

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON OCTOBER 14, 2008

The regular meeting of the Council of the Town of Warrenton was held on October 14, 2008 in the Town Council Chambers.

Councilmembers present: Mayor George Fitch, presiding, Vice Mayor David A. Norden, Councilmen Roger R. Martella, Jr., Powell L. Duggan, and Samuel B. Tarr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson W. Robinson, Town Attorney, and Evelyn J. Weimer, Town Recorder.

The invocation was given by Mayor George Fitch followed by a moment of silence in memory of Councilman John E. Williams.

CITIZENS TIME.

Mr. David M. Ruse.

Mr. Ruse, 4228 Bragg Street, The Plains, and current chair of Fauquier County Democrats came forward to express condolences to the family of Mr. John Williams.

CONSENT AGENDA.

- a. Approval of Council minutes of the regular meeting held on September 9, 2008.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending September 30, 2008.
 - (2) September statement of accounts paid.
 - (3) Miscellaneous staff reports.
 - (4) Receive minutes of the August 20, 2008 Planning Commission regular meeting and Architectural Review Board meeting held on August 28, 2008.
- c. Consideration of request of Habitat for Humanity for reimbursement of site plan fees in the amount of \$320.
- d. Consideration of request of Fauquier Run Club to close streets for the 2008 Annual Half Marathon Run on November 9, 2008.
- e. Consideration of request of Fauquier National Bank to close streets to hold the annual Halloween HappyFest Parade on Saturday, October 25, 2008.

- f. **Letter of Credit Release – North Rock Commercial, Building F.** Request for release of Letter of Credit (No. 5300322-4901), originally in the amount of \$64,304.00 and held as a Maintenance Bond for the construction of the new office building on Rock Point Lane (SDP #05-03). The original bond was previously reduced to a Maintenance Bond of 15% or \$9,645.60 by Council on October 7, 2007. The project is in good order, all landscaping maintained and the bond is eligible for release as provided for in the Warrenton Zoning Ordinance, Section 10-8.5.
- g. **Letter of Credit Reduction – Old Town Athletic Club, Walker Drive.** Request for reduction of the Letter of Credit (No. 0100680-01) held for the construction of a new facility and offices on Walker Drive across from Breezewood Subdivision (SDP #06-19). The original bond amount was \$303,790.26, established September 2004, and last reduced to 27.2% (\$82,512.84) by Council on July 18, 2008. This request is for reduction to a Maintenance Bond in accordance with the Warrenton Zoning Ordinance in the amount of \$45,568.54 (15%) as the project is complete. As Built drawings and any repairs would be secured by the remaining bond, which is required to be held for twelve (12) months.
- h. Consideration of closure of streets for the 16th annual First Night in Warrenton event.

On a motion by Mr. Tarr, seconded by Mr. Norden, the Consent Agenda was approved on a vote of 4-0 (for: Norden, Martella, Tarr and Duggan, against: none).

NEW BUSINESS.

Discussion/consideration of appointment to Ward 2.

The Mayor suggested that the matter be deferred until the next Council meeting. He noted that he had personally asked Mrs. Joan Williams, John Williams' wife, if she would like to serve at least on an interim basis. She is considering it and also Mr. Williams' brother-in-law, Jim Smith, would also consider serving.

Mr. Norden asked if the requirement was to hold the election for the vacancy May 2010 since it would be unable to be placed on the November ballot. Mr. Robinson, Town Attorney, noted that he would be requesting Council authority to file a motion with the Circuit Court of Fauquier County to ask for a special election. If it is longer than two years to finish the term, then it would have to be held at the next general election of the Council and since there was no Town general election held in 2009, it would occur May 2010 along with the Mayor and at large seats. Mr. Norden asked if the elections could be held via special election in 2009 and Mr. Robinson responded that he would like to file as the Registrar had noted and the order could be amended later if necessary.

On a motion by Mr. Norden, seconded by Mr. Martella, Mr. Robinson was authorized to proceed with filing a motion with the Circuit Court to have the Council vacancy filled on a 4-0 vote of Council (for: Norden, Martella, Tarr and Duggan, against: none).

UNFINISHED BUSINESS.

Consideration of appointment to vacancy on Planning Commission expiring December 31, 2008.

The Mayor stated that one applicant's resume was included in the Council package. Mr. McLawhon noted that there had been one other applicant but he was not eligible. Mr. Robinson noted that Mr. Hunt Cheatwood was both Planning Commission and Board of Zoning Appeals member and the Code indicates that the BZA could only have one person on the BZA and Planning Commission. Mr. McLawhon stated that Mr. Mothersead had queried other Planning Commission members whose terms would end on December 31. Mr. Mothersead stated he had contacted Mrs. Elizabeth Scullin and Dr. John Harre. Mrs. Scullin was interested in serving another term but Dr. Harre had indicated he would get back in touch. Mr. Martella asked that the appointment be delayed another month to allow Councilmembers who were absent from the Council meeting to participate in the decision. Mr. McLawhon asked the Clerk to e-mail Councilmembers and copy the Planning Commission applicants, that if the Council would like to meet in groups of two (due to an open meetings issue if over two) to interview the applicant.

Mr. McLawhon asked if it is known how long Mrs. Scullin and Dr. Harre had served on the Planning Commission. Mr. Mothersead knew it was a long time. Mr. McLawhon indicated that information would be forwarded to Council.

On a motion by Mr. Martella, seconded by Mr. Norden, the item was tabled until the November Council meeting on a vote of 4-0 (for: Norden, Martella, Duggan and Tarr, against: none).

REPORTS AND COMMUNICATIONS.

- a. Report from Center District Supervisor.

Mr. Nyhous was not present. The Mayor noted that Mr. Nyhous had forwarded a message indicating that Council should be aware of the County's widening budget deficit.

- b. Report from Town Attorney.

The Attorney had no report.

- c. Report from Finance Committee.

The Manager noted that he had forwarded information from the Governor regarding a State budget shortfall. He stated that, as an example, about \$9,000 could be cut from House Bill 599 for police funding. He stated that some of the impacts of revenue loss won't be known until the General Assembly takes up the budget for the Commonwealth the first of the year.

He indicated that the budget memorandums have gone out to department heads and agencies. He noted that it would be hard to predict funding for the Circuit Rider due to matching grants that they receive from the Federal and State Governments. Mr. McLawhon noted that over the years the Town had maintained a 15% reserve, where the standard was about 7% the last time that he had the Finance Department survey other jurisdictions. If need be, he would suggest bringing the reserve amount down.

- d. Report from the Public Safety Committee.

There was no public safety report to be given.

- e. Report from the Public Works Committee.

There was no report.

- f. Report from the Utilities Committee.

Mr. McLawhon noted that four and a half feet (plus or minus) of water had been transferred but the Town was in better shape than the prior year, with 17 vertical feet, plus or minus, which could be transferred.

- g. Report from Planning District 9 Representative.

There was no report.

- h. Report from Transportation Committee.

Mr. Tarr reported that a Transportation Safety Committee meeting had been held and called upon Mr. Birge Watkins to address items of discussion at the meeting. Mr. Watkins noted that there were five or six areas around town where citizens wanted sidewalks or crosswalks. He went on to say that there would be recommendations forthcoming from the committee regarding the Broadview Avenue improvements. Chief Novak stated that there was no “rhyme or reason” for the accidents which occur on Broadview, but most are rear end collisions. Mr. McLawhon noted that the Public Works/Public Utilities Director would be erecting requested street signage at the Blackwell/Alexandria Pike/Broadview/Lee areas. He noted that there were no street signs erected.

- i. Report from Economic Development Advisory Committee representative.

There was no report given.

- j. Report from Recreation Committee.

Mr. Sutherland stated that a report had been included in the Council package.

- k. Report from Liaison Committee representative.

Mr. Norden noted that there was no report.

- l. Report from the Historic District Planning Committee.

Mr. Martella stated that work was commencing on the First Night – Warrenton event. He pointed out that Mr. Lewis would be working with the Partnership for Warrenton on Gum Drop Square. Mr. Martella stated that the visit to another jurisdiction regarding the parking structure may have to occur in December.

Mr. Martella stated that an Architectural Review Board awards ceremony would be scheduled soon and it would occur at the Visitor Center. Council will be notified.

- m. Report from the Town Manager.

Mr. McLawhon reported that Fall Cleanup would commence soon. He stated that at the last Liaison Committee meeting it was noted that the Town did not have staffing to separate the contents of the recycling bags and perhaps correctional services could assist. The Town Attorney stated that if it is just Town oriented it could occur and that the judges can assign them to work in Town if the offense is committed in Town. He noted he would ask Probation Services if community service could be assigned to the Town.

Mr. McLawhon indicated that Mr. Williams had served on the Liaison Committee. Mr. Norden noted that at large Councilmembers served on the Liaison Committee. Mr. Martella noted that he had agreed to let Mr. Williams to serve on the Liaison Committee and he act as an alternate. Mr. McLawhon asked that appointment of a member to the Liaison Committee be added to the next Council agenda.

COUNCILMEMBERS' TIME.

No Councilman had anything to add.

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

Evelyn J. Weimer, Town Recorder

