

## Front Royal-Warren County EDA Regular Meeting Minutes

Warren County Government Center: Caucus Room, 220 N. Commerce Ave, Front Royal, VA

June 23, 2023

8:30 AM

### Call to Order:

Mr. Jenkins called the meeting to order at 8:30 AM with the following roll call:

Jenkins, present; Walter, present; MacDougall, present; Martin, present; Townshend, present.

Mr. Wolfe and Mr. Ashworth were not present.

### Adoption of Agenda:

On a motion by Mr. Townshend, seconded by Mr. Walter, and the following vote, the agenda was adopted as presented:

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

### Approval of Minutes - April 28, 2023 & May 19, 2023:

On a motion made by Mr. Walter, seconded by Mr. Townshend, and the following vote, the minutes were approved as presented:

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

### Reports:

- **Executive Committee:** Mr. Jenkins did not have anything specific to report on and looked to the Avtex Ad Hoc and the EDA Office relocation project updates.
- **Avtex Ad Hoc Update:** Ms. Martin stated that the Axtex update will be saved for the closed session.
- **EDA Office/Records Relocation:** Mr. Walter stated that he and Mr. Petty will be going to the facility today (the 23<sup>rd</sup> of June) with representatives from the Laurel Center to look at furniture.
- **Asset Committee:** Ms. Martin stated that the report for the Asset Committee will also be saved for closed session.
- **Finance Committee/Budget Update:** Due to Mr. Wolfe's absence, no report was given at this time.
- **Small Business Loan Committee Update:** Mr. Petty presented printouts of the budget page that was recently adopted by the Board of Supervisors. The Small Business Loan Advisory Committee has been meeting regularly and will meet again in the following week. Furthermore, the announcement will be going out today (the 23<sup>rd</sup>) that will finalize the scope of services, and once the draft application is complete, it will be sent to the EDA for review as well as the USDA.

Ms. Pandak arrived remotely at this time.

Mr. Jenkins asked if the schedule for those meetings has been finalized and published. Mr. Petty stated that the meetings are published on the website, and that today the next agenda will be set. However, applications cannot go out to the public without USDA approval.

Mr. MacDougall asked if there is some sort of archive or summary of all the loans that have been distributed over the last period of time. Mr. Petty stated that it's something that is currently being worked on and during the office visit he intends to gather more information.

### Board Members Updates:

Mr. Jenkins reported that his business, Mountain Home B&B partnered with the Warren Heritage Society and sponsored one day of their History Camp. They had over 40 children attend and a good opportunity was provided to participate in 3 different workstations. They focused on local Civil War history and had various activities and reenactments.

Mr. Walter reported that he shared some communication with Wesley enterprises, a company that specializes in building skiffs. They are in a development phase and looking for places to establish properties and stated that he would like to meet with them, potentially with some members of the EDA Board with the goal of having a conference call with their CEO and discuss their needs and seeing if the County can accommodate.

Mr. Townshend reported that he was unable to attend the FREBA meet and greet hosted by the Beer Museum but was a successful event in conjunction with Downtown Front Royal Incorporated.

Warren County Director of Economic Development Update – Mr. Petty reported that the budget has been his main focus this past month and will meet with the Finance Director next week for the year end close out. Furthermore, the open-door session took place and had a good turnout from various local vendors for Workforce development. Mr. Jenkins commented on the maintenance budget and what will come of those funds since there was low spending. Mr. Petty stated that while that spending was low, they had overspent in other areas such as legal fees etc. and there will be a transfer of funds to cover those overages. Mr. Jenkins then emphasized that while the maintenance spending was low last fiscal year, it should be anticipated that it will be utilized more this year and to be careful with the line items that had overages.

#### **Old Business:**

- **EDA & County MOU:** Mr. Petty stated he did not have anything new to report back on but emphasized that it has been reviewed by both Ms. Pandak and Mr. Ham as well as the Board of Supervisors. He also plans to get with Dr. Daley first thing Monday morning for his input.
- **Support Agreement:** Mr. Jenkins stated that this was an annual resolution that the EDA makes and is part of a loan agreement with First Bank and Trust, pledging to support the loans they have with them. This has to be updated every fiscal year and while the verbiage has not changed, Mr. Jenkins emphasized that a loan has been paid off and removed from this current resolution. Ms. Pandak stated that a required was added that there would be a cumulative report.

On a motion made by Ms. Martin, seconded by Mr. Walter, and the following vote, the Board accepted the support agreement for the fiscal year 2024.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

#### **New Business:**

- **Certificate of Satisfaction:** Mr. Petty stated that a loan was closed out in January 2017 (Driver's Choice LLC) but there was no action taken and the balance was just paid in full, and proven. Furthermore, a lien was placed on a vehicle that has now been satisfied with the loan and needs to be released. As a matter of business, a certificate of satisfaction is still recommended. Ms. Pandak stated that a motion resolution from the Board would be satisfactory instead of a full written document.

On a motion made by Ms. Martin, seconded by Mr. Walter, and the following vote, the Board authorized the release of the lien for Driver's Choice LLC.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

- **Parking request at EDA-Owned Property:**

Ms. Martin stated that the Asset Committee discussed a homeowner that had wanted to use the Avtex parking to park a rig, and it was unanimously decided that it was not desirable, and recommended the Board not approve this. Mr. Jenkins asked if this was just a very specific request or a broader recognition from the Committee to not allow any private use without Board approval. Mr. MacDougall stated that a broad approval would be more efficient. Mr. Jenkins suggested that a policy statement mentioning any private use of EDA owned property would require Board approval. Mr. Townshend agreed that everything should be written in a more tangible policy,

however highlighted that the property in question is not being used for any constrictive use at the moment, and allowing people to park there under certain conditions is a fair use. Furthermore, it would satisfy any County curiosity of is the property is sitting here not being used then why can't it be used for parking from a public perception. Mr. MacDougall accepted the point and stated that it is about the precedent that is set and there are more variables and comes down to the bigger picture plan for the Avtex lot. Mr. Jenkins suggested that this specific request be turned down, and the asset committee work with Ms. Pandak to draft a policy that can be reviewed and voted on in the next meeting.

At this point Mr. Wolfe joined the meeting at 9:04 AM remotely, stating that he is presenting remotely due to work obligations with George Mason University teaching a class in Estonia. There were no objections to Mr. Wolfe presenting remotely.

- **Election of Officers:** Mr. Jenkins provided a recap of the current Officers in place, and due to the bylaws Ms. Martin can no longer serve as secretary. On a motion made by Ms. Martin, seconded by Mr. Townshend, and the following vote, the Board moved to keep the current Board sans Ms. Martin as secretary and recommended Mr. Ashworth go from the assistant to secretary.

Walter, Aye; MacDougall, Aye; Wolfe, Aye; Martin, Aye; Townshend, Aye; Jenkins, abstain.

Mr. Townshend nominated himself for the role of assistant secretary. On a motion made by Mr. Townshend, seconded by Ms. Martin, and the following vote, Mr. Townshend was elected as assistant secretary.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Wolfe, Aye; Martin, Aye; Townshend, Aye

Mr. Jenkins appointed Ms. Martin as second chair after Board concurrence.

#### **Closed Session:**

Ms. Pandak read the meeting into a closed session at 9:14 AM. On a motion made by Mr. Townshend, seconded by Ms. Martin and the following vote, the Board moved into a closed session.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Wolfe, Aye; Martin, Aye; Townshend, Aye

- A. 3 matters – Discussion of disposition of publicly held real property where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, Stephens Industrial Park, Avtex Redeployment Site, 1321 Happy Creek Road, and legal advice related thereto, pursuant to Va. Code § 2.2-3711.A.3 and 8.
- B. 2 matters – Consultation with legal counsel 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, EDA vs Jennifer McDonald et al, EDA v. Town of Front Royal et al, pursuant to Va. Code § 2.2-3711.A.7 and 8.
- C. 1 matter – Consultation with retained legal counsel 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, Small Business Loan Program, pursuant to Va. Code § 2.2-3711.A.7 and 8.

Ms. Pandak read to certify the closed closed session at 11:06 AM. On a motion made by Mr. Walter, seconded by Mr. Townshend and the following vote, the Board moved out of closed session.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

#### **Additional New Business**

On a motion made by Ms. Martin, seconded by Mr. Walter and the following vote, the Board moved adopt the lease for 400-D Kendrick Lane, Front Royal, VA 22630 for the Laurel Center.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

On a motion made by Ms. Martin, seconded by Mr. Walter and the following vote, the Board moved approve the Resolution Requesting to Convey the Avtex Conservancy Parcel to the County of Warren.

Jenkins, Aye; Walter, Aye; MacDougall, Aye; Martin, Aye; Townshend, Aye

**Adjournment:**

On a motion made by Ms. Martin, seconded by Mr. MacDougall the Board moved to adjourn the meeting at 11:09 AM.