



## 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)

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**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)

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**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.