

## MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON HELD ON MAY 9, 2017

The regular meeting of the Council of the Town of Warrenton was held on May 9, 2017 in the Town Council Chambers and was called to order by Vice Mayor Sunny Reynolds at 7 p.m.

Councilmembers present: Vice Mayor Sunny Reynolds, presiding, Councilmembers Sean M. Polster, Jerry M. Wood, Alec P. Burnett, Brett A. Hamby, Robert H. Kravetz and Kevin T. Carter.

Also present: Brannon Godfrey, Town Manager, Whitson W. Robinson, Town Attorney, and Evelyn J. Weimer, Town Recorder.

### **TRIBUTE TO RICK WINES**

Mr. Edward Tucker, Supervisor of Public Works/Utilities, came forward and noted to Council and all present that Public Utilities Superintendent Rick Wines had passed away suddenly. He noted Rick's dedication to the Town and the citizens of Warrenton for over 35 years. He was the Town's 2016 Employee of the Year and will be missed.

### **APPROVAL OF THE AGENDA**

The agenda was approved on a motion by Mr. Carter, seconded by Mr. Kravetz and Council vote of 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter; against: none).

### **CITIZENS' TIME**

The Vice Mayor called for citizens wishing to speak.

Ms. Paula Johnson

Ms. Johnson, 7819 Wellington Drive, came forward and noted that she moved to Warrenton because of Main Street. She stressed the importance of maintaining a museum and cultural center on Main Street. She felt it brings in historic tourism.

Mr. Kenneth Wilson

Mr. Wilson, 88 Frazier Road, came forward and noted he moved to Warrenton because of its history and heritage. He stated he has become involved with the Warrenton Caboose and would be taking over the caboose from Mr. Ron Scullin. He requested that the Town Council continue its support for the caboose to preserve its history.

Mr. Dink Godfrey

Mr. Godfrey, 341 Chappell Street, came forward and noted that he was continuing to obtain signatures on his petition to sell the Mosby House and Visitor Center. He noted that he currently has 80 signatures, along with eight County residents who wish to sign. He said people are interested in seeing something other than a museum and visitor center at the location. He indicated that he had talked with Ms. Becky Crouch, Visitor Center Manager, and she noted that there were 4,500 visitors through the Visitor Center in 2016. Mr. Godfrey noted that Culpeper had indicated that they had 24,000 visitors. He stated that Culpeper is doing something right. He felt that the problem may be the location of the Town's Visitor Center. He noted that a downtown shop owner had 22 visitors come into her shop to ask the Visitor Center location. Mr. Godfrey stated that Teresa of Designs by Teresa wants to retire and her building would be a good location for the Visitor Center.

Mr. David Goetz

Mr. Goetz, 477 River Ridge Road, Amissville, came forward to emphasize his support for the keeping of Brentmoor as a museum. He said that the Visitor Center was there as a feeder for the Mosby House. The two were linked together. He noted the importance of tourism and the Town Council had talked about tourism. He said the keeping of the property as a museum is an opportunity to increase tourism in Warrenton. He noted that the house needs to be saved and that there could be multiple uses. He indicated that he was part of the ad hoc committee which was chaired by former Councilmember Yak Lubowsky. He noted that there was a fundraising arm planned as part of the Brentmoor Trust. There was a proposal to use the house for other events, such as art shows, wedding receptions, and lectures. He stated the goal was to have as many events as possible to keep the income coming in.

Mr. Scott Van Ness

Mr. Van Ness, Cannonball Gate Road, Warrenton, came forward and noted that his family has roots in Fauquier County and they participate in heritage type activities. He noted that in 2011, 2012 and 2013 there was support for the museum. He stated that he had not heard any resolution to the use or purpose of the Mosby house. He stated that the house could be an economic engine to the Town and museums across Northern Virginia and around the country are successful. He stated that the house could be used by other historical-based groups for various activities.

**HEAR FROM CENTER DISTRICT SUPERVISOR**

Supervisor Chris Granger was not in attendance.

**PUBLIC HEARING(s)**

**FY 2018 Proposed Budget**

The Vice Mayor opened the public hearing at 7:25 p.m. and called upon the Town Manager.

The Manager stated the Council had held three worksessions on the proposed budget and another was planned next week. He stated that there are three rate increases proposed. In the General Fund, there is a proposed 5% increase in WARF membership. Motor vehicle license fees would go from \$15 to \$25 and motorcycle licenses would increase from \$10 to \$20. He said that in the Utility Fund there was a proposed increase of about 3% in water and sewer user rates. He indicated the increase would equate for the 5,000 gallon per day user about \$1.57 and the minimum user, who is 2,000 or less gallons per day, of about 16 cents.

He noted the following total appropriations by fund:

General Fund	\$14,553,940
Capital Projects Fund	\$ 1,531,161
Water and Sewer Operating Fund	\$ 5,562,138
Water and Sewer Capital Fund	\$ 4,790,000
Motor Pool Fund	\$ 473,307
Information Technology Fund	\$ 367,970

The Manager noted also there a reduction for the Comp. Plan which would enable the Town to encumber services in the current fiscal year. He noted that there was a request later in the meeting to set a public hearing for funding for the library. The FY18 amount will be included in the Capital Projects Fund to be adopted with the budget on June 13. The \$1 million total for all three years (FY17, FY18, FY19) will be shown in the CIP.

He noted that also there is conversation concerning modifications for the BPOL taxes.

The Vice Mayor called for citizens wishing to speak.

Ms. Jan Selbo

Ms. Selbo of 178 Main Street came forward and noted she wished to speak for the Fauquier Free Clinic. The Free Clinic provides medical and dental services to residents of Fauquier and Rappahannock Counties. She stated one third (700 of 2100) patients came from the Town of Warrenton. She said that the Town funding since 2004 have enabled the Free Clinic to furnish comprehensive care to patients. She noted that the Free Clinic would be grateful for the Town's ongoing support.

Laurie Parker

Ms. Parker of Piedmont Dispute Resolution Center noted that the Town had supported the nonprofit group over the past twenty years with an annual contribution of \$1,000. She noted that recently she had obtained a national grant to focus on relations between the police department and citizens with role reversal. She indicated that the group will sponsor a Community Fun Day at Eva Walker Park on July 29. She circulated a postcard titled, "How to Build a Community."

Ms. Lachelle Yoder

Ms. Yoder came forth and thanked the Town for its support for Families for Fauquier, who sponsored events for families and children in the community. She urged continued funding.

Ms. Amelia Stansell

Ms. Stansell, 149 Secretariat Court, came forth and noted that Bluemont Concert Series had received the Town's support since 1982. She highlighted the statistics of the number of concerts and educational programs that Bluemont had held the past year and those planned for 2017. She noted that Bluemont usually receives \$10,000, of which \$5,000 is from a Challenge Grant and \$5,000 from the Town. She said that there had been a reduction in the Challenge Grant amount to \$4,500 and requested that the Town increase the group's request \$500 to make up for the loss in addition to its customary \$5,000 contribution.

Mr. Bailey Dabney

Mr. Dabney, 7122 Blake Drive, Warrenton, noted that he was the President of Experience Old Town Warrenton. He noted that the organization had just received its 501 (c) (3) status. He requested the Town's support with level funding. He stated that the first "First Friday" event had been successful.

Ms. Paula Johnson

Ms. Johnson came forward and thanked Council for past funding for the Warrenton Fauquier Heritage Day event. She noted that this year will be the 13<sup>th</sup> annual event and the event brings many Civil War historic groups as can to the event. The event is planned for September 20 and she invited all to attend.

The Vice Mayor called for those to speak against. There being no citizens wishing to speak, she closed the public hearing at 7:41 p.m.

**Ordinance 2017-06, An Ordinance Amending Chapter 11 – "Offenses – Miscellaneous" adding Article V – "Defacement of Property; Graffiti, Sec. 11-72 "Defacement of Property Prohibited; Criminal Penalty to the Code of the Town of Warrenton**

The Vice Mayor opened the public hearing at 7:41 p.m.

The Town Attorney stated that there had been needed clarifications noting the penalties for graffiti. He stated that the proposed ordinance would provide for the ability to require compensation and restitution for graffiti up to \$2,500 and if the person committing the crime is a juvenile, the parents would be held responsible.

Mr. Burnett questioned whether “or legal guardian” should be added to the “parents” wording. Mr. Robinson said it could be added.

On a motion by Mr. Hamby, seconded by Mr. Carter, Ordinance 2017-06, An Ordinance Amending Chapter 11 – “Offenses – Miscellaneous” adding Article V – “Defacement of Property; Graffiti, Sec. 11-72 “Defacement of Property Prohibited; Criminal Penalty to the Code of the Town of Warrenton, was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

**Ordinance 2017-07, An Ordinance Amending Chapter 13 – “Solicitors” Adding Section 13-8, “Penalties” to the Code of the Town of Warrenton**

The Vice Mayor opened the public hearing at 7:46 p.m.

The Town Attorney said that the proposed ordinance would add a penalty for solicitors. He stated that often citizens are taken advantage of by landscaping and tree companies. Magistrates had asked Mr. Robinson for a penalty associated with the crime. He noted that the first time would be a Class 4 misdemeanor and would have a \$250 fine, Class 3 would be \$500, Class 2 would be six months in jail and to \$1,000, Class 1 would be a year in jail and \$2,500 fine. They would have to get a permit to do that.

Mr. Wood asked about the ice cream trucks and trucks which travel around and sell meat. Mr. Robinson noted those would be covered under “itinerant merchants”. Chief Lou Battle came forward and noted that there had been problems with groups that go to different neighborhoods and prey on the elderly. He stated that in court cases were made but there was no penalty. He reiterated that those seeking to commit the crimes are familiar with which jurisdictions do and do not have ordinances which deal with this type of solicitation and which communities where police arrest. Ms. Reynolds noted that there are groups of college students who go around during the summer and ask to paint houses. The Town Attorney noted that they would have to work with the Police Department to obtain a permit and go through the process.

The Vice Mayor called for those citizens wishing to speak for or against the ordinance. There being no citizens wishing to speak, the public hearing was closed at 7:53 p.m.

On a motion by Mr. Burnett, seconded by Mr. Kravetz, Ordinance 2017, An Ordinance Amending Chapter 13 – “Solicitors” Adding Section 13-8, “Penalties” to the Code of the Town of Warrenton was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

**CONSENT AGENDA**

a. Approval of Council Minutes

(1) April 11 Council Minutes

b. Staff reports and Board and Commission Minutes

- (1) Staff Report – PW-Utilities
- (2) Staff Report – Visitor Center
- (3) Staff Report – Police
- (4) Staff Report – Parks & Recreation

- c. March 2017 Financial Statements
- d. 2017 Warrenton-Fauquier Heritage Day
- e. Acceptance and Appropriation of 2017 Byrne Grant
- f. Acceptance of PATH Grant and FY 17 Budget Amendment and Appropriation of Funds

Mr. Burnett moved that the Consent Agenda be approved and the motion was seconded by Mr. Kravetz. Mr. Polster asked which option, of the two options noted in the Heritage Day application, were approved. Chief Battle clarified that Ms. Johnson had requested use of the Mosby House or option 1.

Following the discussion, Consent Agenda was approved on a 7-0 vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

## **NEW BUSINESS**

### Disbursement of FY 17 Business Assistance Funds to Fauquier County Economic Development Authority

The Manager stated that the matter was in regard to the funds currently appropriated in the current year's budget for \$25,000 to support business development. He stated that the funds were appropriated and adopted at the beginning of the year and were set aside to be a match along with the same amount from EDA and Fauquier County. The EDA has their funds set aside but Fauquier County did not appropriate a \$25,000 match. Between the EDA and the Town there is \$50,000 which would be set aside for the program for businesses just within the Town. It was taken from the majority of the fiscal year. The Town Economic Development Manager and EDA representatives have to develop the outline and the eligibility criteria. A committee comprised of EDA staff and the County Economic Developer and the Manager have developed eligibility for the program and it has taken this long to get the outline together. No funds or grant awards will be dispersed this fiscal year and so in order to not re-appropriate any funds in next fiscal year, the Manager recommended the funds be encumbered by dispersing them to the EDA and they will be available for the grant program for fiscal year, along with the EDA match. He stated it was something which would have been done anyway with the funds because the Town would not have been making payments directly to businesses that were awarded the grant because the Town would need to be at arm's length transaction for disbursement. Mr. Godfrey stated that the grants are intended to be reimbursement grants so eligible businesses have to apply for pre-approval for the grant committee and then be awarded. The business would then undertake the project and submit the expenses for reimbursement. The Manager indicated that he wanted to be sure that

Council approved prior to dispersing the funds to the EDA. He requested that Council authorize the Town Manager to disperse the \$25,000 in FY 17 to Fauquier Economic Development Authority.

Mr. Carter asked for clarification that the Town would give the funds to the Economic Development Authority and they would necessarily go to people receiving the grant. The Manager responded that they would along with their own match and the evaluation grant application would be on a running until the depleted the \$25,000 EDA funds and the Town's \$25,000.

Mr. Hamby asked why the County did not match the amount and the Manager responded that the County originally was to have put it in the budget but then they thought they would amend the budget and appropriate from surplus but it never occurred. Mr. Hamby asked if the contribution would stay with Town businesses and the Manager assured it would.

On a motion by Mr. Carter, seconded by Mr. Kravetz, disbursement of FY 17 Business Assistance Funds to Fauquier County Economic Development Authority was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

#### Comprehensive Plan Amendment Initiation Lidl US, LLC

Ms. Schaeffer came forward and noted that the applicant's request is to initiate a Comprehensive Plan Amendment (CPA). Under Article 1 of the Zoning Ordinance it indicates the purpose is to implement the purpose of the adopted Comprehensive Plan. Lidl is asking to initiate a concurrent CPA with existing ZMA 2017-01. The current land use map has a designation of low density residential. This designation calls for single family detached residential dwellings at densities ranging from existing levels of development up to 2.5 dwellings per net acre. The applicant is seeking an application to amend the Future Land Use Map to Re-Planned Commercial. He showed a map of the proposed area. The staff recommendation was not an endorsement of the request but a directive to staff to go ahead and start the processing of the CPA concurrently. As part of the process, the staff can look at the general area, propose an additional future land use, or expand it. Staff recommended that Council approve the applicant's request to initiate the CPA to run concurrently with the rezoning request. The Town Attorney had drafted a resolution for Council consideration.

### **RESOLUTION**

#### **A RESOLUTION REQUESTING THE PLANNING COMMISSION TO PREPARE AND HOLD A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF WARRENTON**

WHEREAS, Virginia State Code Section §15.2-2223 requires local planning commissions to prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction; and

WHEREAS, Virginia State Code Section §15.2-2229 allows the local governing body to

recommend that the Planning Commission consider an amendment to the comprehensive plan; and

WHEREAS, the Town of Warrenton has received an application from Lidl – Warrenton (GOAL, LC) to rezone and develop certain tracts of land, specifically LOT 41R (PIN#6984-18-2709), LOT42 R (PIN#6984-18-3915), and LOT 43R (PIN#6984-18-2905); and

WHEREAS, the application for rezoning and development of said parcels would require amendments to the Town of Warrenton Comprehensive Plan; and

WHEREAS, the Town Council of the Town of Warrenton desires to have the Planning Commission prepare and submit any amendments in furtherance of said rezoning and development to the Comprehensive Plan for public hearing for consideration by the Planning Commission and the public to assess and make recommendations therefrom to the Town Council of the Town of Warrenton regarding the same; and

WHEREAS, the Town Council of the Town of Warrenton requests that said public hearing be held within 60 days from today.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Warrenton, that the Town of Warrenton Planning Commission, with the assistance of staff, prepare any and all amendments to the Comprehensive Plan as may be required in furtherance setting a public hearing and to make recommendations to the Town Council as to whether the Comprehensive Plan should be amended as requested by the Applicant or as the Planning Commission and Town Council may determine.

There was discussion of the 60 days noted in the resolution. The Town Attorney noted that it was noted as 60 days or longer.

Mr. Burnett noted he was trying to understand what Council was considering. Mr. Robinson stated that in order to go forward with any rezoning the Town has to amend the Comp. Plan and to even consider it, this one section has to be done. Mr. Burnett asked the time resources involved and Ms. Schaeffer noted that with any application the compatibility is reviewed with the future land use map and Comp. Plan so it is something that Planning does already. She noted that the applicant was alerted and that Council's attention would be brought to the matter because it is something that the Town has not gone through. She stated that it is not a great burden to staff to do this because they are running concurrently.

On a motion by Mr. Kravetz, seconded by Mr. Wood, the resolution was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

#### Setting a Public Hearing for an FY 17 Budget Amendment and Capital Contribution to Warrenton Library Project

The Manager noted that the request was to amend the first one third of the current for the three years of funds totaling \$1 million as a capital contribution for the Warrenton Library Project. The first third will be an amendment to the current fiscal year and the next one third will be next considered for adoption with the FY 18 fiscal year budget and the final third will be in



the FY 19 CIP. Even with the amounts in thirds, it is large enough to trigger public hearing requirements as required by State Code for amending the budget. The action being considered is setting the public hearing for the next regular Council meeting on June 13 to amend the current budget for the \$333,333.

Mr. Carter moved and Mr. Wood seconded a motion to set a public hearing for an FY budget amendment and capital contribution to the Warrenton Library. Mr. Polster asked if there would be details to discuss at the next regular Council worksession about certain things such as the library had to be in the Town. Mr. Robinson noted he would prepare a document and forward it to Council.

Council voted 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none) to set a public hearing for an FY 17 budget amendment and capital contribution to the Warrenton Library Project.

## **REPORTS AND COMMUNICATIONS**

### Report from Town Attorney

The Town Attorney noted he had hoped to have had for Council a report from a real estate professional concerning Brentmoor but he had run into a couple of items which would have an effect on the listing price. The realtor noted he would get information to Mr. Robinson later in the week. The realtor had run into an easement issue.

### Report from Finance Committee

Mr. Wood noted that the next meeting on the budget will be held on May 15 and he would be participating by telephone since he will be out of town.

### Report from Public Safety and Transportation Committee

Mr. Kravetz noted that the committee would be meeting at 6 p.m. prior to the May 15 budget meeting.

### Report from Utilities Committee

Ms. Reynolds asked Mr. Hamby to give the Committee report. Mr. Hamby reported that the committee received an update on the solar proposal and water recycling at the Water Treatment Plan which is currently at 62%. He stated that the Town Manager is working with the Warrenton Fields Association on use of water for the fields.

### Report from Planning District 9

Mr. Wood noted that PD-9 is concerned about the budget cuts nationally for grants because they pay a lot of salaries.

### Committee on Health, Parks and Recreation

Mr. Polster reported that archery started at the WARF with eight participants and Fishing at the Reservoir would occur on May 13 and Sunday was “Bluemont in the Park” at Eva Walker Park. He commented that at the next First Friday the Town Parks and Recreation Department would partner with Experience Old Town Warrenton to have a healthy eating and active lifestyle First Friday.

### Report from Liaison Committee representative

Ms. Reynolds reported that the boundary adjustment of the panhandle and library funding and its zoning. The Manager commented that he is still trying to coordinate a meeting between the Town and County staff on development of a process for initiating the rezoning of the Waterloo property since a portion is CBD and a portion is residential. The entire property has to be rezoned to PSP.

### Report from Town Manager

The Manager highlighted his project status report. Mr. Polster noted that he wanted to ensure that the dog park did not cost \$100,000 and a definitive number is needed of what is left of the proffer.

Mr. Polster asked if the Town was waiting for Sheriff Mosier to respond concerning the panhandle and Ms. Reynolds noted that Chief Battle and the Sheriff are working on that.

The Manager noted that Mr. Wood was on an audit selection panel. He said that the next step may be to have a financial advisor look at what numbers the County Administrator, Manager and Commissioner of Revenue have developed. Mr. Polster asked about the fiscal impact of the Walker Drive project could be on an open end contract as well as far as impact 30, 40 or more years down the road. Mr. Polster asked if the financial advisor could be used for other things as well. The Manager noted that he had worked with Tischer-Bice in other jurisdictions.

Mr. Polster asked for an update on Broadview Avenue. The Manager stated that the Town had heard from VDOT when the Commonwealth Transportation Board meets next month and, hopefully, they will affirm the staff recommendations for funding for both parts of Broadview under the Scatscale program. He stated that the Town would try again with a different angle to obtain funding through the HSIP funding.

### **COUNCILMEMBERS’ TIME**

Mr. Kravetz asked if there was any member of Council who wants to work on the Halloween parade.

Mr. Burnett noted that the First Friday event held by the Experience Old Town Warrenton group was successful and vital to economic development and is vital.

Mr. Burnett also asked about the Rotary clock. Mr. Godfrey stated that he had not talked with Ross D'Urso about it.

Mr. Wood commented that EOTW did an excellent job with First Night. He stated that the Town should start thinking about street improvements near the Poet's Walk site at Blackwell Road and Oak Springs Drive. He noted there was \$10,000 in proffer funds available for the improvements.

Mr. Polster thanked staff for the "Look:" campaign work.

There being no further business, the meeting adjourned at 8:35 p.m.

Evelyn J. Weimer, Town Recorder