

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON MAY 10, 2016

The regular meeting of the Council of the Town of Warrenton was held on May 10, 2016 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 Sean M. Polster, Jerry M. Wood, Yakir M. Lubowsky, and Robert H. Kravetz.

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

Invocation was given by Councilman Lubowsky.

CITIZENS' TIME.

Proclamation – Water Safety Month

Mayor Duggan presented a proclamation to Ms. Margaret Rice, Director of Parks and Recreation, proclaiming May as Water Safety Month.

The Mayor called for citizens wishing to speak under “Citizens’ Time,” cautioning that there are public hearings on the agenda and those comments should be held until the public hearing.

Mrs. Rosemary Schneider.

Mrs. Schneider, resident of 116 North View Circle, came forward and noted that she had pre-Civil War furniture that she would like to donate to the Mosby House. The Town Attorney noted that he would work with the Town Manager and Mr. Tucker concerning the items. He stated that often the donator would sign a document indicating the cost for tax purposes.

Mr. Carter Nevill.

Mr. Nevill came forward and noted that the Partnership for Warrenton was requesting closure of the streets around the courthouse for First Friday to address the concerns of the Main Street merchants for Main Street closures. He stated that Main Street merchants will be encouraged to stay open late providing in-store entertainment or events going on in the store so that they connect. He noted that the Partnership had applied for and granted an application to be able to serve beer and wine and it would be dedicated only to Fauquier products. It will be located in and around the courthouse area. He stated that the Town Parks and Recreation Department would be showing movies. He noted that the Dogs Days of Summer event would be held and they hoped to make it an even bigger event to benefit the SPCA.

HEAR FROM CENTER DISTRICT SUPERVISOR.

Supervisor Granger was not in attendance.

PUBLIC HEARING(S).

Proposed budget for Fiscal Year 2016-2017. (as advertised in the newspaper)

The Manager stated that the public hearings published for the meeting were based on the numbers in the recommended budget for FY 17 as of March 31. He stated that the numbers within that were the numbers prior to Council working on the budget and making some recommended changes. He noted that revised pages 9 and 10 of the budget had been provided which show the FY 17 proposed budget and compares it with the current year's budget as amended and adopted. The second sheet shows the summary of the changes that Council has made following several worksessions since the end of March. He stated that the proposed tax rate and will remain at five cents. He explained that Council had asked staff try to reduce the use of fund balance to balance the General Fund budget and over the course of the worksessions Council had asked to try to cut it in half. Changes have been made which is essentially the reduction in the budget on the General Fund side from the \$693,879 originally proposed to \$346,939. He said the way we will get to that is detailed in the bottom right hand corner. (A copy of these are part of the permanent record.) He stated that Council is still talking about other changes. One of the changes is moving from the decal fee to putting the fee onto the personal property tax bill . He stated that the only downside is because of the way personal property is billed in the fall, no tax revenue would be collected in FY 17. It amounts to about \$100,000 revenue would have to be deferred. He said the cigarette tax and changes to the building and permit fees had been discussed.

The Mayor opened the public hearing at 7:20 p.m. and called for those to speak for the proposed FY 17 budget as advertised. There being no citizens to speak for, so he called for those against. There being no citizens wishing to speak, the public hearing was closed at 7:21 p.m.

Proposed calendar year 2016 tax rates.

- Ordinance 2016-02, an Ordinance to Establish Tax rates for the Tax Year Beginning January 1, 2016.
- Ordinance 2016-03, an Ordinance to Establish Business, Professional and Occupational License Tax Rates for the Tax Year Beginning July 1, 2016.

The Mayor opened the public hearing at 7:21 p.m. and called for those to speak for the Ordinances. There being no citizens to speak for, he called for those against. There were no citizens wishing to speak, so the public hearing was closed at 7:21 p.m.

Ordinance 2016-04, An Ordinance to establish water and sewer rates effective July 1, 2016.

The Mayor opened the public hearing at 7:22 p.m. and called for those to speak for Ordinance 2016-04. There being no citizens to speak for, he called for those against. There were no citizens wishing to speak, so the public hearing was closed at 7:22 p.m.

Resolution of the Town Council of the Town of Warrenton establishing the percentage relief granted to qualifying personal use vehicles, subject to the Town of Warrenton's personal property tax for the 2016 tax year.

The Mayor opened the public hearing at 7:22 p.m. and called for those to speak for the Resolution.

Mr. Jeff Lutz.

Mr. Lutz, 163 Royal Court, came forward and noted he was in favor of funds to help the Fire Department with equipment since he lived in the residences off of John E. Mann Street and it was difficult for emergency equipment to reach him. Mayor Duggan called for those to speak against. There were no citizens wishing to speak, so the public hearing was closed at 7:23 p.m.

Capital Improvements Program 2017-2022.

The Mayor opened the public hearing at 7:23 p.m. and called for those to speak for the Capital Improvements Program 2017-2022. There being no citizens to speak for, he called for those against. There were no citizens wishing to speak, so the public hearing was closed at 7:24 p.m.

Tentatively set date of June 14, 2016 at 7 p.m. for adoption of the FY 2017 budget.

The date for the adoption of FY 2017 budget was set for Tuesday, June 14, 2016.

CONSENT AGENDA.

- a. Approval of Council minutes of the regular meeting held on April 12, 2016.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending April 30, 2016.
 - (2) April statement of accounts paid.
 - (3) Miscellaneous staff reports.
 - (4) Receive minutes of the regular meeting of the Architectural Review Board meeting held on March 24, 2016.

On a motion by Mr. Kravetz, seconded by Ms. Reynolds, the Consent Agenda was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

NEW BUSINESS.

Consideration of request of Warrenton Area Civitan Club to hold the annual 4th of July Children and Pet Parade.

On a motion by Mr. Kravetz, seconded by Mr. Wood, the Warrenton Area Civitan Club request to hold the annual 4th of July Children and Pet Parade was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

Consideration of request of Fauquier Trails Coalition, Inc. to hold the annual Great Pumpkin Ride on Saturday, October 22, 2016.

On a motion by Ms. Reynolds, seconded by Mr. Kravetz, the Fauquier Trails Coalition, Inc. request to hold the annual Great Pumpkin Ride on Saturday, October 22, 2016 was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

Consideration of request to hold the annual Halloween HappyFest on Sunday, October 30, 2016.

On a motion by Mr. Kravetz, seconded by Mr. Wood, the request to hold the annual Halloween HappyFest on Sunday, October 30, 2016 was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

Consideration of request to hold Summer Movie Series.

On a motion by Mr. Wood, seconded by Mr. Polster, the request to hold the Summer Movie Series was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

Consideration of request of Partnership for Warrenton to hold the 2016 First Friday events on June 3, 2016, August 5, 2016, and October 7, 2016.

On a motion by Mr. Kravetz, seconded by Mr. Wood, the request of the Partnership for Warrenton to hold the 2016 First Friday events on June 3, 2016, August 5, 2016 and October 7, 2016 was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

Consideration of request of Partnership for Warrenton to hold 2016 Dog Days of Summer First Friday event on September 2, 2016.

On a motion by Ms. Reynolds, seconded by Mr. Kravetz, the Partnership for Warrenton request to hold the 2016 Dog Days of Summer First Friday event on September 2, 2016 was approved on a 5-0 vote (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none).

UNFINISHED BUSINESS.

Consideration of a **BOUNDARY LINE ADJUSTMENT BETWEEN THE TOWN AND THE COUNTY**-Appleton Campbell has requested that the County and the Town agree to a boundary line adjustment of approximately 5.6 acres adjacent to Alwington Boulevard.

Mr. Godfrey noted that the public hearing was held at the April Council meeting and the matter tabled for 30 days to allow time for a new building plan to be received which would reduce the size of the building. He noted that he had checked with the County staff and they had not received an updated plan. He suggested tabling of the matter for another 30 day period.

On a motion by Mr. Wood, seconded by Ms. Reynolds, the Council voted 5-0 (for: Reynolds, Polster, Wood, Lubowsky, Kravetz; against: none) to table the consideration of the boundary line adjustment between the Town and the County for Appleton Campbell for another 30 days.

REPORTS AND COMMUNICATIONS.

Report from Town Attorney.

Mr. Robinson noted that a consensus of Council had asked that he and the Town Manager talk with individuals at the Department of Historic Resources concerning the Brentmoor/Mosby House. The Town Attorney distributed the guidelines for making changes to the house. He stated that there was an application process, and they have 30 days to review it. If there are problems associated with it, they will come up for a site visit, if requested, where they can make recommendations to the changes. One item mentioned was installation of a bathroom and they said they had never had a problem getting that to work for everybody. He indicated that if the application is denied, there is a process where changes can be made and it would be forwarded to a board within the DHR to see if they can come up with a consensus. Beyond that, if there is no consensus among the staff at DHR and the applicant, then it gets appealed to the actual DHR Board. He said that if a boundary adjustment was done that did not include certain portions of the Visitor Center, whatever historical items are in the Visitor Center are still under the easement control. They mentioned that before digging, with the exception of planting flowers, that some of their archeologists would come up and shift through the dirt.

Mr. Kravetz asked if there were any financial consequences as far as having to repay the tax credits and Mr. Robinson responded that, no, and if there are new projects on the property, new tax credits could be obtained.

Mr. Godfrey noted that if the Town sold the property that a condition of selling they would do a presale inspection and the easement would continue with the owner. Mr. Robinson stated that the purpose for that was if someone purchases it, having the report done prior to the sale, gives you a clean slate. He stated that realtors would need to know the lingo to pass the information along. Mr. Godfrey noted that use is not their jurisdictions and that they are more concerned about the architectural aspect. Mr. Robinson stated that some of the ARB of other jurisdictions, such as Alexandria, require DHR approval prior to doing anything.

Mr. Robinson noted that Ms. Reynolds had spoken to owners of the CubeSmart and they had agreed to paint over the red color to a gray color.

The Town Attorney reported that the Planning Commission is working on some text amendments to try to get some vacant lots cleaned up.

Report from Finance Committee.

There was no report.

Report from the Public Safety Committee.

Mr. Kravetz noted a committee meeting will be held on May 18 and anyone with agenda items should forward them to him.

Report from the Public Works Committee.

Mr. Tucker noted that a failed storm pipe is being replaced in the vicinity of Wawa. If the rain subsides, it will be completed in three nights. He stated that as soon as that is done, the paving will be done on Shirley Avenue down to the Wawa.

Report from the Utilities Committee.

Mr. Lubowsky noted that the three times the rate for availability fees for out of town properties, which are not on the tri-party map, was never addressed. He stated that the Utility Committee had indicated that since there had already been a Utility Committee meeting held on the subject that it be advanced to the agenda recommending that it be incorporated into the revised utility availability fees. Ms. Reynolds asked if that can be legally done. Mr. Lubowsky commented that people who are not on the service map are making a demand on the Town's water supply. He stated that the Purcellville decision of the Virginia Supreme Court gives latitude in this area. Mayor Duggan asked if there would be any problem with the joint agreement with the County in adopting something like this. The Town Attorney stated that it should not. Mr. Tucker noted that in the agreement to extend the service the three parties have to agree but has nothing to do with the rates charged.

Mr. Wood asked about the 1.2 million gallons pumped per day and last year there were 35 million gallons and this year it is 38 million. He asked why the difference and Mr. Tucker responded that the amount depended upon the time of year and how wet it is. He stated that the 1.2 gpd is average. Mr. Wood said he was just trying to see how much water is available when the requests come in and Mr. Tucker responded that it is about 2.3 million gallons. Mr. Wood asked if sewage was the same way and Mr. Tucker stated that it was a subject of a Utility Committee meeting. Mr. Tucker stated that the last capacity study indicated that using the two wells is using the capacity of the reservoir and with the two wells that the 300,000 gpd is lock-boxed at 94% and if the lock is off it equates to 80%, with everything built out. He stated that if the well, which he is trying to get on-line, is working then it will be reduced to 71%. Ms. Reynolds asked if that was with zoning as it is today and Mr. Tucker responded it was.

Mr. Lubowsky stated that he would make a motion if necessary. Mr. Godfrey stated that it was not considered in the draft budget. He indicated that if prior to adoption in June, if it is the consensus of Council, to assess the out of service district, out of town rate at that time, it could be incorporated in the motion which would be adopted. The Town Attorney noted that there would be time to advertise and Mr. Godfrey noted that if a public hearing on the matter was desired to the adoption, it could be advertised. Mr. Robinson noted that he and the Manager would have a discussion over the next several days regarding the matter.

Report from Planning District 9 Representative

Mr. Lubowsky noted that he had attended the regional planning dinner.

Report from Transportation Committee.

Ms. Reynolds noted that a meeting was held on April 26 and concern for speed on Main Street was discussed. Mr. Tucker had indicated that the average speed was 18 mph. Another speed study was done some time later with the exact same outcome. She stated that Chief Battle gave a report on the possibility of a four-way stop at Main and Fifth Streets but it was felt that it would back up traffic during certain periods way back to the courthouse. It was not recommended. Stripping of crosswalks was discussed and is planned when the weather improves. She stated that the Committee also discussed redirecting Third Street or one of the streets which run north to south to reverse the direction to accommodate traffic for the new brewery and the expansion of St. James Church.

Report from Recreation Committee.

Mr. Polster noted that the Planning Commission would be addressing use of Fifth Street as the location for the dog park at a public hearing. The fishing event at the reservoir will be held on May 14.

Report from Liaison Committee representative.

Ms. Reynolds noted a meeting was held on April 25 and the Fletcher Rider property was discussed. The Central Library project was discussed and on budget which would be located on the corner of John E. Mann Street and Blackwell Road. She stated that the boundary adjustment of the panhandle was discussed and the Manager and County Administrator are working on it. She noted that that the potential extension of water and sewer to the Costco site was discussed. There are still discussions between Costco and the property owners.

Report from the Historic District Planning Committee.

There was nothing to report.

Report from the Town Manager.

The Manager had nothing further to report.

Update on Special Task Force.

Mr. Lubowsky noted that he and Mr. Polster had attended a conference on energy and resiliency. He felt that the Town would be inadequately prepared for emergencies and even the County is inadequately prepared for these things.

COUNCILMEMBERS' TIME.

Mr. Wood called attention to the Fauquier County Historical Property workshop on May 14.

Mr. Polster noted that May is Asian Pacific American Heritage Month and thanked Councilmembers for their support of him sitting on the Board of APAMOL (Asian Pacific American Municipal Officers League of the National League of Cities).

There being no further business, the meeting adjourned at 8:05 p.m.

Evelyn J. Weimer, Town Recorder