that it was vital to maintain community involvement through advisory groups such as UFAC and the Front Royal Beautification Committee.

Jeff Hotek, of 1879 Catlett Mountain Rd, stated that he was in favor of the ordinance amendments for the changes relating to trees. He noted that he was often amazed at the legislative process and the ideas and the needs that arise at times. Mr. Hotek stated that change can happen, even when it is a difficult process to understand. He noted that rarely do individuals agree completely, though through much discussion and sometimes a delay, a final product can be achieved. Mr. Hotek explained that trees have been cut and parking lots have been made, so the sooner the ordinances could be passed the better. He encouraged Council to pass the ordinances as written.

Melody Hotek, of 1879 Catlett Mountain Road, thanked Mayor Darr and Council, and stated that they work closely with the Front Royal Beautification Committee, the Beekeepers, the Appalachian Trail Crew, UFAC, and the other environmental committees, and they would all be in favor of the ordinances as presented. She noted that the ordinance was complete, very forward thinking and fair. She added that the Council has an opportunity to make a big impact on the community as it was about pride, quality of life and economics. Mrs. Hotek stated that she personally works with trees throughout the community and she is thankful that the Town has UFAC and they take the tree matter seriously. She added that studies show that trees equal less crime.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that online bill pay would not be available June 29- July 2nd due to maintenance;
- Noted that Town Offices would be closed Friday, July 3rd and the drive thru would also be closed for Saturday, July 4th for the holiday;
- Announced the changes in the refuse and recycling schedule due to the 4th of July holiday week; and
- Reminded citizens that the Town Fireman's Carnival and Parade would soon take place and reminded citizens to take note of the changes in traffic patterns;

Jeremy Camp, Planning & Zoning Director, introduced Chris Brock, the Town's new Zoning Officer, adding that his background included service in the US Army. Mr. Camp added that Mr. Brock had been awarded the Defense Meritorious Service Medal for service in Afghanistan and also received six Army Commendation Medals. He, along with Council, welcomed Mr. Brock to employment with the Town.

Warren County Social Services Director, Beth Reavis, presented the following report to Council:

Update on Social Services in the Town of Front Royal

Poverty Data

4,538	Number of People (All Ages) living in Poverty in Warren County(WC)
12%	Percent of People (All Ages) living in Poverty in WC
1,485	Number of Children (< 18 years) living in Poverty in WC
17%	Percent of Children (< 18 years) living in Poverty in WC

How Do We Change Those Numbers?

Increase

1. Post-secondary education
2. Two parent households
3. Delayed childbearing

What does Warren County data show?**Educational Data:**

- Of the 390 students who earned a federally recognized high school diploma in 2014 only 51% enrolled in any Institution of Higher Education within 16 months of earning their diploma.
- 71% self-reported that they were planning to go
- So we lost 20% somewhere between desire and reality

Warren County Factors:

Births (2012)	Non-Marital Births				Teen Births			
	Warren		Northern	Statewide	Warren		Northern	Statewide
	Count	Percent	Percent	Percent	Count	Rate	Rate	Rate
Total	191	42%	26%	35%	33	13.1	8.3	11.8

Where Is The Money Going?

- Most money –Medicaid \$36.8M
- Next- SNAP (Food Stamps)-\$7.5M
- TANF- poor third \$413K
- Energy \$285K
- Most recipients- SNAP 7,323
- Medicaid- 6,678
- TANF- 632
- # of persons served in any program 9,464
- Total DSS spending - \$50.7 Million

Jennifer McDonald, Executive Director of the EDA:

- Noted that five bids were received on the Leach Run Parkway and they are now being reviewed. She added that they are significantly over budget; and
- Stated that the ITFederal announcement was recently made in the media with 600 very good jobs to be located at that facility.

Mayor Darr thanked Mrs. McDonald for her ongoing work on the ITFederal project, adding that she and the EDA Staff had worked on it for some time. He noted that the Town looked forward to partnering with the EDA on the project in any way possible.

Doug Stanley, Administrator of Warren County, presented the following to Council:

Development Review Committee – The Development Review Committee met on May 27th. The Committee discussed several projects in the County including: the proposed agricultural events center on Strasburg Road, an expansion of the Toray Plant, renovations for the Rockland Community Center, an expansion of Shenandoah Valley Moving and Storage, the Holtzman property in Linden, the Interchange Phase II warehouse, and pending projects in the Riverton Commons Shopping Center. The

Committee discussed several projects in the Town including: a building expansion at the Happy Creek Road cemetery, a proposed office building on Shenandoah Avenue, a restaurant on Main Street in the old Second Chance building, Tractor Supply in the old K-Mart building, the Royal Phoenix development, and proposed uses of the Simonpietri property. The Committee will meet again on June 24th.

Project Update

Leach Run Parkway – Bids were received on June 18th. The EDA received a total of 5 bids. Based on the fact that the apparent low bid is 60% over the \$8,000,000 construction budget, the project is currently being value engineered to evaluate options to proceed with the project.

Health and Human Services Complex – Lantz Construction Winchester (LCW) is substantially completed with the parking lot project. LCW is continuing with work on the interior renovation of the building. Based on the current schedule, substantial completion of the project should be achieved by December 1st.

Warren County Government Center – The County is out to bid with the plans to renovate the Commissioner of the Revenue and Treasurer's Office spaces. Bids are due on July 2nd. Once we receive bids we will be able to put the information together on whether the Board wants to proceed with the project.

2nd Middle School – Bids were received on June 11th. It appears that the low bid is within budget. The School Board Building Committee met on June 17th to discuss the bids and recommended accepting add alternate #2 to include the bump out stage in lieu of the hybrid auditorium option. The School Board will consider awarding the apparent low bid to Shockey at their meeting on June 25th. The facility should be ready to open for the 2017-2018 school year.

Eastham Park Trail (Phase III) – The County has received final environmental clearance from VDOT we will be able to bid the project in the next several weeks. The plan is to construct the project and be open by fall 2015.

Rockland Park – The County held a grand opening event on May 28th. Staff continues to work on adding fencing, signage and other amenities.

Skyline Soccerplex – County staff has completed work on the next phase of capital improvements at the Soccerplex. By July 1st, we will have completed two of the new soccer fields and the additional parking on the south side of the facility. The remaining field will be completed once we obtain sufficient topsoil from other projects. The two new fields should be in playing condition by fall 2015.

Compactor Site Paving – Re-paving of the Cooley (Route 522) compactor site was completed on June 10th. The County will be paving the Rockledge (Route 340 South) site June 22-24th. For this reason the compactor site will be closed on those dates.

Warren County Courthouse – Court Holding – The County is working with Fred Andreae to finalize plans for renovation to portions of the former Warren County Jail to use for holding cells for the Warren County Courthouse. The County has reduced the scope of the project and performed demolition work after bids last year came in over budget.

RSW Regional Jail – The RSW Regional Jail Authority received funding last week in the amount of \$33,981,670.06, which represents one-half of the eligible costs of construction and financing of the regional jail that opened July 1, 2014. The amount received will be used to pay off the \$32,840,850 note and associated interest that the Authority issued in anticipation of receiving this state reimbursement. The Authority appreciates the partnership with the Commonwealth in providing funding for the construction of the regional jail.

The RSW Regional Jail Authority continues to evaluate the potential membership of Page County as an Authority member. Authority members have met with Page County officials and have begun negotiating a membership agreement.

VDOT Funding – The Commonwealth Transportation Board approved the Blue Mountain Road and Crooked Run Boulevard revenue sharing projects and the Copenhaver Road and Western Lane (Phase I) revenue sharing /rural addition projects at the requested funding amounts. The CTB also approved the County's request of \$193,748 in High Volume Roadway funding for Oregon Hollow Road. This will allow the hard surfacing of Oregon Hollow to Khyber Pass using the rural rustic program. Lastly the County received \$186,147 in funding for Phase One of the Appalachian Trail connector trail along Route 522 South. This represents 50% of our request. We will apply for the remaining amount in the next grant funding cycle.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
Gooney Creek Bridge	11/20/13	\$14,664,392	Fall 2015	Under Construction
South Fork Bridge	9/2013	\$74,700,000	Fall 2017	Under Construction
Health and Human Services Complex – Renovation	Summer 2014	Unavailable	Winter 2015	Under Construction
Health and Human Services Complex – Parking Lot	Spring 2014	Unavailable	Spring 2015	Substantially Complete
Courthouse Re-roofing	Summer 2014	Unavailable	Spring 2015	Under Construction
Rockland Park – Recreation Access Project	Spring 2014	\$600,000	May 2015	Completed
Rockland Park – Playground/Shelter/Parking Lot Project	Spring 2014	\$300,000	May 2015	Completed
Rockland Park Disc Golf Course	N/A	\$15,000	May 2015	Completed
2nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Bids received 6/11/15
Catlett Mountain Landfill	Summer 2014	\$500,000	Complete	Complete –Town Reimbursement to be received July 2015
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Summer 2015	Site Plan Approved by PC 3/11/15
Shenandoah Farms Boat Landing	N/A	\$75,000	Summer 2015	Comp Plan Approved by PC 6/10/15

Councilman Egger thanked the Town Police Department for the ride along experience with Sgt. Winner and Chief Shiflett. She noted that it was quite informative to obtain first-hand knowledge about the Police Department and the Town itself. Councilman Egger noted that she also received tours of the Town's Water Treatment and Wastewater Treatment Plants and she thanked Plant Superintendents Mike Kisner and Tim Fristoe, as well as Department Director Jimmy Hannigan. She added a special thanks to the Staff for their ongoing daily operations that keep everything moving all over Town. Ms. Egger noted that she was grateful for the tours as they were informative and helpful.

Councilman Hrbek asked Mr. Burke about the new County trail along Criser Road. Mr. Burke stated that the trail design work was being completed at the County and then the two municipalities will work together to connect their trails for the benefit of the whole community.

Councilman Hrbek noted that he spoke about the Community Development position at the previous Council meeting and the role that individual would serve with the Town. He stated that he would like it placed on the agenda for July to authorize and direct the Town Manager to re-advertise for that position, as Council has authorized the position and the funds are available.

Mayor Darr noted that he had the privilege to attend the retirement celebration of School Superintendent Pam McGinnis and he wished her well in her future endeavors.

Harry Phillips, of AMP, presented the Lyle B. Wright Scholarship to Max Bieryla, an outstanding young man who was nominated along with 28 other students. Mr. Phillips explained that they wrote an essay, with four finalists chosen. Those four took a test and Mr. Bieryla was the recipient of the scholarship. He added that Max was a graduate of Skyline High School who held a straight A honor roll for the entire four years of high school and was planning to attend the University of Hartford. Mr. Phillips congratulated Max, noting that he also earned his Eagle Rank through the Boy Scouts of America. Council congratulated Max on this accomplishment.

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

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – Liaison Committee Meeting Items, the additions include:

- Public Parking Signs
- Town Boundary Line Adjustment Request from Chris Ramsey

B. COUNCIL APPROVAL – Bid – Various Grades of Asphalt

C. COUNCIL APPROVAL – Bid – Various Grades of Stone

D. COUNCIL APPROVAL – Bid – I&I Point Repairs to Sewer Lines

E. COUNCIL APPROVAL – Bid – FY16 Chemicals Used at Wastewater Treatment Plant

F. COUNCIL APPROVAL – Bid – FY16 Chemicals Used at Water Treatment Plant

G. COUNCIL APPROVAL – An Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of the State Motor Vehicular Laws (*2nd Reading*)

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

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

OR ORDINANCE – STATE MOTOR VEHICLE LAWS

AN ORDINANCE TO AMEND SECTION 158-6 OF THE FRONT ROYAL TOWN CODE PERTAINING TO ADOPTION BY REFERENCE OF THE STATE MOTOR VEHICULAR LAWS

BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 158-6 of the Front Royal Town Code is hereby amended and enacted as follows:

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, All of the provisions and requirements of the laws of the State as of July 1, 2015, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the

highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

For purposes of § 4-4 (E) of the Town Code, this Ordinance is deemed routine, and is effective on **July 1, 2015.**

COUNCIL APPROVAL – Ordinance to Amend Chapter 175 *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading and ordinance to amend Chapter 175 of the Front Royal Town Code, as presented. The proposed text changes do not include any changes to the Town Zoning Map. The updated language was initiated in order to accommodate proposed changes to Chapter 148 “Subdivision and Land Development Ordinance” and Chapter 156 “Urban Forestry”, including the relocation of the parking, site plan and landscaping regulations; as well as, the list of permitted uses and the list of uses permitted with a special use permit, for each district. In addition, regulations that determine the front yard on corner lots were also revised. Some other minor changes include, but are not limited to, a new definition for the terms Family and Accessory Dwelling, as presented.

Council approved the first reading for ordinance amendments to Chapter 175 on April 13, 2015. Final adoption tonight is contingent upon final adoption of Chapter 156 “Urban Forestry”. The adoption of the amendments to Chapter 148 was approved on June 8, 2015.

Councilman Tewalt moved, seconded by Councilman Egger that Council adopt on its second and final reading an ordinance to amend Chapter 175 of the Front Royal Town Code, as presented and contingent upon the final adoption of Chapter 156 “Urban Forestry”.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

COUNCIL APPROVAL – Ordinance Amendment to Chapter 156 “Urban Forestry” *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an Ordinance Amendment to Front Royal Town Code Chapter 156 “Urban Forestry” also referred to as the “Tree Ordinance”. Changes are being proposed primarily in association with changes to Chapter 148 and 175. This amendment

would be contingent upon final adoption of 175. Ordinance amendments to Chapter 148 were adopted on June 8, 2015 by Council.

Councilman Hrbek moved, seconded by Councilman Connolly that Council adopt on its second and final reading an Ordinance Amendment to Front Royal Town Code Chapter 156 "Urban Forestry", as presented and contingent upon final adoption of Chapter 175.

Councilman Funk noted that he shared the enthusiasm for the area trees and he was glad to increase the tree coverage and he agreed with most of the ordinance. He stated that he believes in trees and he believes there are enough votes for the item to carry this evening. Councilman Funk stated that his vote would not be a lack of support to the Front Royal Tree Stewards or to the Urban Forestry Advisory Commission. He noted that there was a tree that, he was told, was the tree that was the actual Royal Oak tied to the Town's history, and the tree died a few years ago. Mr. Funk noted that there is now a tree planted downtown and it is beautifully taken care of. He stated that there were some things he does not support and he will vote against this ordinance.

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe

No – Funk

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 – Proposal for Advanced Metering Infrastructure (AMI) Consulting Services

Summary: Council is requested to consider approval of a proposal from Utiliworks Consulting, Nanuet, NY for Advanced Metering Infrastructure (AMI) Consulting Services in an amount not to exceed \$48,500 for Phase One "Assessment". The Town has been encumbering funds over the past 10 years for the implementation of AMI for the Energy Services Department.

Budget/Funding: FY15 DES Budget Line Item 9401-43002

Councilman Hrbek moved, seconded by Councilman Connolly that Council approve a proposal from Utiliworks Consulting, Nanuet, NY for Advanced Metering Infrastructure (AMI) Consulting Services in an amount not to exceed \$48,500 for Phase One "Assessment".

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

COUNCIL APPROVAL – Deed of Easement for Middle School Temporary and Electric Construction

Summary: Council is requested to approve a Deed of Easement for the Town to accept the conveyances by the County of Warren to the Town of various

temporary construction and electric easements needed in connection with the construction of the new middles school adjoining Leach Run Parkway.

Councilman Tewalt moved, seconded by Councilman Egger that move that Council approve a Deed of Easement for the Town to accept the conveyance by the County of Warren to the Town of various temporary construction and electric easements needed in connection with the construction of the new middles school adjoining Leach Run Parkway.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

COUNCIL APPROVAL – Proposal for Police Headquarters Design Services

Summary: Council is requested to approve a proposal from Moseley Architects for the new Police Headquarters design in an amount not to exceed \$489,606.00 with a Notice to Proceed effective July 1, 2015, as presented.

Councilman Connolly moved, seconded by Councilman Hrbek that Council approve a proposal from Moseley Architects for the new Police Headquarters design in an amount not to exceed \$489,606 with a Notice to Proceed effective July 1, 2015, as presented. He further moved to authorize the Town Manager to execute all documents necessary to advance the design of the project.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

There being no further business, the Mayor declared the meeting adjourned at 8:06 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



TOWN COUNCIL WORK SESSION

Monday, June 22, 2015
Warren County Government Center
after the Regular Meeting of Council

1. Avtex Enterprise Zone – Jennifer McDonald

Summary: The EDA has requested that the Town consider participating in the application to establish an Enterprise Zone around the former Avtex property. The Zone would include the Avtex property, the Old Virginia Industrial Park, Royal Village commercial and residential properties, and Viscose City residences. The Enterprise Zone as currently drafted would include incentives from both the Town and County to attract business development in the Zone. Town incentives would include:

- BPOL fee rebates for five years
- Waiver of 50% of water and sewer connection fees
- Five year reduction on Personal Property (Machinery & Tools Tax)

Staff Evaluation: The BPOL and Personal Property rebate/reductions provide an incentive to allow new businesses to become establish and transition to the standard rates. The Town should consider a form of escrow for five year on the 50% waiver of connection fees to ensure that the business remains in business as a utility customer to ensure the Town recovers its investment.

Council Discussion:

Councilman Hrbek noted that he was in talks about owning property in the matter and Mr. Napier was drafting the official language regarding the disclosure.

Council discussed avoiding companies that would come to the community for a short period of time only. Mayor Darr stated that he believed the Town had considered language previously that would protect the Town from such companies. Mr. Burke noted that the Town needed some type of recovery in order make certain the investment was recouped. Mayor Darr reiterated that he believed the Town had this similar discussion previously regarding recruitment of companies.

Mrs. McDonald stated that there were State Code requirements regarding their commitment to the community. She noted that the ordinance would need to be adopted after two public hearings.

Councilman Tewalt asked if it pertained to the property around the Avtex property and Royal Village; Mr. Burke stated that was correct. Councilman Hrbek asked whether language had been developed to date. Mr. Burke stated that the Enterprise Zone Town Code section recently removed could be used as the area where it could be inserted.

Councilman Funk mentioned that the residential neighborhood contained his home, as well as Councilman Connolly's. Mr. Burke stated that there was no net benefit to the residents in this case.

2. CLOSED MEETING – 1) Disposition of Publicly Held Property and 2) Consultation with Legal Counsel

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Council convene and go into Closed Meeting for

the purpose of 1) Discussion or consideration of the disposition of publicly held real property, specifically, the former Police Department headquarters, 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 and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711. A. 7. of the Code of Virginia; and for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia, all pertaining to past and on-going and reasonably likely future litigation concerning John Costello and/or Cherrydale Land Trust.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Hrbek 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 – Connolly, Darr, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Funk, Councilman Hrbek, Councilman Tewalt, Finance Director Breeden, Town Attorney Napier, Clerk of Council Berry, Chief of Police Shiflett, Planning & Zoning Director Camp, Energy Service Director Waltz, Environmental Services Director Hannigan, IT Director Jones, members of the media and members of the public.