

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON  
HELD ON MARCH 8, 2016

The regular meeting of the Council of the Town of Warrenton was held on March 8, 2016 in the Town Council Chambers and was called to order by Vice Mayor Sunny Reynolds at 7 p.m.

Councilmembers present: Vice Mayor Sunny Reynolds, presiding, and Councilmembers Jerry M. Wood, Yakir M. Lubowsky, Robert H. Kravetz and John S. Lewis, Jr. Absent were: Mayor Powell Duggan, Sean M. Polster, and Joan R. Williams.

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

The meeting was called to order by Vice Mayor Sunny Reynolds.

Invocation was given by Councilman Jerry M. Wood.

**CITIZENS TIME.**

Presentation of proclamation - Proclaiming March 2016 as Youth Arts Month.

Vice Mayor Reynolds presented a proclamation proclaiming March 2016 as Youth Arts Month. An original piece of art was presented to the Town to hang at Town Hall during the month of March which had been painted by 2nd grader, Nina Diez of Greenville Elementary. An invitation to the art reception and a pin created by the art students of Warrenton Middle School was distributed to Council by Ms. Chris Smith of Kettle Run, Jess Beach from Brumfield Elementary, and Ms. Hostetter from Greenville Elementary.

Presentation of proclamation – Francis Fauquier Garden Club.

Vice Mayor Reynolds presented a proclamation to the Francis Fauquier Garden Club for all the civic projects they have done within the Town.

Mrs. Kelly Ann Richardson.

Mrs. Richardson, Kelly Anne's Quilting located on South Fifth Street, came forward and noted that almost daily vehicles are not stopping for pedestrians in crosswalks. She recommended that the speed limit on Main Street be 15 miles per hour, a four-way stop be erected at the intersection of Fifth and Main and a three-way stop sign at the intersection of Main and Old Alexandria Pike.

Mr. Carter Nevill.

Mr. Nevill of 159 High Street and 41 Main Street came forward and noted that there was a petition presented at the March Council worksession in opposition to parklets. He noted that the petition which was circulated had misleading information. He indicated that he had taken the time to talk with many of those who had signed the petition and explained the nature of the project. He stated that those he had spoken with changed their mind about the opposition. He encouraged Councilmembers to rather than paying attention to a petition from someone who perhaps has an agenda, to take the time to visit the merchants and understand why they feel it is a positive thing.

**HEAR FROM CENTER DISTRICT SUPERVISOR.**

Supervisor Granger had nothing to report. The Liaison Committee report will be given later in the meeting.

## **PUBLIC HEARING.**

Consideration of a policy, as permitted by Virginia Code Section 2.2-3708.1, to allow Elected Members of the Town Council of the Town of Warrenton to participate via electronic means provided all of the statutory requirements are met, including but not limited to the following: 1. Physically assembled quorum is require; 2. Remote Member's voice must be heard by all; 3. Remote Member must notify chair of the public body on or before the day of the hearing; 4. Nature of the emergency or personal matter must be identified; 5. Member's remote participation must be approved by majority vote at a meeting of those physically assembled at the meeting location; and 6. Nature of emergency or personal matter, and remote location must be recorded in the minutes.

The Vice Mayor opened the public hearing at 7:20 p.m.

The Town Attorney noted that it was an opportunity for Councilmembers who have an emergency or scheduled vacation or for some reason cannot attend a particular meeting, they can call into a meeting. The FOIA Act requires a policy in place and this would essentially be the policy. He stated it could be done by the Councilmember twice a year, the Councilman would have to be heard, there would have to be a quorum, approved by a majority vote of those at the meeting, etc.

The Vice Mayor called for those to speak for or against the policy. There being no citizens wishing to speak, the public hearing was closed at 7:22 p.m.

On a motion by Mr. Kravetz, seconded by Mr. Lubowsky, Council voted 5-0 (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none) to approve a policy, as permitted by Virginia Code Section 2.2-3708.1, to allow Elected Members of the Town Council of the Town of Warrenton to participate via electronic means.

Public Hearing to receive public comment on a resolution authorizing the issuance of an estimated maximum principal amount of \$12,000,000, of one or more series of general obligation bonds of the Town, which may additionally be secured by a pledge of water and sewer revenues (the "Bonds"). The proposed use of the proceeds of the Bonds is to finance improvements to water and sewer systems in the Town and related expenses.

The public hearing was opened at 7:23 p.m.

The Town Manager noted that the that it was a Public Hearing to receive public comment on a resolution authorizing the issuance of an estimated maximum principal amount of \$12,000,000, of one or more series of general obligation bonds of the Town, which may additionally be secured by a pledge of water and sewer revenues (the "Bonds"). The proposed use of the proceeds of the Bonds is to finance improvements to water and sewer systems in the Town and related expenses. He asked the financial advisor and bond counsel to give a brief overview. Mr. Godfrey stated that the amount of the resolution would be up to \$12,000,000 for a maximum amount over five years. He stated that the bond resolution which would be considered later in the meeting would only be for \$5.5 million and there would be another bond issue later on for an additional amount.

He noted that Mr. Kyle Laux of Davenport and Mr. Jesse Bausch of Sands Anderson would be giving a brief presentation of the borrowing. He stated that following the public hearing that the resolution (action item) would be considered for adoption. Mr. Laux noted that when prior discussed Cardinal Bank was the apparent low bidder but all those bidding had been given a chance to refresh their bids and give their best and final offer. Following that, Middleburg Bank was the apparent low bidder based upon that

bidding process. He reviewed the material in the newest bidding information with Council. (The new information is a part of the permanent file).

Mr. Lubowsky asked in the pledge on the revenues why the Town was given a better rate on it. Mr. Laux noted that it would show up in the Town's audit in two different places: General Fund and Water and Sewer Funds. He stated those two revenue streams are separate and distinct from each other. He stated that Water and Sewer Revenue pledge is one of the specific revenue streams in Virginia local government where you can pledge specifically to secure borrowing.

Mr. Godfrey noted that the debt would be serviced out of the water and sewer fund.

Mr. Lubowsky asked since this would be series one, would Middleburg Bank be committing to lending the entire amount. Mr. Laux responded that this series would cover the identified capital projects FY16, 17 and 18 and approximately \$5.1 million would be borrowed to cover the two and a half years. After that time, the matter would be re-evaluated. Mr. Lubowsky questioned how then it is series 1. It was just a deal. Mr. Laux noted that you tend to think of things in five year increments and planning had factored in two financings.

Ms. Reynolds called for citizens wishing to speak for or against the matter. There being no citizens to speak, the public hearing was closed at 7:45 p.m.

#### **CONSENT AGENDA.**

- a. Approval of Council minutes of the regular meeting held on February 9, 2016.
- b. Financial statement and staff reports and Board and Commission minutes.
  - 1) Financial statement for period ending February 29, 2016.
  - 2) February statement of accounts paid.
  - 3) Miscellaneous staff reports.
  - 4) Receive minutes of the regular meeting of the Architectural Review Board meeting held on November 19, 2015 and January 28, 2016 and Planning Commission meeting held on September 15, 2015 and January 19, 2016.
- c. Consideration of request of Faith Christian Church to hold a 5K Run on Saturday, April 30, 2016 and to authorize the street closures and traffic control measures.

Mr. Kravetz asked if the Faith Christian Church was submitted within the 90 day requirement of the events policy and Mr. Godfrey noted it was submitted in February just a few days prior to the February Council meeting. On a motion by Mr. Kravetz, seconded by Mr. Lewis, the Consent Agenda was approved on a vote of 5-0 (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none).

#### **NEW BUSINESS.**

Issue: Resolution Authorizing the Issuance of Up to \$5,500,000 Principal Amount of General Obligation Bonds and Providing the Form, Details and Payment Thereof, and Authorization for the Mayor to Execute the Bond Purchase Agreement

On a motion by Mr. Kravetz, seconded by Mr. Wood, the resolution was approved on a 5-0 Council vote (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none). Due to the length of the resolution, it is not included in the minutes. A copy can be obtained from the permanent file.

Mr. Lubowsky asked if it had been calculated into the budget development and the Manager stated that it was estimated more conservatively with an interest cost at 5%. Interest costs will be considerably less and factored into the rate analysis.

Consideration of a resolution authorizing the Town Manager to execute the Commonwealth Of Virginia Office Of Intermodal Planning And Investment Agreement For Consultant Support To Facilitate The Designation Of Urban Development Area And Appropriate Ordinance

Mr. Godfrey noted the item was in regard to an Urban Development Area grant which has been awarded to the Town and his recommendation was to accept the award. He stated the grant was under the jurisdiction of the Secretary of Transportation Office of Intermodal Planning and Investment. He indicated it would provide the Town an opportunity to take the funding and offset a lot of costs involved in the work that is being done in the Comp. Plan. update by accepting the grant. The grant is not a cash contribution to the Town but rather the Office of Intermodal Planning and Investment will assign staff to provide the technical support through the analysis of growth trends and zoning analysis and public involvement which is part of the Comp. Plan. Update. He stated that as part of that the Town would become an urban development area. He indicated that there are other urban development in Fauquier County so the Town would not be the first. Ms. Denise Harris noted that Fauquier County took advantage of the process about ten years ago and Bealeton and Marshall have UDAs. She also noted that part of the Alwington process a UDA would be established there.

The following resolution was presented for consideration:

RESOLUTION

A RESOLUTION DIRECTING THE TOWN MANAGER TO EXECUTE THE COMMONWEALTH OF VIRGINIA OFFICE OF INTERMODAL PLANNING AND INVESTMENT AGREEMENT FOR CONSULTANT SUPPORT TO FACILTIATE THE DESIGNATION OF URBAN DEVELOPMENT AREA AND APPROPRIATE ORDINANCE

WHEREAS, the Commonwealth of Virginia Secretary of Transportation informed the Town of Warrenton that it had been awarded a Tier I Urban Development Area Planning Grant in the amount of \$65,000 for on-call consultant support services on January 29, 2016; and

WHEREAS, the Commonwealth of Virginia Secretary of Transportation provided the Town of Warrenton with an Agreement to execute the Tier I Urban Development Area Planning Grant; and

WHEREAS, the Town of Warrenton Planning Commission unanimously recommended the Town Council accept the Tier I Urban Development Area Planning Grant on February 16, 2016; and

WHEREAS, the Town of Warrenton agrees to the terms outlined within the referenced agreement; now, therefore, be it

RESOLVED by the Town of Warrenton Town Council on this 8th day of March 2016, That the Town Manager is directed to execute two copies of the agreement between the Commonwealth of Virginia, Office of Intermodal Planning and Investment, and the Town of Warrenton.

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

Consideration of resolution establishing water and sewer availability fees at three times the in-Town rate for properties located out of town and off the service district map.

Mr. Godfrey noted that the item was coming back to Council following the last month's discussion. Availability fees are established to cover capital costs at the sewer system. He noted that currently there is an in-Town rate and an out of Town rate for those properties agreed to in the tri-party service agreement in 2002 which is twice the in-Town rate. During the last discussion it was noted that when considering serving Tiffany Estates with water, which is neither in-Town or in the service area, Council considered an offer for the applicant to pay three times the in-Town rate. Council at that meeting suggested three times the in-Town rate for properties outside the Town limits and not included in the service agreement. He suggested that the item be referred back to the Utility Committee for further discussion.

Mr. Kravetz moved that the item be referred back to the Utility Committee and Mr. Wood seconded the motion. On a vote of 5-0 the motion passed (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none).

Hear from Lawrie Parker, Executive Director of the Piedmont Dispute Resolution Center. Briefing on a recent grant they have received to enhance community relations with law enforcement.

Ms. Parker was not in attendance. Mr. Kravetz stated that Ms. Parker had a family emergency and noted that he and Police Chief Lou Battle were going to brief Council. Mr. Kravetz stated that on February 25, Ms. Parker organized a meeting at the Visitor Center and that the Piedmont Dispute Resolution Center had received a grant to promote and enhance communities relations between law enforcement and the African American community. He stated it was decided that it be the entire community. Chief Battle stated he always felt that there was good communication with the African American community. He stated that the grant called for listening sessions. Ms. Parker first put together a group of police officers to see how they felt about the community. Ms. Parker went to pastors in the community and asked them to put together a group from the Warrenton African American community. She got an idea of their feelings and then the two groups were brought together. Chief Battle noted that one of the things that came out of the meeting that the local chapter of the NAACP wants to put a group together and the Chief noted that the Police wanted to be part of the committee. He noted, however, that all groups, not just the African American population, should be included in the group. The group would meet monthly.

Coach John Thompson came forward and noted that he was offered the opportunity to participate in the program by Ms. Parker. He noted that the listening sessions were refreshing and a great beginning.

Budget review calendar.

Mr. Godfrey proposed a series of budget worksessions for public notification. He noted that the proposed FY 17 budget would be distributed by April 1.

**REPORTS AND COMMUNICATIONS.**

Report from Town Attorney.

Mr. Robinson noted that at the last Council meeting there was some confusion as to the water extension to Tiffany Estates and he asked the Vice Mayor to make a motion to rescind the motion. He stated that the matter was just to clarify what was to be the case at the February Council meeting.

Ms. Reynolds moved: Pursuant to Robert's Rules of Order §35, which said Rules were adopted by the Town Council of the Town of Warrenton as it's procedural rules on the 10<sup>th</sup> day of November, 2015, I hereby move to amend the motion to approve 28 water taps extended to Tiffany Estates and subject to all of the proffered material by the applicant, and to further add to said motion that said approval shall be subject to the applicant obtaining approval of the County Board of Supervisors and the Fauquier County Water and Sewer Authority in order to effectuate the amendment of the Master Water and Sewer Plan.

Ms. Reynolds also read the following as part of her motion: Pursuant to Robert's Rules of Order §35, which said Rules were adopted by the Town Council of the Town of Warrenton as it's procedural rules on the 10<sup>th</sup> day of November, 2015, I hereby give notice of my intent to make a Motion to Amend a Previously Adopted motion to extend water to a certain parcel of real property located outside of the Town limits for the Town of Warrenton, commonly referred to as Tiffany Estates. Said motion was previously adopted on January 12, 2016 however information presented was not adequate by applicant and Town staff.

Mr. Kravetz seconded the motion.

Mr. Lubowsky noted that if there was a mistake then it was only where the County was in being prepared to acknowledge this and enter into such an agreement. He stated that the County agreeing prior to the Town acting has never been in doubt. On a vote of 5-0 (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none) the motion passed.

Mr. Robinson noted that Appleton Campbell is looking to move to another location just outside the Town which would require a boundary adjustment. He asked for permission to advertise for the boundary adjustment for the holding of a public hearing at the April 12 Council meeting.

On a motion by Mr. Kravetz, seconded by Mr. Lewis, Council voted 5-0 (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none) to allow the Town Attorney to advertise for a public hearing on the boundary adjustment of the Appleton Campbell property located in the County.

Mr. Robinson noted that Council should ask the Planning Commission to begin an overhaul of the Town's sign ordinance. He stated that the necessity is brought about by the Reed v. Gilbert court case. He stated that Norfolk, Virginia, was a model that could be followed. He asked that a motion be made for staff to work with the Planning Commission to begin revamping a draft of the Town's sign ordinance at the Planning Commission level for next April. Mr. Lubowsky asked if it was simply to get the Town's ordinance in compliance with the finding authority from the U.S. Supreme Court or will it also be a wish list in the community which they would like to see done. Mr. Robinson stated he felt it could be both and could be an opportunity to revisit some issues that need to be discussed by the general public. Mr. Lubowsky suggested that the process not be a wish list for the business community but rather instruct the Planning Commission to come back with something to get the Town in compliance with the U.S. Supreme Court with a enforceable sign ordinance and the other matters could be addressed at a later time.

Ms. Reynolds had an issue with doing that and she felt that the entire sign ordinance should be reviewed.

Mr. Wood moved that the Planning Commission begin reviewing the current sign ordinance to determine whether it is in compliance with the Reed v. Gilbert court case. Mr. Lubowsky seconded the motion and Council approved on a 5-0 vote (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none).

Report from Finance Committee.

There was nothing to report.

Report from the Public Safety Committee.

Mr. Kravetz noted a recent meeting was held on March 2 and Chief Battle had briefed the committee on Project Lifesaver and the Crisis Intervention Program. Fire Chief Sam Myers reviewed the snow storm after action report and updated on the new hire for the Fire Department. He noted that the Town had received a lower ISO rating which could result in lower homeowner's insurance rates.

Report from the Public Works Committee.

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.

Ms. Reynolds noted that the Transportation Committee had met with the Public Safety Committee. She stated that there had been an incident on High Street where the Police Chief and Utilities Director had to be involved.

Report from Recreation Committee.

Mr. Godfrey noted that the Recreation Committee will be meeting on March 14 at 6 p.m. specifically on the dog park.

Report from Liaison Committee representative.

Ms. Reynolds noted that there was a very busy Liaison Committee meeting. She stated that the tri-party water agreement was discussed. Boundary adjustment on the Appleton Campbell property was discussed. She noted that a design for the building had to be approved through the County. She further stated that Supervisor Granger gave a report on emergency management and they are waiting on their new chief to come on board. She noted that provision of water and sewer service for Costco was discussed. Mr. Kravetz asked the proposed location and Ms. Reynolds noted it would be behind Chestnut Forks.

Mr. Godfrey noted that the County Administrator presented a report on revenue generation from the project and he indicated that he had some questions regarding that on the potential revenue for the Town. It was agreed that the Manager and Mr. Ross D'Urso would get together and define the revenue projections.

Report from the Historic District Planning Committee.

There was no report.

Update on Special Task Force.

There was no report.

Report from the Town Manager.

The Manager requested that after Councilmembers' Time that Council go into closed session under Section 2.2-3711(A) (1).

**COUNCILMEMBERS' TIME.**

Mr. Lubowsky noted that when he suggested earlier that there was precedent for disposal of a disposal of historic property by burning it. He explained that what he was suggesting was that there is precedent for owners who have permitted property to waste away to the point where it was already in serious jeopardy and then left it insecure to be exposed to a situation where no one was surprised when it caught fire and burned down.

**CLOSED SESSION – for the purpose of discussion of a personnel matter, as authorized in Section 2.2-3711(A) (1).**

On a motion by Mr. Lewis, seconded by Mr. Kravetz, Council voted 5-0 (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis; against: none), the general session was adjourned and the closed session convened.

On a motion by Mr. Lewis, seconded by Mr. Kravetz, and a Council vote by show of hands of 5-0 (for: Reynolds, Wood, Lubowsky, Kravetz, Lewis, against: none), the general session was reconvened. PROPER CERTIFICATION IS FILED.

There being no further business, the meeting adjourned at 8:45 p.m.

Evelyn J. Weimer, Town Recorder