



**Agenda Memorandum**  
**Town Council Meeting Item Number: 8.h.**  
**Submitted by Edward B. Tucker, Jr., Director Public Works/Utilities**  
**September 13, 2016**

**Issue: Resolution to support HB-2/SMART SCALE and Highway Safety Improvement Program Applications for VDOT Funding of the Broadview Avenue Corridor Access Management Improvements and Broadview Avenue to Frost Avenue Intersection Improvements.**

**Background:**

- The Town will again seek funding from the Commonwealth for construction of the Broadview Avenue improvements. Applications for the HB-2/Smart Scale and HSIP programs are due at the end of September and require resolutions of support from the local governing body.

**Discussion:**

- To optimize our funding opportunities, the Broadview Avenue Improvements have been divided into two parts: the "Intersection Improvements" and "Corridor Improvements."
- The VDOT Culpeper District staff advises that breaking the projects into two smaller projects might improve the odds for securing a higher priority score from the review panel.
- Both of the projects meet the criteria and are being submitted for funding by HB-2/Smart Scale.
- As an alternative funding opportunity, we are separately applying for Highway Safety Improvement Project (HSIP) funds for the Corridor Improvements because they meet the HSIP eligibility criteria. (The Intersection improvements do not meet the HSIP criteria.)
- By breaking the project into two smaller projects, and with the potential for us to make applications for two alternate funding sources, our chances of obtaining funding for at least one of the projects is improved

**Financial Impact:**

- If successful, the funding is provided on an 80% State -20% Local share. Although design is incomplete, VDOT's preliminary construction estimate is \$4.6 million.

**Recommended Action:**

- Approval of the attached resolutions to be included in the funding application submissions.

  
Town Manager

RESOLUTION  
A RESOLUTION OF SUPPORT TO SUBMIT THE CONSTRUCTION OF INTERSECTION  
IMPROVEMENTS FOR BROADVIEW AVENUE (ROUTE 211/15/17/29) WITH FROST  
AVENUE (ROUTE 211)  
(UPC 76408B) FOR THE HB2-SMART SCALE 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 76408B); and

WHEREAS, the Town of Warrenton's Comprehensive Plan, amended February 12, 2013, identifies road improvements to assist with road safety and functionality of the intersection of Broadview Avenue with Frost 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, 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 13th day of September 2016, that the Council supports submitting the construction of the Intersection Improvements for Broadview Avenue with Frost Avenue; and, be it

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

Adopted \_\_\_\_\_

Voting for: \_\_\_\_\_

Voting against: \_\_\_\_\_

\_\_\_\_\_  
Evelyn J. Weimer, Town Recorder

RESOLUTION  
A RESOLUTION OF SUPPORT TO SUBMIT THE CONSTRUCTION OF ACCESS  
MANAGEMENT IMPROVEMENTS ON BROADVIEW AVENUE (ROUTE 211/15/17/29)  
(UPC 76408A) FOR THE HB2-SMART SCALE 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 76408A); 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, 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 13th day of September 2016, 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-SMART SCALE Prioritization Process.

Adopted \_\_\_\_\_

Voting for: \_\_\_\_\_

Voting against: \_\_\_\_\_

\_\_\_\_\_  
Evelyn J. Weimer, Town Recorder

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 HIGHWAY SAFETY IMPROVEMENT PROGRAM 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, in July of 2012 the General Assembly of Virginia approved the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) was passed into law and now a part of the Highway Safety Program (HSP) for Virginia; 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 13th day of September 2016, 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 HSP funding.

Adopted \_\_\_\_\_

Voting for: \_\_\_\_\_

Voting against: \_\_\_\_\_

\_\_\_\_\_  
Evelyn J. Weimer, Town Recorder

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON  
HELD ON SEPTEMBER 13, 2016

The regular meeting of the Council of the Town of Warrenton was held on September 13, 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, Sunny Reynolds, Vice Mayor, Councilmembers Sean M. Polster, Jerry M. Wood, Alec P. Burnett, Brett A. Hamby, Robert H. Kravetz and Kevin T. Carter.

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.

**APPROVAL OF THE AGENDA.**

Mr. Wood asked that the item "7.c. Consider appropriation of \$3,259.13 received as a result of the closeout of an account for The John Singleton Mosby Museum Foundation" be removed from the Consent Agenda for an explanation by the Town Manager. There being no objection Mayor Duggan noted that the item would be addressed under the Consent Agenda category.

**CITIZENS' TIME.**

Mayor Duggan called for those wishing to speak to come forward to speak.

Ms. Kelley Ashby-Godwin

Ms. Godwin came forward and presented concerns of her mother, Ms. Della Ashby, regarding the upgrading of the 20 foot right of way off of Frazier Road where her mother's property is located.

She stated that the proposed construction was an unnecessary financial burden to two elderly homeowners who have lived there for 50+ years. She was concerned about destruction of trees and power lines, snow removal, gravel or black top upkeep, lawn maintenance, possible disruption of trash pick up and mail delivery.

Mr. Raymond McGuire.

Mr. McGuire came forward and noted that periodically citizens of Warrenton should know how many businesses are moving in and how many are shutting down.

Mr. Ben Trittipoe.

Mr. Trittipoe, President, Stuart Mosby Historical Society, came forward and noted that although he was not present at the August Council worksession, he had heard that it was noted that the Stuart Mosby Historical Society had waned in its efforts to revive the Mosby museum at Brentmoor. He talked with Councilman Wood regarding this and noted it was an incorrect comment. He stated that the group was still interested in developing the museum.

Elder Anthony Gabel Barrett.

Elder Barrett noted he was a 100% disabled veteran and he noticed that there was only one handicapped parking space on Main Street. He requested that one or two more handicapped spaces be included. He asked if handicapped citizens and veterans be allowed use the WARF at a discounted price. He stated he understood there were positions available on the Committee on Health, Parks and Recreation and asked that he be considered for one of the positions.

## HEAR FROM CENTER DISTRICT SUPERVISOR

Supervisor Granger came forward and noted that the Board of Supervisors passed a new noise ordinance. He stated at the last meeting there was discussion of State legislation passed which approved installing cameras on stop signs of school bus arms and the three towns within Fauquier County can consider that within their localities. He stated the Board received an update on the Fletcher tract location for the library and cost estimates would be received next month.

## PUBLIC HEARINGS.

- a. **Town Code Amendment – Mobile Food Vendors.** This is an amendment to Section 9-69 (d) of the Itinerant Merchant regulations that would allow mobile food vendors to locate on specified properties within the Public Semi-Public (PSP) and Industrial (I)zoning districts per the Mobile Food Vendor Policy and Procedures document through the Town Manager's office and Zoning Ordinance. Article 9-24. The applicant is the Town of Warrenton.
- b. **ZTA 16-01 – Mobile Food Vendors.** This is a proposed adoption of Article 9-24 (Mobile Food Vendors) and an amendment to Article 3-4.9.2, Article 3-4.12.5, and Article 12 of the Zoning Ordinance. Article 9-24 contains proposed regulations and requirements regarding Mobile Food Vendors. The amendment to the Public Semi-Public (Article 3-4.9.2) and Industrial Districts (Article 304.12.5) of the Zoning Ordinance is to add mobile food vendor as a by right use as permitted per Article 9-24. The amendment of Article 12 of the Zoning Ordinance is to add a definition of a Mobile Food Vendor. The applicant is the Town of Warrenton.

The Mayor noted that the public hearing for the Town Code amendment and ZTA 16-01 for mobile food vendors was continued from the August Council meeting.

The Town Manager stated that the first public hearing amended the Town Code, Section 9-69 (d) related ) of the Itinerant Merchant regulations that would allow mobile food vendors to locate on specified properties within the Public Semi-Public (PSP) and Industrial (I)zoning districts per the Mobile Food Vendor Policy and Procedures document through the Town Manager's office and Zoning Ordinance. Article 9-24. He indicated the second public hearing was also related to mobile food vendors to amend the text of the zoning code to include the proposed regulations and to add mobile food vendors as a permitted use. He stated that, as noted, the public hearing remained open and was continued until this meeting. He stated that at that time a number of issues were brought up by Council concerning the text amendment for the zoning code and the policy to which staff made a lot of changes and incorporated into the latest draft for Council's consideration.

Ms. Denise Harris, Interim Planning Director, came forward and highlighted the changes. A provision was added for the mobile food vendor program to be reviewed in its entirety one year after adoption. There was also the exemption for ice cream trucks from the mobile food vendor itinerant merchants section within the Town Code since the mobile vendors would be restricted to certain zoning districts, which do not include residential, and ice cream trucks tend to move throughout all zoning districts. The designated parks have been described as greater than one acre. She stated the compliance agreement document has been revised to indicate anyone coming in for a permit must be within the vehicle

for spot inspection. She stated that there had been concern raised about the safety within the parking lot and it was incorporated that there would be designated parking spaces within the designated parking lot. She noted that food vendors will not be able to operate in areas where a previously planned special event is taking place and when there is an event coordinator working with other food vendors as a part of that event. Anyone able to operate as a mobile food vendor would have to work with the event coordinator to set up at the event. Language was added requiring fencing for outside grills or outdoor cooking devices.

The Mayor opened the public hearing at 7:20 p.m. and called for those in favor of the application. There were none, so the Mayor called for those against. There being no citizens wishing to speak, the public hearing closed at 7:21 p.m.

Mr. Polster moved that Town Code Amendment – Mobile Food Vendors. This is an amendment to Section 9-69 (d) and ZTA 16-01 – Mobile Food Vendors be approved. Mr. Carter seconded the motion.

Mr. Kravetz offered an amendment to the motion to remove Rady Park from the process since there is limited parking and was located in the middle of a residential area. He felt there would be noise from generators.

Mr. Wood seconded the amendment. Mr. Polster noted that he was not opposed to the amendment. Mr. Polster commented that there would still be special events in Rady Park and that the Town is looking at developing the baseball field there.

Mr. Carter stated that if there are issues they could be addressed before the year's end trial period.

The vote on acceptance of the amendment as part of the motion was 2-5 (for: Kravetz, Wood; against: Reynolds, Polster, Burnett, Hamby, Carter.) The amendment failed.

The recorder called for clarification of the vote.

The original motion as presented by Mr. Polster and seconded by Mr. Carter, was approved on a vote of 5-2 (for: Reynolds, Polster, Burnett, Hamby, Carter; against: Kravetz, Wood).

Ordinance 2016-07, An ordinance amending Chapter 10, "Motor Vehicles and Traffic," Article 1, Section 10-06, entitled "One Way Streets," specifically "(9) Third Street," of the Code of the Town of Warrenton. The proposed ordinance will change the direction of vehicle traffic to allow for one-way traffic from the south to the north, on South 3<sup>rd</sup> Street between Main and Lee Streets.

The Town Manager stated that the public hearing was on a proposed ordinance to amend Chapter 10, Chapter 10, "Motor Vehicles and Traffic," Article 1, Section 10-06, entitled "One Way Streets," specifically "(9) Third Street," of the Code of the Town of Warrenton. The proposed ordinance will change the direction of vehicle traffic to allow for one-way traffic from the south to the north, on South 3<sup>rd</sup> Street between Main and Lee Streets. He stated that this proposed amendment would change the current direction of the street and that the purpose for changing the direction was to improve access to the Town parking lots from Lee Street. The Council can direct the Town Manager to make the turn from Third Street only Main Street as right turn only.

Mayor Duggan opened the public hearing at 7:28 p.m. and called for those citizens to speak in favor of the change.

Mr. Emmet Gallagher.

Mr. Gallagher, representing Claire's at the Depot, noted that the owner was in favor of the proposal. He said people new to the Town were unable to find parking and the street direction change would direct people to the parking lots. He suggested parking signs be installed to show where parking is.

Pastor Ben Maas.

Pastor Maas, rector of St. James' Church, noted the church had events throughout the year where parents and grandparents are looking for parking. He felt the ability to turn one way and find parking more easily would be beneficial for those persons and the Town as a whole. He noted that the change would also direct people toward Main Street rather than away.

Mayor Duggan called for those to speak against.

Mr. Raymond McGuire.

Mr. McGuire came forward and noted he was not in favor of changing the direction of Third Street because of the businesses that are there.

Mr. Robert Walker.

Mr. Walker, 395 Curtis Street, came forward and noted that he had a business which had been located on Third Street for 50+ years. He stated that he did not understand the benefits of changing the direction of the street to come up toward Main Street and how it would improve parking. He stated that traffic on Main Street would flow down to the parking lots. He indicated that there are a lot of businesses on S. Third Street, including Mt. Zion Church. He stated that the church had events going on during the week. He stated that he had contacted people on the street and they were unaware of the meeting. He only knew about the meeting because the church was notified. He was not in favor of the change.

Ms. Renee Yount.

Ms. Yount, owner of Renee's Gourmet, which had been operation for 11+ years. She was not in favor of the change. She asked if the parking would remain as is or transfer to the other side. She stated that if persons were parking on her side of the street there may be a problem since her door opens into the street. Mr. Godfrey noted that there is not a rule that indicates parking has to be on the right side of the road. She expressed concern that her patrons would be exiting into traffic and often there is speeding on that street now. She also indicated that some travelers are often traveling up the street not knowing that it is a one way street. She noted that there are big trucks which also park on the streets and often do not park within the lines. She stated that people use the road as a cut through and speed.

Mr. Melvin Minor.

Mr. Minor, representing Mt. Zion Church, noted that there were a lot of children attending events at the church and lots of residents and businesses located on the street. He stated that even the way the street currently is when there are events at the church, the children have to be watched to be safe. He noted that when cars come from the other way they will have to come closer to the church. He stated that the church had weddings and funerals and everything flows down and the traffic up. He indicated that there is a gate there and the gate has been hit twice by people heading the wrong way up the street. He was opposed to the direction change.

Mrs. Kelly Ann Richardson.



Mrs. Richardson came forward and stated that she had attended the visioning meeting and it was discussed how the traffic flow could be changed around Old Town. She stated that recommendation was to make Main Street one way and Lee Street one way. She did not understand if Third Street was changed now how it would flow into the vision. She asked how the church would get funeral participants up Main Street. She indicated that there were already safety concerns on Main Street. She was opposed to changing the direction of Third Street without investigation of changing the direction of Main Street and Lee Street.

The Mayor called for additional citizens to speak. There being no citizens wishing to come forward, the public hearing was closed at 7:44 p.m.

Ms. Reynolds made a motion that Ordinance 2016-07 be approved and Mr. Carter seconded the motion. The Mayor called for any Council discussion.

Mr. Wood stated that some of the citizens speaking had indicated that the businesses were not contacted regarding the street change. Mr. Godfrey responded that each property owner received a one-page explanation of the proposed change. He stated that information may or may not have been relayed to the business owner.

Ms. Reynolds stated that it started when she was Chair of the Transportation Committee and noted that the street change was an effort to be proactive to the problem of traffic on Lee Street and that whole section. She stated that the church is going to be expanding, Claire's was having parking problems, and Salon Image is expanding. There are constant calls about parking problems by residents in the Christine Fox building. She stated that the brewery will bring in volumes of people. They have some onsite parking but will need parking in the parking lots. Also people coming into Town most often come down Meetze Street into Lee Street and find it difficult to not find a place to turn into parking lots. She indicated that if travelers come down Second or Fourth Streets the parking lots are connected. Ms. Reynolds indicated that she had talked with Mr. Robert Walker and discussed the change. She stated that she did not see that it would hurt business. She stated that there was a Transportation meeting planned on September 21<sup>st</sup>. She indicated that also when turning right from Lee Street onto Main Street there is a parking space which may be eliminated in front of Framecraft and make it easier to turn there. Ms. Reynolds noted that a lot of the parking for restaurants and the brewery will be in the evenings. She further noted that Appleton Campbell would be moving and the building would be left open for another business.

Mr. Kravetz noted that he would be adding to the agenda for the September 21 Public Safety/Transportation meeting a discussion on parking on Third Street, loading zone and discussion of the number of handicapped parking spaces on Main Street.

Mr. Polster noted he was in favor of the change and the Town needs to look at expanding business economic opportunity and he was unaware of the opposition on Third Street. He asked what the vision was for traffic on Main Street and side streets. He asked if over the next thirty days some common ground or creative solutions be developed to work with the businesses.

Mr. Hamby felt that a lot had been done with the lower part of S. Third Street which included restriping some areas to find extra parking spaces. He stated that it is known that St. James Church School is going to expand.

Mr. Burnett recommended following the lines of Councilman Hamby to obtain some public involvement.

Ms. Reynolds suggested the item be moved the item from the Council agenda to the Public Safety/Transportation meeting. Mr. Kravetz, Chairman, invited those with objections to attend the meeting to be held at 9 a.m. on September 21.

Mr. Robinson noted that the original motion would have to be withdrawn, along with the second. Ms. Reynolds, who made the original motion, moved to withdraw the motion. Mr. Carter, as seconder, withdrew his second of the original motion.

On a motion by Ms. Reynolds, seconded by Mr. Carter, Ordinance 2016-07 was tabled on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none) for 30 days and sent to the Public Safety/Transportation meeting for additional discussion.

#### **CONSENT AGENDA.**

- a. Approval of Council minutes of the regular meeting held on August 9, 2016
- b. Staff reports and Board and Commission minutes
  - (1) Miscellaneous staff reports
  - (2) Receive minutes of the Planning Commission meeting held on August 23, 2016 (draft) and Architectural Review Board on July 28, 2016 and August 25, 2016 (draft)

On a motion by Mr. Wood, seconded by Mr. Kravetz, the Consent Agenda as noted above (modified) was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

Item 7c., Consider appropriation of \$3,259.13 received as a result of the closeout of an account for The John Singleton Mosby Museum Foundation had been removed from the Consent Agenda.

The Town Manager noted that the Town was notified by BB&T that they were closing out a dormant bank account of the Mosby Museum Foundation with a balance of \$3259.13 and it would be available to the Town for its continued maintenance and upkeep of the Mosby House. In order to accept that revenue and appropriate that revenue as miscellaneous revenue in the current year's budget and appropriate funds in the expenditure line for use of maintenance, the budget needed to be amended.

On a motion by Mr. Kravetz, seconded by Mr. Hamby, the appropriation of \$3,259.13 received as a result of the closeout of an account for The John Singleton Mosby Museum Foundation was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

#### **NEW BUSINESS.**

##### Approval of fund balance and cash balance policies

Mr. Godfrey noted that the target minimum for the General Fund is 15% of the operating budget and both the General Fund and Water and Sewer Fund have higher balances than that. The recommendation is to adopt policies that set higher balances and are more reflective of the balances kept in each fund. The proposed policy for the General Fund sets a minimum balance of 50% of the operating budget and the Water and Sewer Fund minimum balance is recommended at 200 days of operating expenditures. The policies talk about evaluating the balances each year prepared to take the independent auditor report make sure that that balance is above the minimum. He stated that it also talks about how the surplus, which is any amount over that which restricts or limits it to one time uses such as capital projects. If the balances in each fund fall below the policy minimum, that the staff notify the Council immediately and the Council take a course of action in the process of adopting the next year's budget to restore the minimum balances by either an increase in revenues or decreasing expenditures, or both. In no case would the balances be below the

policy minimums for more than one year. Council referred the matter to the Finance Committee who reviewed it at its August meeting and recommended to Council for approval of the policies.

On a motion by Mr. Carter, seconded by Mr. Hamby, the fund balance and cash balance policies were approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

Consider request of Fauquier High School to hold the annual Homecoming Parade on Friday, October 7, 2016

The Manager stated that the Homecoming Parade is an annual event and a routine plan for opening the streets for pedestrians and closing them to vehicles on Main Street on Friday, October 7. The plan would go into effect at 4 p.m. and the parade starts at 5 p.m. The parade would start at Main and proceed to the high school via Waterloo, Frost and Rappahannock Street and eventually Waterloo Road and the high school.

On a motion by Mr. Kravetz, seconded by Mr. Wood the request of Fauquier High School to hold the annual Homecoming Parade on Friday, October 7, 2016 was approved on a Council vote of 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

Consider request of Fauquier Chamber of Commerce to hold the 2017 Warrenton Spring Festival on Saturday, May 20, 2017

Mr. Godfrey noted that the Spring Festival was an annual event and would close Main Street to vehicles and open it to pedestrians on Saturday, May 20, 2017 at 5 a.m. and the festival would begin at 9 a.m. and continue until 4 p.m.

On a motion by Mr. Kravetz, seconded by Ms. Reynolds, Council voted 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none) to hold the 2017 Warrenton Spring Festival on Saturday, May 20, 2017.

Consider request of Walk by Faith to hold the 2016 Christian Outreach Festival on Saturday, October 29, 2016

Mr. Godfrey stated the Christian Outreach Festival is a new event and requested for Saturday, October 29 and the plan is to close a portion of the block of Fifth Street between Main and 17 N. Fifth Street at 8 a.m. for the event which starts at 9 a.m. The event would end at 4 p.m.

On a motion by Mr. Wood, seconded by Mr. Carter, Council vote 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none) to hold the event.

Consider request to waive Public Streets Standards per Article 4-2.8 of the Subdivision Ordinance and Public Facilities Manual to allow for the partial use of a portion of the unimproved street/alley reservation off Frazier Road as primary access to a proposed lot (Current PIN 6984-14-6921-000)

The Manager reported that the request is to waive public street standards for a portion of Moser Road, which is an unimproved right of way off of Frazier Road. The request made in order to provide access to a lot which is proposed to be created and developed with a house by subdividing a lot that currently fronts on Waterloo Street. The current total width of the unimproved Moser right of way, which is 20 feet, is less than the pavement width that is required by the Public Facilities Manual for either a public street, which is 24 feet of pavement, or private street, which is 23 feet of pavement.

The item came to Council in February and was withdrawn and resubmitted last month. The Town Manager noted that there were three options: 1) waive the street standards which was requested by the applicant, but not recommended by staff because of the degree of variance to the Town standard and long term Town maintenance obligation, 2) require the property owner to gain street access across the existing lot to Waterloo Street, or 3) work with the neighboring property owners to obtain the required right of way necessary to meet the street standard. Staff recommendation is to deny the request.

Mr. Carter moved approval of the waiver and Mr. Burnett seconded the motion. Mr. Kravetz felt there was another option which was to abandon the right of way and let the property owners work it out among themselves.

Mr. Carter felt the issue was the Waterloo access and adding an additional house which would go through Waterloo residents is unnecessary. He felt the better option is to get to Frazier from Moser. He stated that when it comes to fire safety the Waterloo Street driveway is fifteen feet versus the Moser Street of 20 feet. He stated that the applicant is willing to make improvements to the access so that fire trucks can get access.

Ms. Reynolds stated her biggest issue is a liability one and she thought the Town Attorney could address it. The Town Attorney noted that the issue which was raised earlier was the potential liability in the future if the Town owns the right of way. He stated that case law reads that the Town could be liable for any negligence on the road. He further stated that there becomes the issue of the maintenance of the road over a long period of time and who is going to maintain it. He stated that while there is someone using the Town right of way, it started 62 years ago. Mr. Kravetz asked if the Town had liability now and the Town Attorney noted he would have to take a look at it, but just did not have time to do so prior to the meeting. Mr. Robinson stated he would have an answer to the question over the next week or so. Mr. Carter felt that the improvements to the road would be better than currently. Ms. Reynolds asked if the road was turned into private road and the Town Attorney noted that would be abandoning the road. He stated that it would be a difficult position for the applicant because he would be trespassing on someone else's property.

If the Town keeps the road, others could continue on if the Town continues to grant waivers. By the Town abandoning the road and it becoming private road, it could limit use by the property owners on the back side.

Mr. Burnett stated that then by creating the scenario it could be beneficial to the current relationship in the end. The Town Attorney noted that if the Town keeps the road there is the potential that more and more people can continue on down the line across the road if the Town continues to grant waivers. However, the concept could be problem since people may be coming up and down it which is actually a public right of way now. By the Town abandoning the road and doing a private agreement, you could actually limit the houses coming in along the extended part of the road.

Mr. Wood reiterated that by abandoning the road, it became a private road and the Town Attorney indicated that was correct. Mr. Kravetz asked about the utility easements and the Town Attorney indicated that the utility easements are there and whoever has the utility easements now would essentially those easements. Mr. Hamby asked if as the property transfers would those transfer to the next property owner and the Town Attorney noted that they are usually property maintenance agreements.

Mr. Carter noted that he would not feel comfortable with abandoning the road and dropping it in the property owner's lap.

The Town Attorney noted that as far as procedure the Town Council grants waivers and the reason it has come to the Council initially.

On a vote of 5-2 (for: Polster, Wood, Burnett, Hamby, Carter; against: Reynolds, Kravetz) the motion to grant the waiver was approved.

Consider resolution appointing an additional member to the Planning Commission

The Town Manager noted that a resolution to appoint an additional member to the Planning Commission is permitted under Virginia Code Section 15.2-2212 and Town Code Section 2-162. He stated that currently one of the seven members is unavailable because of call up to active duty.

The following resolution was presented for consideration:

**RESOLUTION**

WHEREAS, the Town of Warrenton is a duly chartered Town in the Commonwealth of Virginia; and

WHEREAS, the Town Council of the Town of Warrenton created the Town's Planning Commission in accordance with Va. Code §15.2-2210 and Town Code §2-161; and

WHEREAS, pursuant to Va. Code §15.2-2212 and Town Code §2-162 the Town Council for the Town of Warrenton is permitted to appoint between five and fifteen members to the Town of Warrenton Planning Commission; and

WHEREAS, there currently exists seven members of the Town of Warrenton Planning Commission; and

WHEREAS, it is the Town Council of the Town of Warrenton's intent to appoint an eighth member to the Planning Commission of the Town of Warrenton.

NOW THEREFORE BE IT RESOLVED, that the Town Council for the Town of Warrenton hereby appoints \_\_\_\_\_ to serve on the Planning Commission for an initial term of three months commencing October 1, 2016 and thereafter beginning January 1, 2017 and for a term of four years thereafter.

Mr. Robinson noted that he left a blank in the resolution in case Council wanted to make an appointment. He stated that Council would be approving a four-year term for someone.

Mr. Kravetz made a motion that Mrs. Christine Dingus, a resident of Ward 4, be appointed to the Planning Commission for a term to begin immediately and run through December 31, 2016 and then a four-year term from January 1, 2017 to December 31, 2020. Mr. Burnett seconded the motion. Mayor Duggan asked if Mr. Kravetz's motion included the balance of the resolution and Mr. Kravetz indicated that was correct.

Mr. Polster noted his opposition to the appointment of a person for a three-month term and then a four-year term. He stated the term is not vacant yet and there is not a process. He indicated he had spoken to both the Chairman of the Planning Commission and a Planning Commission member and both were unaware of the intention to add an additional member. He stated that there needed to be a process and the Town Council must work to make the process open and transparent. The Town Attorney noted that there would be an eighth member. Mr. Kravetz noted that all Councilmembers had an opportunity to see resumes of those who had applied.

On a vote of 6-1 (for: Reynolds, Wood, Burnett, Hamby, Kravetz, Carter; against: Polster) the motion passed.

Consider request to hold the annual Christmas parade on Friday, December 2, 2016 and to authorize the opening of the street to pedestrians and traffic control measures

Mr. Godfrey noted that the Christmas parade is an annual event and routine plan for opening streets to pedestrians and closing the streets to vehicles on Main Street and also on Ashby and Lee Streets for the staging prior to the parade. The parade is scheduled for Friday, December 2 at 6 p.m. and recommendation of staff is to approve the event.

On a motion by Mr. Kravetz, seconded by Mr. Hamby, the request to hold the annual Christmas parade on Friday, December 2, 2016 and to authorize the opening of the street to pedestrians and traffic control measures was approved on a 7-0 Council vote (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

Resolution to support HB-2/SMART SCALE Applications for VDOT Funding of the Broadview Avenue Corridor Access Management Improvements and the separate Broadview to Frost Avenue Intersection Improvements. These applications are to be submitted separately at the end of September

The Manager noted that there were actually three resolutions for Council approval. They are for applications to VDOT for the Broadview Avenue improvements. He explained that there is a way to optimize the Town's successful in grant award with VDOT by taking the Broadview Avenue project, which currently includes the intersection at Frost and Waterloo and going all the way to the intersection at Winchester Street and breaking it into two parts. It would be broken into the intersection improvements at Frost and Waterloo and the other portion would be the corridor improvements, which would be the street improvements all the way up to Winchester Street. He stated that there are two funding pots available through VDOT. One of the opportunities is the HB-2/Smart Scale and the other funding possibility is the Highway Safety Improvement Project (HSIP) funds for the corridor improvements. The three resolutions to consider are to approve a resolution to apply for funding for the intersection through the HB-2/Smart scale program, the second resolution would be to apply for the corridor through the HB2/Smart scale program and the third resolution would be to apply for the corridor portion through the HSIP program.

The three resolutions were presented for consideration:

#### 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 HIGHWAY SAFETY IMPROVEMENT PROGRAM 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, in July of 2012 the General Assembly of Virginia approved the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) was passed into law and now a part of the Highway Safety Program (HSP) for Virginia; 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 13th day of September 2016, 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 HSP funding.

#### RESOLUTION

#### A RESOLUTION OF SUPPORT TO SUBMIT THE CONSTRUCTION OF ACCESS MANAGEMENT IMPROVEMENTS ON BROADVIEW AVENUE (ROUTE 211/15/17/29) (UPC 76408A) FOR THE HB2-SMART SCALE 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 76408A); 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, 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 13th day of September 2016, 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-SMART SCALE Prioritization Process.

#### RESOLUTION

#### A RESOLUTION OF SUPPORT TO SUBMIT THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS FOR BROADVIEW AVENUE (ROUTE 211/15/17/29) WITH FROST AVENUE (ROUTE 211) (UPC 76408B) FOR THE HB2-SMART SCALE 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 76408B); and

WHEREAS, the Town of Warrenton's Comprehensive Plan, amended February 12, 2013, identifies road improvements to assist with road safety and functionality of the intersection of Broadview Avenue with Frost 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, 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 13th day of September 2016, that the Council supports submitting the construction of the Intersection Improvements for Broadview Avenue with Frost Avenue; and, be it

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

On a motion by Mr. Kravetz, seconded by Ms. Reynolds, all three resolution was approved on a Council vote of 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

#### **UNFINISHED BUSINESS.**

Special Use Permit 2016-01 – Detached Garage with Studio Apartment in R-6 District. The request, per Article 3-4.3.3 of the Zoning Ordinance, is to build a detached garage with an accessory dwelling unit on the second floor at 23 N Chestnut Street. The parcel is zoned Residential – R-6, and the Comprehensive Plan identifies the property as medium density residential on the future land use plan. The owners are Richard D. Wright and Susan G. Wright.

The Town Manager noted that the Council had reviewed the Special Use Permit at its August meeting regarding an attached garage with a studio apartment in the R-6 district. He stated that the Council had referred the application back to the Planning Commission for distinctions in the definitions of accessory building and accessory structure and their impact on tenant restrictions for that unit. He noted that the Planning Commission had met and then at the August 23 Planning Commission meeting the Planning Commission reaffirmed its recommendation of approval of SUP 2016-01 with a recommendation of approval that included six (6) conditions.

The Town Attorney noted that the difference between the by right there would have been some limitations as to family members or caretakers being required. He stated that the SUP going forward does not have those particular limitations.

On a motion by Mr. Carter, seconded by Ms. Reynolds, the SUP 2016-01 was approved, with conditions noted, on a Council vote of 7-0 (for: Reynolds, Polster, Wood, Burnett, Hamby, Kravetz, Carter, against: none).

#### **REPORTS AND COMMUNICATIONS.**

Report from Town Attorney.

The Town Attorney noted that he had nothing further to bring to Council's attention.



Report from Finance Committee.

Mr. Wood, Chairman, noted that the next meeting would be held on September 19 at 7 p.m.

Report from the Public Safety and Transportation Committee.

Mr. Kravetz reported that there was a committee meeting held on August 17 and among items discussed were pedestrian safety and crosswalk design in Old Town, Broadview Avenue funding options, one-way street decisions, and recommended that there be a parking study done. The next meeting is scheduled for September 21.

Report from the Public Works and Utilities Committee.

Ms. Reynolds stated that a meeting was held on August 15 and there was a discussion with a company, Solar Solutions, who are going to look at all public buildings with the idea to determine if they are suitable for solar energy. She indicated a meter had been installed at the WARF athletic fields. There was discussion of the current water and sewer master plan and how is recycled at the wastewater treatment plant. Direction of third street was discussed and also we had an update from staff on progression of the I/I program was given. She noted that there was discussion of backup power on Town facilities.

Report from Planning District 9 Representative

Mr. Wood reported that he attended the last meeting and one of the resolutions discussed was jurisdictions with more than 3,500 population shall appoint two members to PD-9, at least one of whom shall be a member of the governing body and the other a citizen who holds no elected office. He stated that the Mayor appointed Mr. Polster and him as representatives. He stated that changing the charter would be handled by the next meeting. He stated that PD-9 had prepared a resolution to VDOT concerning the funding which was discussed earlier during this Council meeting.

Report from Committee on Health, Parks and Recreation.

Mr. Polster, Chairman, noted the next meeting would be September 15 at 7 p.m. at the WARF.

Report from Liaison Committee representative.

Ms. Reynolds noted that a meeting was held on August 22 and discussion included some additional discussion on boundary adjustment of the panhandle and Mr. McCulla would be providing tax information for discussion at the next meeting. She stated that the HB-2 grant was discussed and thanked the County for adding the Broadview Avenue to their list of priorities. She noted that the central library status was discussed and they are awaiting the difference in cost for the Waterloo Street site and the Alexandria Pike site. She noted that there was a meeting held with the Emergency Operations staff on how the Town may best work with the County.

Report from the Town Manager.

The Manager noted that the Town had been awarded an Innovation Award from the Virginia Municipal League for the student postcard project which was done in conjunction with the Comprehensive Plan.

**COUNCILMEMBERS' TIME.**

Mr. Polster noted that it was Emergency Preparedness Month.

Mr. Wood thanked the Manager for the cleanup of an area in his ward where items had been dumped.

Mr. Burnett asked the Town Manager consider ways that the minutes would be delivered earlier and that it would be beneficial. Mr. Godfrey noted that an audio file of the Council meeting is placed on the Town website the day following the Council meeting.

Mr. Hamby stated that he would like to see the procedure changed when an applicant comes forth for a waiver to go through the Planning Commission rather than coming directly to Council.

Ms. Reynolds noted that she was distressed concerning a Curtis Street property and that it needed to be cleaned up. Mr. Burnett noted that he had brought the matter to the Town and that it at in part had been addressed.

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

A handwritten signature in cursive script, appearing to read "Evelyn J. Weimer".

Evelyn J. Weimer, Town Recorder