

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON FEBRUARY 14, 2012

The regular meeting of the Town of Warrenton was held on February 14, 2012 in the Town Council Chambers.

Councilmembers present: David A. Norden, Vice Mayor, presiding, Councilmembers Roger R. Martella, Jr., Powell L Duggan, Joan R. Williams, Yakir Lubowsky, Samuel B. Tarr and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson W. Robinson, Town Attorney and Judy Rodgers, Administrative Assistant.

The meeting was called to order by the Vice Mayor.

Invocation was given by Councilman John S. Lewis, Jr.

CITIZENS TIME.

The Vice Mayor called for citizens wishing to address Council.

Mr. Mark Nesfeder.

Mr. Nesfeder of 721 Starting Point Court came forward and asked Council support for the downtown event, a one run, organized by Fauquier Faith Partners which was part of the May 4 First Friday event and was on the Council agenda. He gave details of the proposed race.

Mr. Clarence Long.

Mr. Long introduced the members of Boy Scout Troop 600 who were in attendance at the meeting.

CONSENT AGENDA.

- a. Approval of Council minutes of the regular meeting held on January 10, 2012.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending January 31, 2012.
 - (2) January statement of accounts paid.
 - (3) Miscellaneous staff reports.

- (4) Receive minutes of the regular meeting of the Planning Commission held on November 16, 2011 and the Architectural Review Board meeting held on December 22, 2011.

On a motion by Mr. Lewis, seconded by Mr. Tarr, the Consent Agenda was approved on a 7-0 Council vote (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none).

NEW BUSINESS.

Recertification of Final Plat #01-08 – 3 Lot Subdivision at 369 Falmouth Street. The Town Council approved the request for a three (3) lot subdivision from a 1.33 acre parcel at the subject property (GPIN #6984-61-0173) on July 14, 2009. The owners are seeking recertification of the plat as the time limit had expired for recordation of the Final Plat. Town Council approved a Private Road Waiver in July 2009 for this subdivision. The owners are Malcolm Alls and Pricilla Hottle.

The Vice Mayor called upon the Planning Director to give the staff report. Ms. Sitterle noted that the request was for recertification of the final plat #02-09 for a three-lot subdivision located at 369 Falmouth Street. She indicated that the time limit on recording the plat had expired. She noted that there had been a change in lots 2 and 3 to make the lot lines perpendicular to the street cul-de-sac and the areas of those two lots are changed slightly. Ms. Sitterle noted that the lots would still have adequate area to meet the minimum requirement of the R-6 district. She further noted that at the July 14, 2009 Council meeting the applicant applied for and obtained a waiver from Town Council for the private road and reduced width of the commercial entrance as part of the initial review of the Final Plat. She stated that there is a 20 foot easement demonstrated on the preliminary plat which needs to be included on the final plat.

Ms. Sitterle noted that staff was recommending approval with the following conditions:

- 1) *The waiver of the private road and the reduced width of the R-8 commercial entrance from Falmouth Street be approved by Council. **Council approved the waiver for both the private road and commercial entrance on July 14, 2009.***
- 2) The applicant submits a site development plan to the Town of Warrenton Planning Department for review and approval.
- 3) The applicant amends the preliminary plat in accordance with any Planning Commission recommendations.
- 4) The applicant revises the width of the utility easement to twenty (20) feet, relocating it to avoid the coincidence of existing trees within the easement. **The width of the easement was revised on the preliminary plat and needs to be shown on the final plat.**

Ms. Sitterle noted that the Planning Commission reviewed the recertification of the three-lot subdivision at their January 18, 2012 meeting and recommended approval of the recertification with the conditions in the staff report.

Mr. Norden asked for clarification that on the plat the length of the radius on C-3 is 49 and the minimum lot street coverage is 55 feet and measured at the setback and by the time, 20 feet meets the setback. Ms. Sitterle confirmed this was correct.

On a motion by Mr. Lewis, seconded by Mr. Lubowsky, the Recertification of Final Plat #01-08 – 3 Lot Subdivision at 369 Falmouth Street application was approved, with staff recommendations, on a vote of 7-0 (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none).

Consideration of request of Partnership for Warrenton to hold First Friday events downtown May through October.

On a motion by Mr. Martella, seconded by Mr. Lubowsky, the request of the Partnership for Warrenton to hold First Friday events downtown May through October was approved on a 7-0 vote (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none).

Consideration of request of Faith Partners to hold a One Mile Run on Friday, May 4, 2012.

On a motion by Mr. Martella, seconded by Mr. Lewis, the request of Faith Partners to hold a one mile run on May 4, 2012 was approved on a 7-0 vote (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none).

Consideration to request to hold the 2012 Warrenton Triathlon on Sunday, September 23, 2012 at the Warrenton Aquatic and Recreation Facility.

On a motion by Mr. Martella, seconded by Mr. Lewis, the request of the Partnership for Warrenton to hold the 2012 Warrenton Triathlon on Sunday, September 23, 2012 at the Warrenton Aquatic and Recreation Facility was approved on a 7-0 vote (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none).

Consideration of request of Molly's Irish Pub to hold 5K run.

On a motion by Mr. Martella, seconded by Mr. Lewis, the request of Molly's Irish Pub to hold 5K run on March 25, 2012 was approved on a vote of 7-0 (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none).

UNFINISHED BUSINESS.

Consideration of appointment of members to the Planning Commission and Board of Zoning Appeals.

Mr. Norden noted that there was information in the Council packet concerning the Board of Zoning Appeals and there was an ongoing issue regarding the appointment(s) to the Planning Commission.

The Manager stated that there were two applicants who had expressed an interest and another application had come in following the last meeting. Mr. Martella stated he had met with several applicants but had not talked with all of them. He suggested that the applicants be interviewed and a recommendation available to Councilmembers at their next meeting. Mr. Duggan suggested all Councilmembers interview the applicants at the next worksession.

On a motion by Mr. Lewis, seconded by Mr. Tarr, Council voted 7-0 (for: Norden, Martella, Duggan, Williams, Lubowsky, Tarr, Lewis; against: none) to recommend reappointment of Mr. Douglas Jones and Mr. Brian Larson to the Judge of the Circuit Court of Fauquier County for reappointment to terms commencing January 1, 2012 and expiring December 31, 2017.

REPORTS AND COMMUNICATIONS.

Report from Center District Supervisor.

There was no report, since the Center District Supervisor was not present.

Report from Town Attorney.

The Town Attorney reported on the Mosby Museum and the previous year had been carried over to the current year for tax credits. He noted that one other project had to be completed at the house and the Vice Mayor had been working with the outside counsel and D.H.R. to find a project suitable and that they would approve in advance. The Vice Mayor stated that he had discussed with them the walkways that needed to be installed since they were removed during the early construction period. Mr. McLawhon indicated that it would also settle the A.D.A. issue on the site. Mr. Lubowsky asked if there were fall-back projects and the Manager noted that there were lots of projects but there was a need to be mindful of taking too much of the funds. Mr. Duggan noted that installing sprinklers seemed an important consideration since there would be people visiting the site and Mr. McLawhon noted that the Town's Building/Fire Official had another plan for the facility. Mr. Norden noted that the system would not be required but it was always the Foundation's idea to install it for the safety of the artifacts. He stated that the idea was to stay away from wet pipe systems and newer systems include starving the facility of oxygen to extinguish a fire. Those who installed that kind of system had taken them out due to the maintenance expense. He indicated that there is a newer system on the market but it was more expensive than a water sprinkler system. Mr. Duggan asked once that is complete how long before the tax credits are issued and Mr. Robinson responded that once complete it would be submitted to D.H.R., they approve it, and then the accountants send all the tax credit information to D.H.R. and then they give the certification of the availability and the amounts. Then, the investor would deposit the money into the chain of accounts to D.L.C. to the nonprofit and back to the Town. Once approved and the tax credit certified it should move very quickly (within weeks). Mr. Norden noted an expert had come up from Williamsburg and dated the bricks which would travel through the

boxwood to the museum and they seemed to be from about the time the house was constructed and over 100 years old.

Mr. McLawhon thanked Councilwoman Joan Williams and former Councilman Robert Walker, who had been contacted regarding redistricting. The Town Attorney noted that he had not heard from the Justice Department attorney. He further noted that they had had one question about some data that a staff member answered and a paralegal had put together the information. They contacted Mrs. Williams and Mr. Walker and everything was fine. It has been submitted to an attorney. Mr. Robinson hoped the clearance would be received soon.

Mr. Robinson reported that another packet of information had been submitted to the Department of Justice concerning Americans With Disabilities Act and they are pleased what the Town has undertaken. Mr. Lubowsky asked the appropriate time where the Town could seek to get out from under the Department of Justice preclearance review and Mr. Robinson noted that the Town would seek to do that once the redistricting is approved.

Report from Finance Committee.

Mr. McLawhon noted that the fiscal FY 2012-13 is a work in progress, some of which is driven by Richmond. He further noted that staff was trying to get health insurance bids, and VRS, VDOT funding, etc. remain in play.

Report from the Public Safety Committee.

Mr. Tarr stated that he and Councilman Lewis had attended the 94th birthday party for former Police Chief Jones. Chief Lou Battle thanked the Council for his recent appointment to Chief of Police.

Report from the Public Works Committee.

Mr. Lewis noted that there was no report.

Report from the Utilities Committee.

There was no report.

Report from Planning District 9 Representative

There was no report.

Report from Transportation Committee.

There was no report.

Report from Recreation Committee.

Mr. Tarr noted that Mrs. Rice would give the report. Mrs. Rice noted that January had been a good month for the W.A.R.F. and was the highest revenue month since opening. She indicated that there were a couple new classes. Fauquier Hospital was their new corporate sponsor, had received a wheelchair from the Christopher Reeves Foundation and an item for the Fun for All Playground from the Citizens for Handicapped Persons.

Report from Liaison Committee representative.

Mr. Norden noted that the next meeting is scheduled for May 16, 2012.

Report from the Historic District Planning Committee.

There was no report.

Report from the Town Manager.

Mr. McLawhon noted that the two not-for-profits who had expressed interest in using the former Salvation Army Building. They met and conferred back with the Frazier and Associates. Regarding the architectural services provided by the Virginia Main Street program to the Partnership. They are trying to develop a design so that there will be a work product to facilitate and enable the related discussions.

COUNCILMEMBERS' TIME.

There were no Councilmembers wishing to speak.

There being no further business, the meeting adjourned at 7:45 p.m.

Evelyn J. Weimer, Town Recorder