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## Regular Meeting Agenda

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

October 27, 2023,

8:30 AM

### Call to Order:

Mr. Jenkins called the meeting to order at 8:33 AM with the following roll call:

Jenkins, Present; Ashworth, Present; Townshend, Present; MacDougall, Present; Walter, Present; Martin, Present.

Mr. Wolfe was not present for the meeting due to prior business commitments.

### Adoption of Agenda – Additions or Deletions:

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

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

### Approval of Minutes – September 22, 2023 & Special Meeting October 19, 2023

On a motion made by Ms. Martin, seconded by Mr. Townshend, and the following vote, the Minutes were approved as presented.

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

### Reports:

- **Executive Committee (Strategic Planning):** Mr. Walter stated that he is putting together a list of names and questions for those individuals and will ask members of the Board to reach out to them along with Mr. Wolfe. Furthermore, he will put together a few, “half pagers” that discuss various EDA policies. Mr. Jenkins asked about the scope of the questions and input from constituents. Mr. Walter stated that the focus will not be exclusively centered on small businesses but will branch out to larger businesses and industries, as well as colleges and non-profits etc., in order to strike the best balance. Dr. Daley asked about inclusion of the Board of Supervisors in the meeting. Mr. Walter stated that he advocated an “EDA Board only” discussion. However, per Mr. Walter, Mr. Wolfe wants the Board of Supervisors involved in a more hands on basis. Mr. Jenkins stated that he would like it to be as open as possible and invite the public to participate, including the Board of Supervisors. Mr. Walter asked Ms. Pandak if strategic planning can constitute a closed session. Ms. Pandak stated that strategic planning does not qualify for a closed session unless there is a legal question or a discussion of litigation or property that would meet the requirements. Dr. Daley further commented that the Board of Supervisors are better actors than re-actors and agreed that they are not needed for the whole process but suggested that the first portion of that meeting overview include them, and afterward they can remain but only as audience members.
- **Asset Committee:** Ms. Martin stated that the report will be for the closed session and she had nothing to report in open meeting.
- **Finance Committee/Budget Update:** Mr. Petty stated that he will provide that during his own update.
- **Board Member Updates:** Ms. Martin complimented Mr. Petty on his work for the open-door session, and he will provide more details in his report. Furthermore, she attended a VEDP meeting via Zoom; stated she believes the EDA will qualify for grant money. VDEP is are looking for a “mega user” for 100+ sites. They are

also requesting a characterization of the property and planning. Mr. Jenkins commented on the productivity of the Asset Committee but urged them to continue their work with the Avtex property and keep up the good momentum. Ms. Martin then stated that EPA provided information regarding potential liability regarding use of the site. Most of it will be from the EPA and there is not a lot from the entity (i.e., the County). This also applies to any transfer to a government entity, and not a private entity.

- **Warren County Director of Economic Development Update:** Mr. Petty passed out the monthly Expenditure report which includes spending, balances, and deposits including the County appropriation. The second report included the most up-to-date loan balances for the Fiscal Year. Mr. Jenkins stated that, based on the report, the EDA paid \$102K and reduced the outstanding balance by \$17K. Mr. Petty stated that the \$102K is paid each month, but the October payments are not exact until we receive an updated balance report from the bank. Dr. Daley stated that it may be reflecting a year-to-date total because the EDA has approximately \$400K in total payments. Mr. Petty further emphasized that the EDA did not pay \$102K, that is the amount due, but reminded them that they are not paying \$42K from the other loan but it still factors into the equation. Mr. Jenkins suggested changes to the tracking spreadsheet to change the column heading from "payment" to "payment due". And, from "principal and interest" to be "principal paid and interest paid". Ms. Martin asked about the possibility of a more automated payment process so that payments do not have to be hand-delivered. Mr. Petty stated that, even with online authorization and access, it is unclear whether it will be able to accept payments based on the way the accounts are set up through Finance and the Treasurer. Mr. Jenkins suggested making the payments on a quarterly basis to save on interest and trips. Mr. Walter emphasized the overall impact that the debt has for the EDA. Not only is it just impacting the County's budget, but it is also impeding the EDA's ability to do anything.

Mr. Petty stated that he attended the Small Business Development Center and was a room host that discussed small businesses selling to international, state, and federal levels. He also attended a meeting of the Career Technical Education Advisory Board at Blue Ridge Tech Center. Mr. Petty then introduced Megan Bowers of DSS who stated that she has been working for Warren County DSS for two months as job developer and was now focusing on the self-sufficiency of County residents.

### **Closed Session**

Ms. Pandak read the meeting into a closed session and on a motion by Mr. Ashworth, seconded by Mr. Townshend, and the following vote, the Board entered into a closed session at 9:23 AM.

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

- A. 4 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 Redevelopment Site, 1321 Happy Creek Road, 1325 Progress Drive, 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 legal counsel regarding First Bank & Trust requiring the provision of legal advice by such counsel, pursuant to Va. Code § 2.2-3711.A.8.

On a motion made by Ms. Martin, seconded by Mr. Townshend, and the following the vote, the Board exited the closed session and certified at 10:43 AM.

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

### **Adjournment**

The meeting was adjourned at 10:46 AM.