

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON  
HELD ON MARCH 14, 2017

The regular meeting of the Council of the Town of Warrenton was held on March 14, 2017 in the Town Council Chambers and was called to order by Mayor Powell Duggan at 7 p.m.

Councilmembers present: Mayor Powell L. Duggan, presiding, Vice Mayor Sunny Reynolds, Councilmembers Jerry M. Wood, Alec P. Burnett, Robert H. Kravetz and Kevin T. Carter. Both Mr. Polster and Mr. Hamby were not in attendance.

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

**APPROVAL OF THE AGENDA**

Ms. Reynolds noted she wished to add two items to the Council agenda. She moved that under the New Business category that the Town consider providing funding for the library at the location the Board of Supervisors has been studying at a level of up to \$1 million and that the Finance Committee review the amount and provide a recommendation to Council at the April Council meeting under New Business. Mr. Carter seconded the motion. The Town Attorney noted that Town Manager and he would spend time talking with the County concerning logistics tomorrow. Mr. Wood noted that the Finance Committee would review the item at its March 20 meeting.

On a vote of 5-0 (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none) the motion passed.

Ms. Reynolds moved that discussion of the Mosby House situation be discussed under New Business. Mr. Kravetz seconded the motion and on a Council vote of 5-0 (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none) the motion passed.

**PROCLAMATION IN MEMORY OF JUDGE H. DUDLEY PAYNE**

Mayor Duggan called the Payne family forward and read the following proclamation in memory of Judge Payne.

**WHEREAS**, on February 20, 2017 our town, and many beyond its borders, suffered a great loss with the passing of Judge Payne; and

**WHEREAS**, as the Reverend Ben Maas put it, Judge Payne's life was not only well-lived but also well-lived for others; and

**WHEREAS**, Always a Marine, he served his country valiantly, leading his men while under fire; and

**WHEREAS**, A lawyer's lawyer, he was known for his instinct, his thorough preparation for trial, his knowledge of the law, his dedication to his clients, his integrity, his ethics, and his exceptional abilities in a court room; and

**WHEREAS**, As a veteran, he was instrumental in establishing the Fauquier Veterans Memorial; and

**WHEREAS,** As a Juvenile and Domestic Relations District Judge, he carried the weight of his decisions, knowing the life-changing impact of them; and

**WHEREAS,** As a mediator, he strove to lessen the pains of divorce, to reduce anger, to protect children, and where reconciliation was possible, to save relationships; and

**WHEREAS,** As one focused on the health of the community and its citizens, he contributed his time in many ways, through behind-the-scenes work as well as serving in leadership positions on many boards; and

**WHEREAS,** As a youth baseball coach, he was a good teacher, not only of the game, but also of character; and

**WHEREAS,** As a father, he loved his three sons: Edward, Strickland and Dudley; and

**WHEREAS,** As a husband, he loved and showed true devotion to Ann; and

**WHEREAS,** As a friend to many, he was generous with his time, a sharer of good stories and eager to connect with joy and laughter. He was attentive to difficulties and always willing to help someone get back on track; and

**WHEREAS,** He was truly unique, genuine and exceptional. His example serves as a challenge.

**NOW, THEREFORE,** with great honor, I, Powell Duggan, Mayor with the Warrenton Town Council and all of the Town's citizens, do hereby declare our heartfelt and deep appreciation for Judge H. Dudley Payne, Jr.'s extraordinary life and service to many.

### **PROCLAMATION – MARCH 2017 – YOUTH ART MONTH**

The Mayor, accompanied by Ms. Reynolds, presented the following proclamation in observance of March 2017 as Youth Art Month to the art teachers.

**WHEREAS,** The study of art leads to a fuller, more meaningful life; and

**WHEREAS,** Art education provides substantial benefits to all elementary, middle and secondary students; and

**WHEREAS,** Art education develops students' creative potential and improves problem-solving and critical thinking skills by reinforcing and bringing to life what students learn in other subjects; and

**WHEREAS,** Art education teaches sensitivity to beauty, order and other expressive qualities, and also gives students a deeper understanding of multi-cultural values and beliefs, and

**WHEREAS,** Art education advances student mastery in art production, art history, art criticism and aesthetics; and

**WHEREAS,** Our national leaders have acknowledged the necessity of including art experiences in all students' education; and

WHEREAS, The National Art Education Association, in conjunction with the Town of Warrenton, strives to improve the well being of our communities by upgrading visual awareness of the cultural strengths of Warrenton, Virginia and the United States as a whole; and

WHEREAS, The residents of the Town of Warrenton, Virginia have joined the National Art Education Association and the Town of Warrenton in supporting the youth of our community in their intellectual development through artistic endeavors, and offering support to our committed art teachers

NOW, THEREFORE, I, Powell L. Duggan, Mayor of the Town of Warrenton do hereby proclaim March 2017 as YOUTH ART MONTH. All residents are urged to gie their full support to quality school arts programs for our youth.

### **RESOLUTION CONGRATULATING JOHN BASLEY ON CLIMB OF MOUNT KILAMANJARO**

WHEREAS, John Beasley, a proud citizen of Warrenton, along with his Army veteran son and a team of friends, successfully ascended the peak of Mount Kilimanjaro in Tanzania, Africa in December 2016; and

WHEREAS, he joins an elite group of hikers with the physical stamina and determination to reach the elevation of nearly 19,000 feet; and

WHEREAS, John's team braved the extreme cold and physically challenging conditions to make the five-day ascent with the constant threat of acute mountain sickness and hypothermia; and

WHEREAS, John's pride in his hometown led him to pack a Town of Warrenton flag for the journey to be photographed along the ascent; and

NOW, THEREFORE, BE IT RESOLVED, by the Warrenton Town Council that it thanks John Beasley for his civic pride and congratulates him for his successful Kilimanjaro climb.

### **PROCLAMATION – LOCAL GOVERNMENT EDUCATION WEEK**

The following proclamation was read by Mayor Duggan:

### **PROCLAMATION APRIL 1-7, 2017 AS LOCAL GOVERNMENT EDUCATION WEEK**

**WHEREAS**, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

**WHEREAS**, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

**WHEREAS**, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

**WHEREAS**, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

**WHEREAS**, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

**WHEREAS**, the Town of Warrenton strives to reach citizens beyond the walls of Town Hall by direct engagement in workshops, strategic planning sessions and Leadership Fauquier programs, the Town website and other forms of electronic and social media, and teaching young citizens about local government with programming in their youth development clubs and schools, such as the award-winning Student Postcard Project; and

**NOW, THEREFORE, BE IT PROCLAIMED**, by the Warrenton Town Council that April 1-7, 2017 is hereby designated as Local Government Education Week; and

**BE IT FURTHER PROCLAIMED**, that the Town Council will promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

## **CITIZENS TIME**

Mayor Duggan called for citizens wishing to address Council. There were no citizens wishing to speak.

## **HEAR FROM CENTER DISTRICT SUPERVISOR**

Supervisor Chris Granger came forward to update Council. Supervisor Granger reported that the County budget public hearing would be held on March 28 at 7 p.m. He was unsure whether the CIP would be adopted with the budget or not and there was a lot of discussion among the Board concerning a middle school in the Town which may delay the adoption of the CIP. He stated a placeholder may be put in the budget about the school. He said that there is agreement among three Supervisors for inclusion of \$10 million for the library, the library has raised \$200,000 from private investment and have a goal of raising another \$300,000 to \$400,000 more. He stated any assistance that Warrenton could give up to \$1 million would be appreciated. He urged Council to get involved in the middle school discussion. He indicated there may be a large structure, perhaps a school, to be put on Alwington Boulevard which will have significant traffic disruption.

## **PUBLIC HEARING**

### Proposed Roundabout at Falmouth/Shirley Intersection

Mr. Godfrey noted that Council and staff had been considering the roundabout option for the last several months based upon a recommendation from VDOT that it is a design that could handle the level of service approved for the intersection as opposed to a traffic signal. Two designs had been discussed: one with a slip lane on the southbound side of Shirley Avenue in the vicinity of Wal-mart and one without. He stated that it is a mini roundabout with a 75-foot diameter circle. He indicated that there is \$434,000 appropriated in the fiscal year budget for capital projects and half of the amount is from VDOT revenue sharing. The other half will be the Town's responsibility (\$217,000). There is a Wal-mart proffer of \$180,000, which is already in reserves, which will be used toward the \$217,000 Town matching share.

The Town Manager noted that Mr. Nathan Umberger, VDOT Traffic Engineer, was available to answer any questions.

#### Mr. Nathan Umberger

Mr. Umberger came forward and noted that two alternatives were reviewed. One option was without a slip lane and another with one. Mayor Duggan asked him to comment about safety and Mr. Umberger responded that roundabouts are not as mainstream as you would like but worldwide research is established that as far as safety there have been fewer accidents in roundabouts in the U.S. since 2013 than in Fauquier County as a County in 2013. He stated that in 2013 there were zero pedestrian fatalities due to the lower speed nature. Mr. Burnett asked if a roundabout would be safe considering the traffic up and down Falmouth Street. Mr. Umberger was confident in the safety measures through that area. Ms. Reynolds asked about bicyclists in the roundabout and he noted that as far as bicyclists in a roundabout there was a challenge to integrate them but he felt with the lower speed bicyclists would be all right. He stated that once people understand it, it seems to work its way out. Mr. Wood asked about the budget and Mr. Umberger noted that the budget the Town has played itself well into the application.

Mayor Duggan opened the public hearing at 7:34 p.m. and called for citizens to speak for the roundabout. There being no citizens to speak for the roundabout, he called for citizens against to come forward. There being no citizens wishing to speak against, the public hearing was closed at 7:35 p.m.

Mr. Godfrey asked Council to authorize him to complete the design and implement the construction of a mini roundabout. Mr. Carter moved that the Manager complete the design and implement the construction of the mini roundabout. Ms. Reynolds and Council approved on a 5-0 vote (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none).

#### Ordinance 2017-02, Amending Sec. 3-11-Running at large prohibited

Mr. Godfrey noted that at the Public Safety and Transportation Committee had considered an amendment to Chapter 3, "Animals and Fowl" Section 11 "Running at Large Prohibited" at its January 25 meeting and was recommendation amendment of the Town Code section. There is a requirement for the dog's custodian to have the dog on leash control. The amendment would bring the Town in conformance with the County ordinance and is more common in municipalities that a leash is the way to control the dog.

Mayor Duggan opened the public hearing at 7:36 p.m. and called for citizens to speak for the amendment. There being no citizens to speak for the amendment, he called for citizens against to come forward. There being no citizens wishing to speak against, the public hearing was closed at 7:37 p.m.

On a motion by Mr. Kravetz, seconded by Mr. Carter, Ordinance 2017-02, Amending Sec. 3-11-Running at large prohibited was approved on a 5-0 Council vote (Reynolds, Wood, Burnett, Kravetz, Carter, against: none).

#### Special Use Permit 2016-06 – Chilton House Bed and Breakfast

Ms. Brandie Schaeffer, Director of Planning and Community Development, came forward and gave a Powerpoint presentation on the Special Use Permit request. Her presentation is part of the file. Ms. Schaeffer noted that she had distributed a copy of the new conditions staff was requiring.

Mr. Burnett asked if there were food services conditions had been reviewed and Ms. Schaeffer noted that during a special use permit request only land use implications were reviewed and food service

would be controlled by the Health Department. She stated that when the Town gets into issuing occupancy permits, the Building and Inspections Department works most closely with the Health Department. Mr. Burnett asked if fire safety was addressed. She stated that there was a review of the approach, turning radius, etc, and the building would be considered as a single family home. She stated that the fire department had been notified and they would do a pre-plan and touring the site. The Police Chief will also tour the site to become acquainted with the layout.

Mr. Wood asked if there was a three-year sunset clause and Ms. Schaeffer noted that the Planning Department was not supportive of sunset clauses. She stated that staff encourages Council and Planning Commission to not consider conditions in a sunset since it is often looks like spot zoning. She stated that staff encourages an administrative review with good conditions rather than a sunset. Mr. Wood asked if the Planning Department would follow up on the application at the three-year period and Ms. Schaeffer stated that she had talked with the Town Manager concerning this. She felt it was important that staff maintain the enforcement arm and staff capability and staff had to be careful when drafting conditions that they are very enforceable.

Mayor Duggan opened the public hearing at 7:51 p.m. and called upon the applicant to come forward.

Mr. John McAuliff

Mr. McAuliff came forward and noted that the request to hold weddings and events had been removed. He stated that he had removed photos off of social media but they had reappeared. He deleted them again. He noted his goal was to limit the events while allowing him to retain his rights as a residential owner to have family and friends for social gatherings. He stated that any such gathering would require that he give up a full night of revenue. Mr. McAuliff explained the difference in B&Bs and Airbnbs. He noted that he would like to develop a contract with one of the restaurants in Town to serve meals. He asked for Council approval for him to open a four-bedroom b&b.

The Mayor opened the public hearing at 7:55 p.m. and asked for those to speak in favor to come forward. He asked that comments be kept at three minutes due to the large number of persons wishing to speak.

Ms. Lori Gibson

Ms. Gibson, resident at 6<sup>th</sup> and Lee Street, member of the Fauquier Historical Society and worker on Main Street, came forward. She noted she was deliberate in choosing to reside in Warrenton because you could walk downtown. She did notice that Warrenton did not have a bed and breakfast and said she is embarrassed to send her family to the Hampton Inn when they visit. She said she sends them to Culpeper. She supported the request.

Mr. John Marshall Cheatwood

Mr. Cheatwood stated that he lived at 86 Culpeper Street and he and his father were not opposed to the bed and breakfast. He noted that there was plenty of parking available for use of the bed and breakfast. He explained that he was a past president of the Partnership for Warrenton and for the last 27 years the need for a bed and breakfast has been discussed. He stated that the bed and breakfast would be good for the Town.

Ms. Sheba Shough

Ms. Shough, Executive Director of the Warrenton Regional Chamber of Commerce, came forward and noted that the Board was in support of Mr. McAuliff's application and it would provide much needed accommodations in downtown Warrenton, as well as expanding the tax base. She requested that the Council vote in favor of the request.

Ms. Janet Metzger

Ms. Metzger, business owner at 92 Main Street (Empty Nest) came forward and noted that every Saturday there is at least one couple coming in and asking if there is a bed and breakfast in Warrenton. She supported the request.

Ms. Whitney Petrilli

Ms. Petrilli of 7122 Baldwin Ridge Road came forward noted she was a realtor and she had clients coming from California and she wished there was a bed and breakfast so they could stay downtown. She was in favor of the application.

Mr. James Downey

Mr. Downey, attorney for Mr. McAuliff, came forward and noted that all the conditions had been worked out to make it an acceptable use and he requested Council's favorable support for the application.

Ms. Mary McDonnell

Ms. McDonnell came forward and noted that her mother, Beatrice McDonnell, had wanted to preserve the historical character of the house. She restored the outbuildings and worked to maintain the Williamsburg atmosphere of the house. She stated that her family had been in the Town for ten generations. Ms. McDonnell had worked with Mr. McAuliff to establish a bed and breakfast. She urged support for the application.

Mr. Dan McLinden

Mr. McLinden noted he and his wife were proprietors of Ciao Bello Celebrations. The company performs small weddings and elopements. He could see that the bed and breakfast would complement his business and he and his wife were in support of the application.

Mr. Rome Manette

Mr. Manette noted he was a resident of Ward Three and a Culpeper Street business owner. He was in favor of the application.

Ms. Amelia Stansell

Ms. Stansell, 149 Secretariat Court, came forward and noted she was speaking on behalf of herself and noted she was in favor of the bed and breakfast.

The Mayor called for others to speak for the request. There being no others to speak for the request, he called for those to speak against.

Ms. Cheryl Shepherd

Ms. Shepherd, architectural historian and lifelong resident of Warrenton, former Planning Commission member for 25 years and Architectural Review Board member for 19 years came forward. She wished to preserve Culpeper Street's residential zoning and was encouraged to attend by the Hitchcock family located at 127 Culpeper Street. She stated that the residential zoning in Warrenton had been reduced to a small spot and indicated that the emergence of a bed and breakfast would likely further encroach on the residential zoning as property owners fear. Ms. Shepherd said that she had been hired by Mrs. Beatrice McConnell in the early 2000's to restore the kitchen, meat house and pigeon house and Mrs. McConnell earned over \$71,000 in tax credits. She felt that parking may be inadequate unless the lot behind the house was used. She stated that it is recommended that planners recommend only two bedrooms be devoted to a b&b initially and that the owner be required to live full time in the b&b. Also that a conditional zoning be required that require no revisions or substantial alterations to the historic house occur, that food service be limited to breakfast, and that a small sign, lighting and landscaping be considered as part of the site plan, that there be screened off-site parking and that there be revocation of the permit should events warrant. She asked that the historical integrity and remaining R-6 zoning on Culpeper Street not be compromised.

Mr. Ron Scullin

Mr. Scullin, 118 Culpeper Street, came forward to oppose the bed and breakfast. He was concerned that the bed and breakfast would set a precedent that would allow other bed and breakfasts to follow. As a result, the residential character of Culpeper Street will change and become a commercial extension of the Town's CBD. He stated that the majority of homeowners on Culpeper Street signed a petition which was presented to the Planning Commission in objection to the bed and breakfast. He asked that Council consider his concern when making their decision.

Ms. Christina Hitchcock

Ms. Hitchcock, resident of Culpeper Street, came forward and noted that Culpeper Street is one of the last residential streets in the Town. She was opposed to the bed and breakfast on the historic residential street.

Mr. Ken Alm

Mr. Alm, resident of 194 Culpeper Street, former Town Planning Commission member and currently County Planning Commission member, noted that at some point the residents on Culpeper Street would sell their homes. He stated that the Town is the body which would maintain the houses in that historic district. He asked the Council to look at 20 years down the road to be sure it would not change the street's character.

There being no one else to speak, the Mayor closed the public hearing at 8:29 p.m.

Mr. Kravetz moved that Special Use Permit 2016-06 – Chilton House Bed and Breakfast be approved with the conditions enumerated. Ms. Reynolds seconded the motion.

Ms. Reynolds appreciated everyone being present and that it was very important for everyone in attendance to know how serious the Council takes this and every decision they make. She stated that she is a world traveler and has been on every continent. She stated that she frequents b&bs on those trips. She thanked staff for the time they had spent on the application. She stated that the conditions are strong. She noted she attended the wine festival at Airlie and met some people from Baltimore who wanted to stay downtown. She stated that they really did not want to stay at the Hampton Inn. Mr. Burnett noted that having been a hotel professional for 35 years and statistics show that the Hampton Inn is a fine brand. He



stated that his question concerned the variance of about 40% and \$13,000 in revenue and noted he would be curious to know what is substantiating that 40%. He stated that he is not concerned whether the business will be successful but whether the Council and business owners have been convinced that he has done his homework to insure success. He stated that he had heard that he wanted to be a b&b owner and wanted to keep the house in the family. Mr. Burnett stated it was a mixed message. He stated that Mr. McAuliff had a lot on his shoulders. Mr. Burnett also noted that the Hampton Inn has 49.2% of the business.

Mr. Wood noted he had a concern for what Mr. McAuliff had on his web page a few weeks ago and stated that just because Council approves this bed and breakfast does not mean he or any Councilmember would be required to support all bed and breakfasts.

Mr. Carter stated that he was generally supportive of the concept and the efforts of Town staff. He stated that the company he works for owns four Hampton Inns and there was room for both in Warrenton. He felt restaurants and shops would benefit from the bed and breakfast.

Ms. Reynolds noted that anyone else who comes before Council for a bed and breakfast in the same area would have to have a special use permit.

On a vote of 4-1 (for: Reynolds, Wood, Kravetz, Carter; against: Burnett) the motion passed.

## **CONSENT AGENDA**

- a. Approval of February 14, 2017 Council Minutes
- b. Staff reports and Board and Commission Minutes
  - (1) Staff report – Visitor Center
  - (2) Staff report – PW-Utilities
  - (3) Staff report – Police
  - (4) February 2017 Parks and Recreation Report
- c. Special Event Permit Request for First Friday Events
- d. Special Event Permit Request for May Day Festival
- e. January 2017 Financial Statements

On a motion by Mr. Kravetz, seconded by Mr. Wood, the Consent Agenda was approved on a 5-0 Council vote (Reynolds, Wood, Burnett, Kravetz, Carter, against: none).

## **NEW BUSINESS**

### Resolution appropriating up to \$40,000 for Dog Park and Amending the FY 17 General Fund Budget

The Manager noted that the Town has had a dog park in its capital improvement plan. He gave a history of the project. The Alwington development had proffered \$30,000, with \$5,000 annually for maintenance, for the project. He indicated that bids received for the project are approximately \$65,000. The Committee on Health, Parks and Recreation looked at additional sources of funding and recommended at their February meeting that the design on the Depot Park project be postponed indefinitely and that the balance of the funding for the Depot Park (\$19,106) be reallocated to funding for

the Dog Park. He indicated that there is \$173,339 reserved in the General Fund for "Recreation Proffers" as noted in the financial statements. If available, the budget could be amended and that the balance of \$40,804, or half, could come from this proffer. The conditions of the recreation proffers are unknown currently. Mr. Robinson noted that he had found a letter from Mr. Robert Sowder indicating that in lieu of a community center that \$1,000 per house in Menlough would be allotted for recreation purposes which would amount to \$173,000. He wanted to look through files to ensure that there were no restrictions. Mr. Wood asked that the matter be forwarded back to the Finance Committee. There was discussion of the Depot Park.

Mr. Wood moved that the matter be referred back to the Finance Committee and Mr. Kravetz seconded the motion. Mr. Kravetz noted that the Finance Committee had already considered the matter and recommended it.

Mr. Carter moved that the \$173,000 be investigated to determine the details of the proffer. Mr. Robinson noted that there was currently a motion on the floor and Mr. Kravetz had seconded the motion. On a vote of 5-0 (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none) the motion passed.

Mr. Kravetz moved that the Town appropriate up to \$40,000 toward the dog park and amend the FY 2017 General Fund budget. Mr. Carter seconded the motion. Mr. Carter noted that he would like to see that it is moved to a capital fund and then it be adjusted. The Town Attorney noted that it is recommendation that there be two separate motions. One of the motions would be to investigate further where the \$173,000 came from and how to deal with it at that time. The second motion would be to approve \$40,000 to keep the project moving forward. If it is discovered by the Finance Committee that it is unrestricted then it could be revisited at a subsequent date. The Manager noted that the \$40,000 goes to Parks, General Projects and not specifically capital projects. Mayor Duggan noted that the motion was to go ahead and appropriate the amount out of the General Fund and the Finance Committee will review it to see if the amount could be shifted to the restricted General Fund. On a vote of 5-0 the motion passed (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none) the motion passed.

### Library

Ms. Reynolds noted that discussion of a contribution started in the Liaison Committee with the Town considering a donation toward the County Library. She stated that the County is working on their CIP and she felt the Town should move forward on the matter. She asked that a suggested appropriation of up to \$1 million be referred to the Finance Committee for their recommendation. She said that Supervisor Granger had indicated that the funding could be appropriated in sections. She suggested that the Town Manager talk with the County Administrator to see if the contribution could be divided in various years' budgets.

The Mayor noted that the current Council can only appropriate only in this fiscal year and there had to be advertisement for a budget change. Mr. Godfrey stated that there is a State provision that if a budget is amended by more than one percent of the total budget a public hearing is required. One percent would be \$125,000 and it could only be appropriated for the current year or the year as part of the budget adoption process. Planning for future years could be put in the CIP. Ms. Reynolds noted that when originally discussed the library was supposed to be located on Blackwell/Alexandria Pike. There was even discussion of the Town undergrounding some of the power lines. She stated that there were problems with the property owner so the location was moved. The property on Waterloo Street is owned by the County, close to Old Town and will work with economic development. Mayor Duggan noted that the existing library building had to be addressed. He stated that when it is not used by the County as a library it reverts to the Town and there needs to be an agreement with the County as to what space they need and what the Town needs.

Mr. Robinson noted that although it was being referred to the Planning Commission that he and the Town Manager talked with Mr. McCulla and Mr. Kevin Burke about the matter. Supervisor Granger came forward and noted that the County was appropriating \$10 million in FY 18 for a 35,000 square foot library to move them completely out of the existing building. The current library cost is estimated at \$14 million. The Library Board has been told they need to raise \$4 million and if they want to scale down the project to save money they can. They will be appropriated 85-90% to go to design so they can fundraise.

Supervisor Granger noted that the library is in favor of the Waterloo Street site but it would require cooperation with the Town due to split zoning on the property. Mr. Granger noted that the property is currently zoned R-6 and CBD and the Town may want to rezone to PSP. The Mayor explained that it was his understanding that the County wants to use some of the existing space.

Ms. Reynolds asked if the procedure would be that the Finance Committee consider the donation and forward to Council and then Council vote on the matter in April. Mr. Robinson noted that staff would be directed to set up a public hearing with open discussion.

Ms. Reynolds moved that the suggestion of the Town allocating funds to the Fauquier County Library site at Waterloo be referred to the Finance Committee for consideration and that the recommendation come back to the Council in April. Mr. Kravetz seconded the motion and Council approved on a 5-0 vote (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none).

### Mosby House

Mr. Kravetz moved to authorize the Town Manager and Town Attorney to advertise for a Public Hearing the sale of the Town property, commonly known as the Mosby House and staff to prepare any other documents and plats necessary to effectuate that sale. Ms. Reynolds seconded the motion.

The Mayor called for discussion. Mr. Kravetz clarified that all the motion does is set up a public hearing. It does not make a determination on what to do with the Mosby House. Mayor Duggan noted that the word "sale" was a bit confusing as to what Council would be doing. Ms. Reynolds asked if the motion was to "list" the property for sale and the Town would not have to accept any offer. The Town Attorney noted that a public hearing is required before the sale of any property. He stated that nothing would be happening to the property at this time other than advertising for a public hearing being held. He further stated that if there is a delineation between the other properties with a side park or anything else if it is leased or sold, where would the Council like the delineation. He reiterated that voting for the motion was not selling the property. Mr. Burnett noted that it went against what he had interpreted and different from what was discussed on Thursday.

Mr. Kravetz repeated his motion: "I move to authorize the Town Manager and the Town Attorney to prepare an advertisement for a public hearing for the possible sale of Town property commonly referred to as "the Mosby House" and for staff to prepare any other documents and plats necessary to effectuate that sale.

Mr. Carter stated that a public hearing would have to be held if that is the route the Town would be going. The Town Attorney stated that if the Town does sell the property, you cannot sell it without having a public hearing. It is a step in that direction but it is not dispositive. Mr. Robinson stated that you advertise for public hearing, but at that point you do not have to sell it. If there is another path going on concurrently then it can go along concurrently. Mr. Burnett noted that it is different from what was discussed at the work session and agreed upon. He also pointed out that two Councilmembers were not in attendance. Mr. Burnett commented that he did not have minutes of the work session to refresh his

recollection. He felt it counter to what was agreed upon collectively. Ms. Reynolds recalled discussion on four avenues which could be taken. Mr. Wood was hopeful that a group would lease the building. Mr. Kravetz noted that the reason to hold a public hearing was that the public could discuss not to sell the property.

The Town Attorney requested clear direction from Council. He explained that is being done in the motion is to direct staff to create an advertisement for public hearing and any related documents for possible potential sale. He stated there still was the option of leasing the property if it is decided not to sell it, but in order to sell the property there had to be a public hearing. He stated that you do not have to go through the public hearing if you are leasing the property unless it is for a term of over five years. The Mayor asked about the urgency of holding a public hearing and it is a decision for all. He stated that things done in the meantime such as the boundaries and if there is space enough in the front to have a nice park and clear direction concerning the visitor center's future. He felt the survey is something which should be done first. Mr. Kravetz withdrew his motion.

The Mayor suggested that the Town Manager and Town Attorney look at the ways the property could be subdivided for sale or lease and next month Council could determine what can be put up for sale and what for lease when all Councilmembers are present. Mr. Carter saw that that motion made more sense. The Town Attorney stated he could put together a plat showing where the line of demarcation will go between them. He asked Council to be very involved in it with perhaps an ad hoc committee or something given the matrix of this particular piece of property so it will be Council driven rather than staff driven. The staff would handle it and take care of it but that Council would be highly involved in the direction it would be going. Mr. Carter stated that he thought the Council should ask staff to look at sale of the property. Mr. Robinson stated or lease. Ms. Robinson felt it important to have a line of demarcation between the properties. Ms. Reynolds felt is important that the Council knows where the lot on the side can go – if it has to go with the house or it could be separated. Mr. Robinson suggested that someone make a motion to direct staff to develop a plat to bring back to Council to review showing the division of the two properties for any reason – sale or lease. Mr. Carter made that motion and Ms. Reynolds seconded it. Mr. Carter noted that his only objection is that as in most things, Council does not move quickly enough. On a Council vote of 5-0 (for: Reynolds, Wood, Burnett, Kravetz, Carter, against: none) the motion passed. Ms. Reynolds suggested that there was an email circulated from the National Trust that all should read.

## **REPORTS AND COMMUNICATIONS**

Mr. Kravetz moved that in light of the time, the Reports and Communications be dispensed with. The Mayor asked that all be dispensed with but the Town Manager's report. The Town Manager highlighted his "Status of Key Projects" report. A copy is part of the file. He also noted that Ms. Heather Stinson was leaving the end of the month. He stated that on March 28 there would be FOIA training from the Planning Commission and Architectural Review Board.

**CLOSED SESSION**, as authorized in Section 2.2-3711(A) (7), for consultation with legal counsel pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body

On a motion by Mr. Kravetz, seconded by Mr. Carter, the meeting was recessed at 9:40 p.m. and a closed session convened on a Council vote of 5-0 (for: Reynolds, Wood, Burnett, Kravetz, Carter; against: none). Certification of closed meeting is on file.

The Closed Session was adjourned and General Session reconvened on a motion by Mr. Kravetz, seconded by Mr. Carter and a 5-0 vote (for: Reynolds, Wood, Burnett, Kravetz, Carter; against: none). Mr. Polster was not present during voting.

There being no further business, the meeting adjourned at 10:30 p.m.

Evelyn J. Weimer, Town Recorder