

AGENDA

COUNCIL OF THE TOWN OF WARRENTON

September 8, 2015

7:00 p.m.

1. Call to order. Mayor Powell Duggan.
2. Invocation – Councilman John S. Lewis, Jr.
3. Citizens Time.
 - Badge presentation for Lieutenants Southard and Mellon, Sergeant Carter, and Chaplain Smith

Comments should not be directed to Public Hearing items.

Citizens wishing to address the Council should provide their name and residential address. Citizens' comments are limited to five (5) minutes unless a large number of citizens wish to address the Council, in which case, the time limit must be reduced to accommodate all who wish to address the Council.

4. Hear from Center District Supervisor.
5. Public Hearing(s).
 - a. Ordinance 2015-05, An Ordinance to Establish Water and Sewer Rates and Availability Fees effective October 1, 2015.
 - b. Resolution to Amend the Fiscal Year 2016 Adopted Budget by \$1,074,812.74 for Fiscal Year 2015 Encumbrances and Carryovers.
 - c. **Zoning Map Amendment (ZMA 15-02); Special Use Permit (SUP 15-04) - Poet's Walk 60-bed Assisted Living/Memory Care Facility – Applications for rezoning of approximately 3.3343 acres of a 25.0174 acre Industrial zoned property (GPIN 6985-60-4454) to R-10 residential south of the Town of Warrenton corporate limits on the east side of Blackwell Road north of the Route 17 Bypass, and a concurrent Special Use Permit to allow the use of the facility in the R-10 District per Articles 3-4.2.3, 11-3.9 and 11-3.10 of the 2006 Zoning Ordinance. The applicant is the Silver Companies and the property owner is David Dobson.**

- d. **Special Use Permit 15-01– Assisted Living Facility in the R-10 District.**
Application for establishment of an assisted living facility on a 5.135 acre portion of the property at 345 Legion Drive per Article 3-4.2.3 of the Zoning Ordinance. The property is zoned R-10 residential, and consists of one parcel (GPIN 6984-30-1806) that is 6.74 acres.
6. Consent Agenda.
 - a. Approval of Council minutes of the regular meeting held on August 11, 2015 and special meetings held on August 11 and 18, 2015.
 - b. Financial statement and staff reports and Board and Commission minutes.
 - 1) Financial statement for period ending August 31, 2015.
 - 2) August statement of accounts paid for FY 2015 and accounts paid in FY 2016.
 - 3) Miscellaneous staff reports.
 - 4) Receive minutes of the regular meeting of the Architectural Review Board meeting held on July 23, 2015 and regular meeting of the Planning Commission held on June 16 and July 21, 2015 and Planning Commission worksession held on July 15.
 - c. Resolution to approve revisions to the Town of Warrenton Purchasing Policy and Procedures to increase procurement thresholds.
 - d. Consideration of resolution of support to submit the construction of access management improvements on Broadview Avenue (Route 211/15/17/29) (upc 76408) for the HB2 prioritization process.
 7. New Business.
 - a. Consideration of request to hold the 2015 The Well Run Race – Chris Dove Memorial 5K Run on Saturday, November 7, 2015.
 - b. Consideration of MS4 Joint Implementation agreement.

- c. Consideration of approval of Joint Planning and Water Service Agreement with Fauquier County and Alwington Farm Developers
8. Unfinished Business.
 - a. Consideration of request of Ms. Terry Kaye, representing Fauquier Trails Coalition, to sell alcohol at the after party at the Town Fifth Street/Franklin Street parking lot for the previously approved Great Pumpkin event (October 24, 2015).
9. Reports and Communications.
 - a. Report from Town Attorney.
 - b. Report from Finance Committee.
 - c. Report from the Public Safety Committee.
 - d. Report from the Public Works Committee.
 - e. Report from the Utilities Committee.
 - f. Report from Planning District 9 Representative
 - g. Report from Transportation Committee.
 - h. Report from Recreation Committee.
 - i. Report from Liaison Committee representative.
 - j. Report from the Historic District Planning Committee.
 - k. Update on Special Task Force.
 - l. Report from the Town Manager.
10. Councilmembers' time.
 11. Adjourn.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON SEPTEMBER 8, 2015

The regular meeting of the Town of Warrenton was held on September 8, 2015 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, Joan R. Williams, Yakir M. Lubowsky, and Robert H. Kravetz.

Also present: Edward B. Tucker, Jr., Acting Town Manager, Whitson W. Robinson, Town Attorney, and Evelyn J. Weimer, Town Recorder.

Invocation was given by Police Department Chaplain Smith.

CITIZENS TIME.

Badge presentation for Lieutenants Southard and Mellon, Sergeant Carter, and Chaplain Smith

Police Chief Lou Battle presented badges to Lieutenants George Southard and Art Mellon, Sergeant Tim Carter and Chaplain Wally Smith.

Mayor Duggan called for citizens who wished to address Council on items other than public hearings.

Ms. Margaret McCann.

Ms. McCann, Director of the Partnership for Warrenton, came forward and gave a quarterly report for the organization. A copy is part of the official record.

Ms. Allison Dove.

Ms. Dove came forward and urged Council approval of the Chris Dove Memorial 5K scheduled for November 7. The item is to be considered later in the meeting.

HEAR FROM CENTER DISTRICT SUPERVISOR.

Supervisor Granger noted that he would forego his report for this meeting.

PUBLIC HEARING(S).

Ordinance 2015-05, An Ordinance to Establish Water and Sewer Rates and Availability Fees effective October 1, 2015.

Mayor thanked citizens for attending to hear the rationale on raising the proposed rates. He noted that there would be no vote taken on the ordinance and the public hearing would be continued until October to allow citizens to read the report and have more conversations about it. He noted that the consultants are in attendance and that it has come to a matter of having water and sewer pay for itself or increasing taxes in other areas to continue to supplement. He stated that there was an option for rates according to meter size and there are other options that the consultants would explain. He indicated that there was also the possibility of staggering the implementation of the new rates.

Mr. Lubowsky stated that the Town has not dipped into the General Fund but the water and sewer reserve is generated by billing-paying customers. He stated that the fund that would pay for overhauling the infrastructure and providing continuous reliable, clean and safe egress for the water.

Mr. Tucker introduced the consultants from Municipal and Financial Services Group, Mr. Michael Maker and Mr. Edward Donahue.

The consultants gave a slide presentation showing water and sewer rate designs, the customer impacts, the recommended rate design, some bill comparisons of surrounding utilities, availability fees and a summary.

Mr. Lubowsky noted that 85% of the costs are fixed costs. He noted that sewer, as with water, the costs are not being recaptured. Mr. Lubowsky stated that the Town wanted to get back to neutrality as soon as possible and build up all the reserve for the infrastructure. He indicated that the consultants had thought hard about the impacts on residential users, small businesses, larger institutions and there is nothing arbitrary in what has been presented. Mr. Maker noted that that is why the plan was for the next five years and they were trying to make it easier to plan with a more smoothing out. Mr. Tucker noted that the consultants had been working on the rates since January and there had also been a capacity study done which indicated some needs for sewer rehab.

Mr. James Rankin questioned how to break down a master water bill for tenants. Mr. Donahue stated that you would have to take the bill from the Town and distribute it over to the tenants based upon their representative use.

Mr. Tucker noted that the current rate structure had been in place since 1997 and only one change in 2003 in the base rate when it was reduced \$2 for the initial cost.

Mayor Duggan opened the public hearing at 8:05 p.m. and called for citizens wishing to speak.

Mr. Warren Darrell.

Mr. Darrell, employee of Fauquier County Public Schools, came forward and noted that the school system uses over six million gallons of water per year for five in-town schools. He asked that Council reconsider their implementation date. He stated the meters are generally

between one and three inches. He said the bill would go up by about 50% and he wanted to communicate with staff to see if the percentage was correct. He indicated that it looked like neither the lowest nor highest tiers would receive a 50% increase.

Mr. Guy Hinkler.

Mr. Hinkler, Chairman of the Economic Development and Legislative Committee of the Fauquier Chamber of Commerce, came forward noting that a rate increase was necessary since they had not been raised in almost 20 years. He stated that Fauquier Chamber of Commerce believed that the business community may take issue with the timing of the increase, lack of notice and the proportion of increases for business versus residential. They recommended that any increase in rates be delayed until an implementation plan is developed. The implementation plan could provide for: advance notice to allow all customers time to prepare for the increase, outreach to residents and businesses to insure customers are aware of the change, i.e., notice on bills, paper advertisements, etc. He stated an assistance program could be developed for customers in hardships and also phasing options for the increase, for instance, half the rate increase on January 1 and the balance on July 1. He asked for serious consideration of the his recommendations.

Mr. Tony Tedeschi.

Mr. Tedeschi, Warrenton resident and business owner, came forward and asked how the Town got in that position. He stated it was a result of the failed George Fitch, Dave Norden, Ken McLawhon regime. He felt that the rates were lowered in 2003 to buy votes. He stated that the revenue at that time came from the taxes on businesses—the BPOL tax, machine and tools tax. He stated that his company, which employs 17 people, pays \$14.80 water and sewer a month. He further stated that he wanted to be charged a fair amount all along because he knows what happens if you do not do that. He noted that his residential bill was about \$25 a month, with \$7.41 for water. He felt his water bill would go up 1000% based on the meter size. He stated that the business, who bring in the most revenue, will be burdened with the higher bills. He felt everyone should pay the same rate gallon for gallon.

Ms. Deana Hammer.

Ms. Hammer, Executive Director, Greater Warrenton Chamber of Commerce, stated that the proposed increase to the Town water and sewer rates are slated to go into effect October 1 and she was speaking for 100 members directly affected by the proposal and asked that the new rates be implemented over a reasonable timeframe. She thought the plan should include a thoughtful safety net for hardship and they hoped and felt it important that the new Town Manager, Mr. Brannon Godfrey, could be part of the decision and discussion.

Ms. Angela Smith.

Ms. Smith, business owner and property owner in the Town, noted she took issue with the desire to raise water and sewer rates by as much as 90%. She asked the Town be business

friendly and take a long term view on fixing a problem previously created and work with the businesses to develop a solution that is transparent and fair.

Mr. Bob Rust.

Mr. Rust, owner of White Horse Car Wash, said he knew that something had to be done but his bill would go up possibly 225% higher. He asked that the implementation be delayed to investigate other alternatives.

Mr. James Rankin.

Mr. Rankin said he had another thought that perhaps taxes could be raised. He noted he paid \$54 per year for real estate taxes and had all the Town services.

Mr. Judd Fischel.

Mr. Fischel stated his rates would go up 100%. He felt the individuals would pay the increase in rates when businesses pass along the increase to their customers. He urged waiting for the new Manager to arrive. He was appalled at the lack of information on what it costs to run the WARF. He felt there should be an agreement whereby County residents could use the WARF to raise revenue.

Mr. William Levin

Mr. Levin came forward noting he was a resident of Warrenton Lakes. He explained that he pays 1 ½ times the rate for water due to an agreement Mr. Melvin Helmick had with the Town. He stated his water bill will go from \$38 to \$42. He asked why Warrenton Lakes residents were being asked to pay for infrastructure which is already paid for. He suggested splitting the increase over a two-year period.

Ms. Margaret McCann.

Ms. McCann, Partnership for Warrenton, indicated she knew the reasoning behind raising the water and sewer rate increase. She felt that the Town had not been transparent in the matter. She requested that the Town work with the Partnership to develop an effective plan which would have input from the new Town Manager, businesses, and residents as well as the Chambers and the Partnership. The plan would have a reasonable timeframe which would allow the Town businesses to budget and adjust to the proposed increases. She requested a plan be in place in the event any business or resident needed help.

Ms. Janice Bourne.

Ms. Bourne, resident of the Town and employee of the Fauquier County Schools, came forward and requested that the rates be implemented over an extended time so they would have time to prepare in the budget for any increases, because the school division's budget was already set.

Supervisor Chris Granger.

Supervisor Granger came forward speaking on behalf of Fauquier County. He stated that the County would have to do an off-cycle budget adjustment as a result of the rate increases for the courthouses, schools, and office buildings. He addressed the out of town rate structure which segments the customers into in-town and out of town customers. He noted that the new Manager had negotiated an agreement in Culpeper where there was a single rate between the Town of Culpeper and Culpeper County. He stated that a majority of the out of town residents spend money in town and are economic drivers and he suggested a single rate payer system. He noted that the County and the Town had been spending a lot of effort on rebuilding the economic development outlook of the area in general. He stated that someone mentioned using bonds and that may be the way to levelize some of the big, long term fixes that need to be made to the system now in addition to raising the rates could get the Town to the middle ground. He stated that it was like comparing apples to oranges to compare the WSA to the Town of Warrenton. Mr. Tucker commented that the out of town rates are skewed a bit by the Warrenton Training Center. He explained that the Town rates could not be compared to Charlottesville or other larger communities because the Town does not have the customer base.

Ms. Amelia Stansell.

Ms. Stansell, President of the Greater Warrenton Chamber of Commerce and Warrenton resident, came forward and asked the Town to stay the rates for a period beyond 30 days. She suggested putting how much the customer used and what the tiers of the proposed rates on the bill. She suggested the Council wait for the new Town Manager to start.

There were no other citizens to speak. The Mayor noted that the public hearing would be held open.

Mr. Lubowsky moved that the matter be tabled for 30 days and that the interim period be used to prepare informative materials. He asked that there be a continuation of assessing alternatives available, including the start of the new rates. Mayor Duggan noted that the new Town Manager will be attending the next Council worksession. On a vote of 6-0 (for: Reynolds, Polster, Wood, Williams, Lubowsky, Kravetz, against: none) the motion passed.

The Mayor recessed the meeting at 8:45 p.m. for a short break. The meeting was reconvened at 8:55 p.m.

Resolution to Amend the Fiscal Year 2016 Adopted Budget by \$1,074,812.74 for Fiscal Year 2015 Encumbrances and Carryovers.

Mayor Duggan opened the public hearing at 8:55 p.m. and called upon the Finance Director.

Ms. Miller noted that the annual budget was adopted each year and the fiscal year runs from July 1 to June 30. She stated that on June 30 all the appropriations lapse and next year's

budget goes into effect. She indicated that there may be some unfinished projects from the prior fiscal year. She stated that staff was requesting that those funds left over from FY 2015 for the unfinished projects be rolled into the FY 2016 budget. Mr. Lubowsky asked if the cash came with it and Ms. Miller stated that typically at the end of the fiscal year there are increases in fund balance from FY 2015.

Mayor Duggan called for those to speak and there being no citizens to come forward, he closed the public hearing at 8:58 p.m.

On a motion by Mr. Kravetz, seconded by Ms. Reynolds, the resolution to Amend the Fiscal Year 2016 Adopted Budget by \$1,074,812.74 for Fiscal Year 2015 Encumbrances and Carryovers was adopted on a 6-0 vote (for: Reynolds, Polster, Wood, Williams, Lubowsky, Kravetz, against: none).

**RESOLUTION AMENDING THE FISCAL YEAR 2016 BUDGET
BY APPROPRIATING FUNDS FOR FISCAL YEAR 2015 GRANTS, ENCUMBRANCES
AND CAPITAL CARRYOVERS**

WHEREAS, the Warrenton Town Council is charged by the Code of Virginia with the preparation of an annual budget for the Town of Warrenton; and

WHEREAS, on June 9, 2015, the Town Council adopted the Town of Warrenton Fiscal Year 2016 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate amending the budget; and

WHEREAS, certain grants, purchases and capital projects included in the Fiscal Year 2015 adopted budget are incomplete as of June 30, 2015; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Warrenton that the Fiscal Year 2016 budget is amended to include the following appropriations:

GRANTS / DONATIONS

General Fund

Sources

3-100-033030-0001	Federal Revenue	2,987.00
3-100-041050-9999	Fund Balance	312.00
3-100-041050-9998	Fund Balance – Restricted (Donations)	1,000.00
	Total Sources	4,299.00
	Total Sources	4,299.00

Uses

<u>Police Department</u>			
4-100-031100-8202	Grant expenditures		3,299.00
		Total Police Department	<u>3,299.00</u>

<u>Parks and Recreation</u>			
4-100-071600-8264	Playground Equipment		1,000.00
		Total Parks and Recreation	<u>1,000.00</u>

Total Uses			<u>4,299.00</u>
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TOTAL GRANTS / DONATIONS – ALL FUNDS			<u>\$4,299.00</u>
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ENCUMBRANCES

General Fund

Sources

3-100-041050-0001	Fund Balance		237,482.40
		Total	<u>237,482.40</u>

Total Sources			<u>237,482.40</u>
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Uses

Legislative

4-100-011010-3100	Professional Services		14,101.50
		Total	<u>14,101.50</u>

Finance and Human Resources

4-100-012420-3100	Professional Services		9,933.10
4-100-012420-3120	Independent Auditor		16,560.00
		Total	<u>26,493.10</u>

Public Works

4-100-041500-8256	Sidewalk, Curb and Gutter		6,652.80
4-100-041500-8257	Arterial Street Improvements and Paving		86,832.00
4-100-041600-8257	Collector Street Improvements and Paving		100,453.00
4-100-043200-3100	Repairs – Buildings and Grounds		1,850.00
		Total	<u>195,787.80</u>

Parks and Recreation

4-100-071300-8207	Computer Equipment		1,100.00
		Total	<u>1,100.00</u>

Total Uses			<u>237,482.40</u>
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Capital Projects Fund

Sources

3-301-041050-0001	Fund Balance	229,634.44
3-301-024040-0098	VDOT Revenue Sharing	127,813.50
	Total	<u>357,447.94</u>
Total Sources		<u>357,447.94</u>

Uses

<u>Capital Outlay</u>		
4-301-093500-8206	Pickup Truck Replacement	25,946.94
	Total	<u>25,946.94</u>

ENCUMBRANCES (continued)

<u>Capital Projects</u>		
4-301-094500-8158	VDOT Revenue Sharing (paving)	255,627.00
4-301-094500-8163	Boundary Lane Paving	5,445.00
4-301-094500-8220	Eva Walker Park (restrooms)	70,429.00
	Total	<u>331,501.00</u>
Total Uses		<u>357,447.94</u>

Water and Sewer Fund

Sources

3-501-041050-0001	Fund Balance	250,329.40
	Total	<u>250,329.40</u>
Total Sources		<u>250,329.40</u>

Uses

<u>Administration</u>		
4-501-045400-3100	Professional Services	6,401.01
4-501-045400-3120	Independent Auditor	11,040.00
	Total	<u>17,441.01</u>
<u>Capital Projects</u>		
4-501-045500-8097	Transmission and Distribution Equipment	90,000
4-501-045500-8866	Sewer Line Rehabilitation	142,888.39
	Total	<u>232,888.39</u>
Total Uses		<u>250,329.40</u>

Information Technology Fund

Sources

3-610-041050-9998	Fund Balance	27,366.00
	Total	<u>27,366.00</u>

Total Sources		<u>27,366.00</u>
Uses		
4-610-012520-3100	Professional Services	27,366.00
	Total	<u>27,366.00</u>
Total Uses		<u>27,366.00</u>
TOTAL ENCUMBRANCES – ALL FUNDS		<u>\$872,625.74</u>

CAPITAL PROJECTS

Capital Projects Fund

Sources

3-301-041050-9999	Fund Balance	112,713.00
	Total	<u>112,713.00</u>

Total Sources		<u>112,713.00</u>
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Uses

Public Works Projects

4-301-094500-8152	Repairs to Buildings	31,835.00
	Total	<u>31,835.00</u>

Parks and Recreation Projects

4-301-094500-8240	Trails	24,182.00
4-301-094500-8230	Academy Hill Park	3,500.00
4-301-094500-8220	Eva Walker Park	53,196.00
	Total	<u>80,878.00</u>

Total Uses		<u>112,713.00</u>
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Water and Sewer Fund

Sources

3-501-041050-0097	Fund Balance	85,175.00
	Total	<u>85,175.00</u>

Total Sources		<u>85,175.00</u>
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Uses

4-501-045400-8207	Computer Hardware and Software	12,000.00
4-501-045500-8830	Water Plant Improvements	73,175.00
	Total	<u>85,175.00</u>

Total Uses

85,175.00

TOTAL PROJECTS – ALL FUNDS

\$197,888.00

Zoning Map Amendment (ZMA 15-02); Special Use Permit (SUP 15-04) - Poet's Walk 60-bed Assisted Living/Memory Care Facility – Applications for rezoning of approximately 3.3343 acres of a 25.0174 acre Industrial zoned property (GPIN 6985-60-4454) to R-10 residential south of the Town of Warrenton corporate limits on the east side of Blackwell Road north of the Route 17 Bypass, and a concurrent Special Use Permit to allow the use of the facility in the R-10 District per Articles 3-4.2.3, 11-3.9 and 11-3.10 of the 2006 Zoning Ordinance. The applicant is the Silver Companies and the property owner is David Dobson.

Mayor Duggan opened the public hearing at 8:59 p.m. and asked the Planning Director if she had anything to add to her staff report. She noted that the applicant had added an item for transportation for the Oak Springs and Blackwell Road intersections, that “The applicant contribute the sum of \$10,000 to the Town prior to site plan approval for purpose of making improvements at the intersection of Oak Springs Drive and Blackwell Road to improve visibility” and for fire and rescue, “The applicant shall contribute the sum of \$16,750 to the Warrenton Volunteer Fire Company prior to site plan approval for capital and equipment expenses.”

The Mayor called for those to speak in favor.

Mr. John Foote.

Mr. Foote, attorney with Walsh-Colucci who is representing Silver Companies, the applicant, gave a visual presentation of the proposed project. He introduced Jessica Peiffer, planner with the firm, Jervis Hairston with Silver Companies, and Andy Pritchard, planner.

He stated that as far as traffic the development would be a low traffic generator with 2.37 vehicles per bed per day or the facility would produce approximately 142 trips per day. He stated that from other studies done in the Town that would equate in the morning rush to 7 and 12 vehicles during that rush hour period. He stated that for the afternoon rush hour it would equate to 8 to 16 per hour over the two-hour period. He indicated that over a 24-hour period it would equate to 142 vehicles. Mr. Foote called attention to a problem at the Oak Springs intersection and there was a very short non-existence sight distance to the left, which was created by VDOT when they built the 17 Spur. He indicated that he had talked with Mr. Tucker about it and the developer proposed trimming the area would free up some sight distance.

Mr. Kravetz noted that he would appreciate it if a contribution could also be made to the police department since the project would affect that department also. Mr. Foote noted that the taxes generated would cover any costs but it would be something to consider in the future. Mr. Wood asked that an all-way stop sign be considered. Ms. Reynolds asked if there was a way to ensure that the property would never be used for anything other than a memory care facility. Mr.

Foote noted that there could be an amendment to the proffers, but it would be a conditional zoning. Mr. Robinson noted that would be a condition not an amendment.

Mayor Duggan called for citizens in favor of the request.

Mr. Birge Watkins.

Mr. Watkins, 832 Blackwell Road, noted he was a neighbor was not opposed. He noted that the landscaping was slight.

Ms. Amy Jervis.

Ms. Jervis asked that screening and buffering be provided.

The Mayor called for others to speak for or against. There being no one to speak, he closed the public hearing at 9:25 p.m.

Mr. Wood, moved that the Zoning Map Amendment (ZMA 15-02); Special Use Permit (SUP 15-04) - Poet's Walk 60-bed Assisted Living/Memory Care Facility be approved, with staff conditions, and Mr. Kravetz seconded the motion. Ms. Reynolds noted she wished to make a statement. She indicated that when a 3.3 acre parcel located within a 25 acre property it is difficult for Council to know what the impacts will be when the balance of the property is developed.

Mr. Polster noted he would like to make a motion to table the request for 30 days, since Council had not seen a report from the Fire or Police Department or Parks and Recreation. Mr. Foote noted that there had been one worksession and two hearings where comments could have been received from staff.

On a vote of 5-1 (for: Reynolds, Wood, Williams, Lubowsky, Kravetz, against: Polster) the motion, as made by Mr. Wood, passed.

Special Use Permit 15-01– Assisted Living Facility in the R-10 District. Application for establishment of an assisted living facility on a 5.135 acre portion of the property at 345 Legion Drive per Article 3-4.2.3 of the Zoning Ordinance. The property is zoned R-10 residential, and consists of one parcel (GPIN 6984-30-1806) that is 6.74 acres.

Mayor Duggan called for those to speak for the request.

Mr. James Downey.

Mr. Downey, attorney representing the developer, came forward and noted that he participated in a meeting which had been held with attorney Tom Ross, Councilmembers and Town staff to flesh out matters. Town Attorney Whit Robinson noted it was a FOIA-compliant meeting. He stated that they discussed mitigation of the size and mass of the building and buffering.

After discussion with his client, Mr. Downey proposed reducing the number of units from 120 to 90. He noted the developer would also contribute \$7,500 to a transportation fund to study Shirley Avenue, discuss architectural style with staff, limit the building height and address the noise issue. He noted they would also contribute \$25,000 to fire and rescue. Mr. Downey noted he would like the application voted upon. Mr. Robinson asked if he was agreeable with staff recommendations and he indicated they were. Mr. Kravetz noted his feeling that some funds be considered for the police department.

Mr. Jim Carson.

Mr. Carson came forward and addressed the buffering of the proposed development, noting that there would be a twenty-five (25) foot wide wall of evergreens.

The Mayor called for those wishing to speak against.

Mr. Milan Hayward.

Mr. Hayward, 91 Brookshire Drive, came forward and noted that the request should go back to the Planning Commission. He wanted the residents of Brookshire Drive to participate in the planning discussion.

Mr. Scott Housman.

Mr. Housman came forward that noted that the oversized structure towering over his neighborhood was neither fair, thoughtful or responsible. He suggested that the American Legion sell the land as zoned so houses can be built on it and purchase more suitable land elsewhere, where the huge development will not impact all of the neighbors.

Mr. Larry Kovalik.

Mr. Kovalik of 39 Brookshire Drive came forward and noted that there are benefits to the assisted center services closer to where they may be needed and understood the Legion's need for revenue sources. He noted he was concerned about lighting and landscaping. As far as notice of the hearings, he noted he had received two for the Council hearings but none for the Planning Commission level. He asked the Council deny the application or send the project back to the Planning Commission and allow the neighbors to have input.

Mr. Keith Macdonald.

Mr. Macdonald, owner of Neptune Lodge, noted he was appalled why he was not invited to the meetings referenced. He noted in January 1901 James Maddox purchased Arlington Avenue Extended and the road has transferred by title and deed to him through his parents. He asked why his item was not on the agenda. The Town Attorney noted the petition was not dropped off until August 7. Mr. Macdonald stated that there was a 19-foot easement through his property. Mr. Robinson noted that the road had been in existence for a long time and the town has maintained and used it for a long time. He stated that the extended portion of the road that

Mr. Macdonald wanted to abandon was done in 1958 through Mr. Macdonald's father and was deeded to the Town. He stated that a statute had been given to Mr. Macdonald and his attorney which said that that statue did not require a signature. Mr. Robinson felt that the road access was fine to him and Mr. Macdonald's attorney was just retained. He stated he would be glad to talk with Mr. Macdonald's attorney. He noted he saw it as a Town road with town access going beyond that particular road and including the extended portion which in 1958 was deeded to the Town.

Mr. Sam Parker.

Mr. Parker of 115 Brookshire Drive came forward and he noted he was neutral on the project. He felt that the service was needed in the Town but thought that Council should make sure that no over excessive burden is put on the neighbors. He asked that Council keep in check the height, setbacks from the neighbors, proper buffering and light pollution.

Mr. John Sedam.

Mr. Sedam of 354 Wilson Street noted that his property backed up to the Horseshow Grounds. He stated his concern was flooding since a football and baseball field is there which floods. He explained that the notification of the neighbors would not have occurred had his mother not complained. He encouraged the Council to delay the matter for one month so Mr. Downey and the American Legion folks can see what the neighbors concerns are. He was concerned with traffic since 120-bed facility would equate to 284.4 cars traveling the road. He asked that it be scaled back to two stories or 60 units.

Ms. Lauren Hayward.

Ms. Hayward, 91 Brookshire Drive, noted her house is at the back stop of the ballfield and invited all to come to her house to see the proximity. She stated that what is proposed is a massive building with a lot of people living there. She indicated the project is too much and too big. She asked that it be sent back to the Planning Commission so the neighborhood could work with the neighbors.

Ms. Pam Drunagel.

Ms. Drunagel indicated she was the Vice President of the Warrenton Horse Show. She requested another month be given so that the issues can be worked out.

Ms. Kim Housman.

Ms. Housman, 83 Brookshire Drive, was concerned that the neighborhood was not brought into the discussion when the developer made the proposal. She stated that the Brookshire residents received their first and only notice of the project on July 29, which was less than two weeks prior to the last Council meeting. She was concerned about landscaping and size of the building. She asked that the project be sent back to the Planning Commission and the public be allowed to make comments.

Mr. Warren Darrell.

Mr. Darrell noted he lived in Warrenton and was speaking as private citizen. He felt the size of the structure deserved more study.

Mr. Tommy Jones.

Mr. Jones noted he was in attendance ninety days ago and it was felt that there was not timely notification. He stated that the Horseshow Association is in negotiation with the applicant. He indicated that they did not get notification either. He indicated a meeting was just held with the applicant and he told them that the process should have started that way. He indicated the project needed to be slowed down.

Ms. Martha Johnson.

Ms. Johnson, resident of Devon Drive, noted she was not near the proposed project. He asked that it be slowed down but it is unsure what will be gotten.

Ms. Helen Wiley.

Ms. Wiley, President of Warrenton Horse Show, supports the mission of the American Legion to establish programs for its veterans. She stated she was concerned that representations made by the applicant to ensure the safety of residents and Horseshow participants alike are now adequately contained in the applicant's statement of permit conditions dated September 2. She indicated that there had been several meetings throughout the process but it appears that Horseshow Grounds Association concerns had not been addressed by the applicant in writing. They had also submitted modifications to the conditions to the applicant with no response. She asked that the proposal be deferred for another 30 days until the conditions could be addressed in writing.

There being no one else to speak, the public hearing was closed at 10:30 p.m.

Mr. Downey asked that a brief recess be called.

The meeting was recessed at 10:35 p.m.

The meeting was reconvened at 10:40 p.m.

Mr. James Downey.

Mr. Downey noted he wanted to correct things. He explained that the building is not a four-story building but a 35-foot building, which is less than three stories. He stated that as far as notice every time they have checked it was done in accordance with law.

Mr. Robinson noted that statutorily the Town's obligations had been met, but it had been expanded based upon complaints. Some people could have gotten notices subsequent to the first notice and the expansion was not required by law.

Mr. Downey stated that landscaping, buffering and noise had been done according to section 8.85 of the ordinance. He noted that the lighting and noise had been mitigated by restricting the hours of the arrivals of services for the site. He indicated that as far as landscaping that there was already tree growth along the Brookshire side of the project and what is going to be planted will produce an opaque landscaping screen there. As far as the Horseshow Association, he agreed that that was going to be worked out. He stated that the applicant will reduce the number of units to 90 which will be incorporated into the restrictions. He felt that with that the project should be voted on.

Mr. Lubowsky moved that the application be tabled for 30 days since there is ambiguity and unanswered questions. The motion was seconded by Mr. Polster.

Mr. Kravetz made a friendly amendment that no further delay on the project beyond the 30 days and it will be voted on at the next Council meeting. Mr. Lubowsky accepted the amendment. Mr. Polster, as the seconder of the motion, also agreed to accept the amendment.

Mr. Lubowsky felt that the project should not impinge upon the neighbors and it is in the essence of special use process.

Mr. Polster felt it was a great opportunity and that there had been a lot of back and forth with the lawyers handling it and not Council. It thought it was unfortunate.

Ms. Reynolds said she wished she knew what the extra 30 days was going to do; she felt everything had been discussed. She stated that most of the letters she received from citizens were concerned about the height and it will be no more than 35 feet by the ordinance law. The other major concern was noise and the developer moved it to 10 a.m. and lighting was addressed since it was going to be down lighting. She stated as far as buffering the Town's laws are pretty strict and the developer has met every ordinance stipulation. She stated the Planning Commission approved it, staff approved it with conditions, Economic Development had approved it and it is a money making tax revenue for the Town. She indicated that it mattered a great deal to her that Fauquier Hospital was going to manage it.

Mr. Kravetz noted that there would be 30 days for all parties to work out problems and it would be coming up for a vote at the October Council meeting. Mr. Lubowsky stated that he felt the 30 days would be of considerable benefit if all parties would work in good faith.

Mr. Wood stated that the Town Manager was needed to help Council work through the project. He noted that something should be worked out in 30 days because there is going to be a vote.

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

CONSENT AGENDA.

- a. Approval of Council minutes of the regular meeting held on August 11, 2015 and special meetings held on August 11 and 18, 2015.
- b. Financial statement and staff reports and Board and Commission minutes.
 - 1) Financial statement for period ending August 31, 2015.
 - 2) August statement of accounts paid for FY 2015 and accounts paid in FY 2016.
 - 3) Miscellaneous staff reports.
 - 4) Receive minutes of the regular meeting of the Architectural Review Board meeting held on July 23, 2015 and regular meeting of the Planning Commission held on June 16 and July 21, 2015 and Planning Commission worksession held on July 15.
- b. Resolution to approve revisions to the Town of Warrenton Purchasing Policy and Procedures to increase procurement thresholds.
 - a. Consideration of resolution of support to submit the construction of access management improvements on Broadview Avenue (Route 211/15/17/29) (upc 76408) for the HB2 prioritization process.

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

RESOLUTION AMENDING THE TOWN OF WARRENTON PURCHASING POLICY AND PROCEDURE

WHEREAS, the Town of Warrenton Purchasing Policies and Procedures set forth certain guidelines to ensure compliance with the Code of the Town of Warrenton and the Virginia Public Procurement Act; and

WHEREAS, the thresholds provided for in the Policy have not been revised since its creation in September 2000; and

WHEREAS, a review of the purchasing thresholds and requirements of comparable jurisdictions was conducted; and

WHEREAS, it was determined that the thresholds shown below are in line with other comparable jurisdictions while remaining below the thresholds allowed by the Commonwealth of Virginia and will greatly improve departmental efficiency while still conserving public funds; now therefore

BE IT RESOLVED, that the Town of Warrenton Purchasing Policies and Procedures are hereby amended to alter the purchasing thresholds and procedures as detailed below.

PURCHASING THRESHOLDS AND PROCEDURES

Threshold	Requirements
< \$3,500	<ul style="list-style-type: none"> • Single verbal or written quote • Department obtains quote • Payment voucher submitted to Finance with Department Head (or authorized representative) signature
≥\$3,500 - ≤ \$14,999	<ul style="list-style-type: none"> • Minimum of 3 verbal/phone quotes • Department obtains quotes; submits requisition for purchase to Finance with Phone Bid sheet attached and Department Head (or authorized representative) signature • Purchase order issued by Finance
\$25,000 - \$50,000	<ul style="list-style-type: none"> • Minimum of 3 written/faxed quotes • Department obtains quotes; submits requisition for purchase to Finance with written quotes attached and Department Head (or authorized representative) signature • Purchase order issued by Finance
>\$50,000	<ul style="list-style-type: none"> • Requires formal sealed bid or proposal • Purchase order issued referencing contract number upon award • Formal IFB/RFP released by Purchasing Agent with cooperation and assistance of Department

NEW BUSINESS.

Consideration of request to hold the 2015 The Well Run Race – Chris Dove Memorial 5K Run on Saturday, November 7, 2015.

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

Consideration of MS4 Joint Implementation agreement.

Mr. Tucker noted that it was an agreement for the Town and County to work together on the stormwater. On a motion by Ms. Reynolds, seconded by Mr. Polster, the agreement was approved on a 6-0 Council vote (for: Reynolds, Polster, Wood, Williams, Lubowsky, Kravetz, against: none).

Consideration of approval of Joint Planning and Water Service Agreement with Fauquier County and Alwington Farm Developers.

Mr. Lubowsky noted that the agreement is not ready and there are a few items to be worked out. He stated that Supervisor Peter Schwartz had agreed to carry it forward at the Board of Supervisors level.

UNFINISHED BUSINESS.

Consideration of request of Ms. Terry Kaye, representing Fauquier Trails Coalition, to sell alcohol at the after party at the Town Fifth Street/Franklin Street parking lot for the previously approved Great Pumpkin event (October 24, 2015).

Ms. Kaye noted that the after party for the Great Pumpkin ride would end at the Fifth Street parking lot and requested alcohol be allowed (beer/wine) to be served. Chief Battle noted that five police officers, with three officers staying until 5 p.m., would be required to the event. He was worried about mixing alcohol with the pedestrian traffic and children. Ms. Reynolds indicated she did not think there were a lot of children there and Ms. Kaye noted that last year it was a family-friendly event with focus on children. Mr. Wood noted that Culpeper has the same kind of event and charges \$5 per person. Ms. Kaye noted that they would comply with the ABC regulations.

Ms. Reynolds moved that the event be approved with the condition that an ABC license is obtained. Mr. Lubowsky seconded the motion and Council approved on a 6-0 vote (for: Reynolds, Polster, Wood, Williams, Lubowsky, Kravetz, against: none).

REPORTS AND COMMUNICATIONS.

Due to the lateness of the meeting, Mayor Duggan asked if anyone had a report.

Report from Town Attorney.

Mr. Robinson noted he received a petition from Mr. Macdonald requesting that Council abandon Legion Drive. He stated that it is allowed by statute to request the road be abandoned. He asked that Mr. Macdonald's petition be added as a "New Business" item and there would be time for that issue to be resolved prior to the vote on the American Legion assisted living project.

COUNCILMEMBERS' TIME.

Ms. Reynolds stated that the soft opening for Fat Tuesday's restaurant would be on Thursday and Friday and Marshall's would open the first week of October. She indicated that also Manhattan Pizza and Shawn's BBQ would be coming soon.

Mr. Tucker commented that this is last official Council meeting as Acting Town Manager. Mayor Duggan thanked Mr. Tucker for serving as Acting Town Manager.

There being no further business, the meeting adjourned at 11:15 p.m.


Evelyn J. Weimer, Town Recorder

Report to Council

August 31, 2015

SUBJECT: House Bill 2 Resolution Support, Broadview Avenue Improvement Project

BACKGROUND

Intersection improvements of Broadview Avenue with Frost Avenue and access management issues from Frost Avenue to the Winchester Road and Lee Avenue intersections have been the subject of concern and discussion for some time now. The project is under design with sufficient funds to complete for contracting. Only a small portion of construction funding is currently available and without additional funding from other sources the town will need to fund.

ISSUE

This project is in need of additional funding for construction. House Bill 2 (HB2) has provided an opportunity for communities to make an application for State Funds, on a competitive basis for Transportation Improvement Projects. In discussions with VDOT officials the Broadview Avenue Improvement Project would be an opportunity for the Town of Warrenton to compete for these funds.

DISCUSSION

1. An application for HB2 funds is currently being prepared, which is due September 30th
2. A resolution by the Town of Warrenton's Town Council is needed to demonstrate the Town's interest in this project moving forward

RECOMMENDATION

It is recommended that the Town Council approve the attached resolution requesting VDOT to accept our application for HB2 funding for the Broadview Avenue Access Management project.

Submitted By: Edward B. Tucker, Jr., Director of Public Works



RESOLUTION

A RESOLUTION OF SUPPORT TO SUBMIT THE CONSTRUCTION OF ACCESS MANAGEMENT IMPROVEMENTS ON BROADVIEW AVENUE (ROUTE 211/15/17/29) (UPC 76408) FOR THE HB2 PRIORITIZATION PROCESS

WHEREAS, the *Broadview Access Management Study* prepared by HNTB on behalf of Virginia Department of Transportation (VDOT) on Updated in 2012; and

WHEREAS, the construction of these improvements was added to VDOT's Six-Year Improvement Program of FY06-11 (UPC 76408); and

WHEREAS, the Town of Warrenton's Comprehensive Plan, amended February 12, 2013, identifies road improvements to assist with road safety, functionality and access managements for Broadview Avenue; and

WHEREAS, on April 6, 2014 the General Assembly of Virginia approved an Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5 commonly referred to as the House Bill 2 Prioritization Process requiring projects in the Fiscal Year 2014 Six-Year Improvement Program (SYIP) that had not yet completed the state environmental review process as well as new projects considered for inclusion in the SYIP to be prioritized; and

WHEREAS, at the time House Bill 2 was approved, the U.S. Route 15/17/29 and U.S. Business Route 15/17/29 interchange had not completed the state environmental review process; and

WHEREAS, U.S. Route 15/17/29 is a Corridor of Statewide Significance; now, therefore, be it

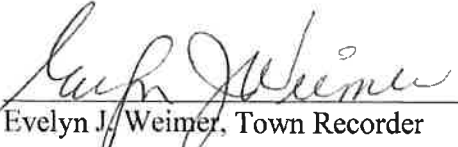
RESOLVED, by the Town of Warrenton Town Council this 8th day of September 2015, that the Council supports submitting the construction of the Access Management Improvements for Broadview Avenue; and, be it

FURTHER RESOLVED, that the Town of Warrenton Town Council request acceptance for the House Bill 2 Prioritization Process.

Adopted September 8, 2015

Voting for: Reynolds, Polster, Wood, Williams, Lubowsky, Kravetz

Voting against: none


Evelyn J. Weimer, Town Recorder