

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON  
HELD ON JUNE 14, 2016

The regular meeting of the Council of the Town of Warrenton was held on June 14, 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, Councilmembers Sean M. Polster, Jerry M. Wood, Joan R. Williams, Yakir M. Lubowsky, Robert H. Kravetz and John S. Lewis, Jr. Ms. Reynolds was not present.

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

Invocation was given by Councilman Jerry M. Wood.

Recognition of Outgoing Councilmembers

Mayor Duggan called forward retiring Councilman Lubowsky and read the following resolution of appreciation:

**A RESOLUTION OF APPRECIATION  
RECOGNIZING THE SERVICE OF YAKIR M. LUBOWSKY  
TO THE TOWN OF WARRENTON**

**WHEREAS**, Mr. Yakir M. Lubowsky has served as the Council representative from Ward Three since 2010 after being appointed by Council to fill the unexpired term; and

**WHEREAS**, during Mr. Lubowsky's term, the Town of Warrenton has undergone significant change in many positive ways; and

**WHEREAS**, during Mr. Lubowsky's tenure on Council he served as Chairman of the Utility Committee and member of the Finance and Public Safety Committees, head of the Special Task Force, PD9 representative and as Council liaison to the Architectural Review Board and Planning Commission; and

**WHEREAS**, during Mr. Lubowsky's term, the Town initiated and completed numerous key projects that have and will continue to improve the quality of life for Warrentonians now and in the future; and

**WHEREAS**, Mr. Lubowsky was diligent in his work on the Utility Committee to ensure system capacity to serve Warrenton's citizens and businesses for many years and to attain a balance of enterprise revenues and operating expenses; and

**WHEREAS**, Mr. Lubowsky served as head of the Brentmoor Study Committee and was instrumental in proposing recommendations for use of the property; and

**WHEREAS**, after six years of loyal service to the residents of his ward and the Town, Mr. Lubowsky has chosen to retire from civic life

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Warrenton does hereby officially recognize the contributions of Yakir M. Lubowsky to the Town Council and citizens of Warrenton; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Warrenton on behalf of all the Town's citizens does hereby express to Mr. Lubowsky the Council's and citizens' best wishes for his dedication and public service to the Town of Warrenton for and wish him the best in his future personal and professional endeavors.

Following the reading of the resolution, Mayor Duggan presented a pewter bowl to Mr. Lubowsky in recognition of his service to the Town and its citizens.

Mayor Duggan then called forward retiring Councilwoman Williams and read the following resolution of appreciation:

**A RESOLUTION OF APPRECIATION  
RECOGNIZING THE SERVICE OF COUNCILWOMAN JOAN R. WILLIAMS  
TO THE TOWN OF WARRENTON**

**WHEREAS**, Mrs. Joan R. Williams has served as the Council representative for Ward Two since December 2008 when she was appointed by Council to fill the unexpired term of her husband, John E. Williams; and

**WHEREAS**, during Mrs. Williams' term, the Town of Warrenton has undergone significant change in many positive ways; and

**WHEREAS**, during Mrs. Williams' tenure on Council she served as a member of the Finance and Public Works Committees; and

**WHEREAS**, during Mrs. Williams' term, the Town initiated and completed numerous key projects that have and will continue to improve the quality of life for Warrentonians now and in the future; and

**WHEREAS**, Mrs. Williams, as a Councilmember, has always maintained that Council must look to the future of the community while not forgetting the past; and

**WHEREAS**, after eight years of loyal service to the residents of her ward and the Town, Mrs. Williams has chosen to retire from civic life

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Warrenton does hereby officially recognize the contributions of Joan R. Williams to the Town Council and citizens of Warrenton; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Warrenton on behalf of all the Town's citizens does hereby express to Mrs. Williams the Council's and citizens' best wishes for a healthy, long-lasting and peaceful and rewarding retirement as she steps away from public life.

Following the reading of the resolution, Mayor Duggan presented a pewter bowl to Mrs. Williams in recognition of his service to the Town and its citizens.

Mayor Duggan then called forward Mr. Lewis and read the following resolution of appreciation:

**RESOLUTION OF APPRECIATION  
RECOGNIZING THE SERVICE OF  
JOHN S. LEWIS, JR. TO THE TOWN OF WARRENTON**

**WHEREAS**, John S. Lewis, Jr. (Sparky) has served as a Town of Warrenton Councilman for a total of twenty-seven years beginning in 1989 with his appointment to fill the unexpired term of Frank S. Foley and continuing to June 30, 2016 with the conclusion of his term as Warrenton Town Councilman, Ward Five; and

**WHEREAS**, Mr. Lewis, while serving as a Councilman, provided a high level of professionalism, practical knowledge and moral aptitude while making the many difficult fiduciary and regulatory policies needed to enable the provision of quality services to the residents and business community of Warrenton; and

**WHEREAS**, during Mr. Lewis' tenure on Council he served as Vice Mayor, Chairman of the Public Safety (formerly Police Committee) and Finance Committees over the years. In addition to those committees he has served as a member of the Utility, Public Works, Public Information, Parking and Historic District Planning (previously Parking Comm.) Committees; and

**WHEREAS**, during Mr. Lewis's tenure, the Town initiated and completed numerous key projects that have and will continue to improve the quality of life for Warrentonians now and in the future; and

**WHEREAS**, some of these projects include a new Public Works facility, a new business park, new and improved recreational parks, new roads, a new reservoir, an upgraded wastewater treatment plant, and various recreational facilities, including the Warrenton Aquatic and Recreational Facility (W.A.R.F.); and

**WHEREAS**, Mr. Lewis, as a Councilmember, has always maintained that Council must look to the future while not forgetting the past; and

**WHEREAS**, after twenty-seven years of loyal service to the residents of his ward and the Town, Mr. Lewis has chosen to retire from civic life

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Warrenton does hereby officially recognize the contributions of John S. Lewis, Jr., (Sparky) to the Town Council and citizens of Warrenton; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Warrenton on behalf of all the Town's citizens does hereby express to Mr. Lewis the Council's and citizens' best wishes for a healthy, long-lasting and peaceful and rewarding retirement as he steps away from public life.

Following the reading of the resolution, Mr. Lewis was presented with a pewter bowl in recognition of his contributions to the Town and its citizens.

## **CITIZENS TIME.**

The Mayor called for citizens wishing to speak.

Ms. Amelia Stansell.

Mrs. Stansell, Greater Warrenton Chamber of Commerce Past President and Legislative Committee Chair, came forward and noted that on behalf of the Board and Chamber members she expressed appreciation for service of the outgoing Councilmembers to the Town. She noted the Chamber members also looked forward to working with the remaining and new Councilmembers.

## **HEAR FROM CENTER DISTRICT SUPERVISOR.**

Supervisor Granger was not present.

## **PUBLIC HEARING(S).**

Town Code Amendment – Condition of Premises. This is an amendment to Section 8-63 of the Notice to Cut Weeds to indicate overgrown properties could be considered a nuisance. The applicant is the Town of Warrenton.

Mr. Godfrey asked Ms. Sitterle to give the staff report on the Town Code Amendment. Ms. Sitterle noted the request was an amendment to the Town Code to allow for additional enforcement capability for the condition of premises. There had been numerous complaints about tall weeds and grass overgrowth and the amendment would allow the Town to consider it a nuisance that would affect the health, safety and welfare of residents. She noticed it would allow for a shortened timeframe to conduct enforcement activity. The Mayor called for questions from Council. There being no questions, the Mayor opened the public hearing at 7:18 p.m. and called for those wishing to speak in favor. Since there were no citizens wishing to speak for, he called for those against. No citizens came forward to speak against, so the Mayor closed the public hearing at 7:19 p.m. and asked the will of Council.

On a motion by Mr. Lubowsky, seconded by Mr. Wood, Town Code Amendment – Condition of Premises was adopted on a 6-0 Council vote (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

ZTA 16-02 – Central Business District (CBD). This is an amendment to Articles 3-4.11.2 and 3-4.11.3 of the Zoning Ordinance to add hotels, bed and breakfast, inns and tourist homes to permitted uses and to remove motels from permissible uses. The applicant is the Town of Warrenton.

Ms. Sitterle came forth to give the staff report. She noted that the request was an amendment to Articles 3-4.11.2 and 3-04.11.3 of the Zoning Ordinance and Article 12 which would allow inns to serve food and hold events. It would allow inns, bed and breakfasts, and hotels as allowable uses in the Central Business District (CBD) and would remove motels as a permissible use mainly because of the immediately adjacent parking would be required for a motel use. It is believed that it would allow for some additional opportunity within the CBD for people to enjoy lodging and spend additional time there.

Mayor Duggan opened the public hearing at 7:20 p.m. and asked for citizens wishing to speak in favor to come forward. There were no citizens wishing to speak, so the Mayor called for those wishing to

speaking against. Since there were no citizens wishing to speak, the Mayor closed the public hearing at 7:21 p.m. and called for the will of Council.

On a motion by Mr. Kravetz, seconded by Lubowsky, ZTA 16-02 – Central Business District (CBD) was adopted on a 6-0 Council vote (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

#### CONSENT AGENDA.

- a. Approval of Council minutes of the regular meeting held on May 10, 2016.
- b. Financial statement and staff reports and Board and Commission minutes.
  - 1) Financial statement for period ending May 31, 2016.
  - 2) May statement of accounts paid.
  - 3) Miscellaneous staff reports.
  - 4) Receive minutes of the regular meeting of the Architectural Review Board meeting held on April 28, 2016 and Planning Commission held on February 16 and March 15, 2016.
- a. Consider Public Improvements Bond Reduction – Sterling Court Duplexes E&S, and Public Improvements Bond Reduction – Sterling Court Duplexes.

On a motion by Mr. Kravetz, seconded by Mr. Wood, the Consent Agenda was approved on a 6-0 Council vote (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

#### UNFINISHED BUSINESS.

Mr. Godfrey noted that as of the June worksession the revised FY 17 balanced and totals \$20,836, 259. He explained that it broke down by fund as follows: General Operating Fund - \$12,874,018, General Capital Projects - \$1,273,153, Water and Sewer Operating Fund - \$5,401,404, Water and Sewer Capital - \$2,163,837, the Motor Pool Fund, \$477,403, and the Information Technology Fund - \$360,029. He stated that there were several ordinances to consider and adopt.

- a. Proposed calendar year 2016 tax rates.
  - Ordinance 2016-02, an Ordinance to Establish Tax rates for the Tax Year Beginning January 1, 2016.

The Town Manager noted that the change in the rate structure is the increase in real property tax rate to \$.05 per \$100 of assessed value. The mobile home tax, tangible personal property, tangible personal for handicapped, motor homes, campers, boat, machinery and tools, business personal property and computers and the bank stock tax remain the same. He recommended adoption of the ordinance establishing the tax rates for the year beginning January 1, 2016.

Mr. Kravetz moved adoption of Ordinance 2016-02, tax rates, and Mr. Lewis seconded the motion. The Mayor called for discussion. Mr. Wood noted he would be remiss if he didn't say that he had hoped that the tax rate be \$.03 cents rather than the \$0.05 cents. On a 5-1 Council vote (for: Wood, Williams, Lubowsky, Kravetz, Lewis; against: Polster) the Ordinance was approved.

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

The Town Manager stated that the rates for all categories remain the same and he recommended adoption.

On a motion by Mr. Lubowsky, seconded by Mr. Kravetz, Ordinance 2016-03, an Ordinance to Establish Business, Professional and Occupational License Tax Rates for the Tax Year Beginning July 1, 2016, was approved on a 6-0 Council vote (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

- Ordinance 2016-04, An Ordinance to Establish Water and Sewer Rates Effective July 1, 2016.

The Manager noted that the rates commencing July 1, 2016 would continue to be the base charge for the first 2,000 gallons plus a single tier commodity charge for each 1,000 gallons over the 2,000 gallons. He stated it was the rate structure established with the rates change in January. The consumption rate will increase on the average of 20% over the current rate which will equate to about 3900 gallons per month and will equate to about \$6.93 per month. The minimum residential user at 2,000 gallons will have a \$2.48 increase per month. The out of town consumption rate will continue to be 1.5 times the in-Town rate and the availability fees remain unchanged for FY 17. He stated that a public hearing will have to be held to consider amending the ordinance which would establish a minimum of three times the availability fee for out of Town and out of service area request which will be set for the July Council meeting.

Mr. Wood moved adoption of Ordinance 2016-04 and Mr. Kravetz seconded the motion. Mayor Duggan asked for discussion from Councilmembers. Mr. Lubowsky stated that he felt strongly that the three times the rate should be moved forward with dispatch. He gave a history of the planned increase for the benefit of incoming Councilmembers Kevin Carter and Alec Burnett who were in attendance.

On a vote of 6-0 (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none) the motion passed.

- b. 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 Manager noted that the rates do not change and grant 100% relief for vehicles up to \$20,000 value. He recommended adoption of the resolution.

On a motion by Mr. Kravetz, seconded by Mr. Lewis, the resolution establishing the percentage of relief granted to qualifying personal use vehicles subject to the Town of Warrenton's personal property

tax for the 2016 tax year was adopted on a 6-0 Council vote (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

b. Consideration of resolution to adopt and appropriate \$20,836,259 for Fiscal Year 2017.

The Manager stated that the resolution was to adopt and appropriate the \$20,836,259 for fiscal year 2017 budget. Mr. Lewis moved adoption of the FY 2017 budget and Mr. Kravetz seconded the motion.

Mr. Lubowsky stated that he had hoped that the budget include some funds for emergency preparedness/disaster recovery. Mr. Wood noted that he would not bore Council with going over the twelve items he discussed at the last worksession.

On a vote of 5-1, (for: Wood, Williams, Lubowsky, Kravetz, Lewis; against: Polster), the resolution to adopt and appropriate \$20,836,259 for Fiscal Year 2017 was approved. Mr. Polster noted that he had submitted his comments to the Clerk for the record. (A copy is attached.)

c. Capital Improvements Program 2017-2022.

The Town Manager asked for a motion to approve the five year CIP – 2017-2022.

Mr. Lewis moved approval of the five year CIP – 2017-2022 and Mr. Kravetz, seconded the motion.

Mr. Polster asked if there had been changes to the CIP if they had gone back to the Planning Commission for a public hearing and then back to Council for a public hearing and then a vote. Mr. Godfrey noted that the initial CIP was considered by the Planning Commission and they reviewed it in March. Then, before the Manager recommended his budget to Council he made some changes. He stated that he had recommended some items be moved from 2017 to future years. He noted those did not go back to the Planning Commission. He indicated that when Council considered the CIP in April and May they made further changes and those also did not go back to the Planning Commission. He said it is not necessary for the Planning Commission to have a review of the changes. Mr. Kravetz noted that as he understood it, nothing was eliminated just deferred and the Manager concurred that items had been shifted to the out years.

On a Council voted 6-0 (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none) to approve the five year Capital Improvements Program 2017-2022.

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.

The Town Attorney noted that the applicant wants to be located within the Town and the County is agreeable. There was a question about design and the County has decided to put the matter into the Town's hands and let them decide on the site work. He stated that the Town was acceptable of that. He indicated that a meeting had been set up with the applicant about the Town's process. He asked that the item be postponed until July.

Mr. Lewis made a motion to table the matter until the July Council meeting and Mr. Lubowsky seconded the motion. Mr. Lubowsky stated that the design should be included as part of the consent for the application. He felt it should become standard procedure. Council voted 6-0 to approve tabling of the matter until the July meeting (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

## **NEW BUSINESS.**

### Consideration of a Resolution to Approve an Extension Addendum to the Statewide Programmatic Project Administration Agreement (PPAA) for Revenue Sharing Projects for Fiscal Year FY 2014, FY 2015, FY 2016.

The Manager stated that the item was a resolution to approve an extension for the Town's agreement with VDOT for Programmatic Project Administration. VDOT asks that each locality enter into this agreement that gives them authority to administer the project. He stated that the current agreement expires and this renews the agreement. He recommended approval of the resolution extending the agreement with VDOT.

On a motion by Mr. Kravetz, seconded by Mr. Lewis, the resolution to approve an extension addendum to the Statewide Programmatic Project Administration Agreement (PPAA) for Revenue Sharing Projects for Fiscal Year FY 2014, FY 2015, FY 2016 was approved on a Council vote of 6-0 (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

### Consideration of Dog Park location at end of Fifth Street Parking Lot.

Mr. Godfrey noted that since October 2015 the Town had been investigating sites for the Town dog park that was proffered by the Alwington farm developers. He stated that the proffer included \$30,000 for construction and \$5,000 per year maintenance for a five-year period. Originally, Rady Park was viewed as a possible site, however, following neighborhood opposition staff evaluated other sites and presented in a special hearing to the Recreation Committee in March. Following that, Council asked staff to focus on possibility of the site at the end of the Fifth Street parking lot at the head of the greenway trail. Mr. Godfrey noted that it was Town-owned property, zoned Public/Semi-public but it required at 2232 review by the Planning Commission. All the property owners in the area were notified and notice of public hearing by the Planning Commission meeting. Following the public hearing, the Planning Commission determined that the dog park was substantially in accordance with the Comprehensive Plan and voted in favor of the permit. He explained that it is the recommended site and was somewhat smaller than Rady Park. He stated that the one third acre would still have a single enclosed area, benches, drinking fountain, waste removal station. The proximity near the Greenway Trail where there are a lot of dog walkers is a good location. The Manager stated that the approximate cost per year will be \$4,500 for removal of waste, resodding, signage and repairs and a minimum of \$5,500 of staff costs.

On a motion by Mr. Kravetz, seconded by Mr. Lewis, the Dog Park location at end of Fifth Street Parking Lot was approved on a Council vote of 6-0 (for: Polster, Wood, Williams, Lubowsky, Kravetz, Lewis; against: none).

Mr. Wood felt the area was small but was thankful it was not Rady Park. Mr. Polster stated that one of the big things he discovered was that the public should be included in the process early on and a matrix should be developed which would determine if a project is successful or not.

## **REPORTS AND COMMUNICATIONS.**

Report from Town Attorney.

The Town Attorney thanked all of the Councilmembers who were leaving Council and indicated it was a pleasure to work with all. He specifically thanked Mr. Lewis for all the support rendered him over the years.

Report from Finance Committee.

Mr. Lewis felt that the Finance Committee should be restructured.

Report from the Public Safety Committee.

There was no report.

Report from the Public Works Committee.

There was no report.

Report from the Utilities Committee.

Mr. Lubowsky thanked Mr. Lewis for serving on the committee. He emphasized the importance of water and the duties of those who will serve on the committee.

Report from Planning District 9 Representative

Mr. Lubowsky noted he had enjoyed his time on the PD9. He stated that there was good staff at the regional commission and they are experienced in regional planning.

Report from Transportation Committee.

There was no report.

Report from Recreation Committee.

Mr. Polster noted that Tuesday, June 21 was “Make Music Day” at Eva Walker Park from 12 noon to 8 p.m. The first piano for “Pianos in the Parks” will be unveiled. Warrenton Town Limits will be held on July 1.

Report from Liaison Committee representative.

The Town Manager noted that there is an upcoming meeting on June 27.

Report from the Historic District Planning Committee.

There was no report.

Report from the Town Manager.

Mr. Godfrey thanked the outgoing Councilmembers for working with them.

Update on Special Task Force.

Mr. Lubowsky noted that he had established at his behess several years ago. He stressed the importance of emergency planning and disaster recovery. He urged Council to leave the task force in place for one more year and with some of the resources noted during the budget presentation, to enable the task force to develop a real plan for real, sustainable Warrenton over the next twelve months.

#### **COUNCILMEMBERS' TIME.**

Mr. Lewis thanked all who had joined him in his last 27 years on Council to try to make Warrenton a better place to live. He highlighted some of the projects he noted over the years.

Mr. Kravetz thanked Mr. Lewis, Mrs. Williams, and Mr. Lubowsky for their many years of dedicated public service.

Mr. Polster noted that you do not realize what is involved in public service until you get elected and serve. He stated that the sacrifice and number of years that the outgoing Councilmembers have desires a lot of credit.

Mr. Wood thanked all of the outgoing Councilmembers for their service. Mr. Lubowsky thanked all the fine things said. He suggested that the new Council work with the Brentmoor Task Force on plans for the Mosby House, support the Comprehensive Plan process, and support the Town Manager and try not to micromanage him.

Mayor Duggan thanked the outgoing Councilmembers for their work and adjourned the meeting at 8:10 p.m.

Evelyn J. Weimer, Town Recorder