



## TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, June 13, 2023 at 9:00 AM

### MINUTES

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**AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA, WAS  
HELD ON June 13th, 2023, AT 9:00 AM**

#### Work Session

##### PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Interim Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Martin Crim, Town Attorney.

##### ABSENT

#### Regular Meeting

##### PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Interim Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Martin Crim, Town Attorney.

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#### WORKSESSION - 9:00 AM

The Mayor Called the meeting to order at 9:00 a.m. A quorum was present, and business could be conducted.

#### A. Closed Session

1. **As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel or briefing by staff members or consultants pertaining to probable litigation involving BLM Vigil for Action.**

Vice Mayor Hartman moved to convene a closed session as permitted by Virginia.

Seconded by Councilmember Hamby. There was no discussion on the motion. The vote for the motion was unanimous, as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

Upon reconvening at 10:07 a.m. from the closed session, Vice Mayor Hartman moved to adopt the following Certification of Closed meeting:

**CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Town Council of the Town of Warrenton has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3172 E of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council

Seconded by Councilmember Mooney. There was no discussion on the motion. The vote for the motion was unanimous, as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

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**B. BLM Vigil for Action Appeal**

Mayor Nevill introduced the topic and read the rules for the appeal.

Vincent Holland, Reverend of First Baptist Church, presented arguments on behalf of the appellant, BLM Vigil for Action.

T.M. Carter, Chief of Police, presented arguments on behalf of the appellee, the Town.

Reverend Holland provided a rebuttal to the Town's arguments.

Councilmember Semple asked how many incidents characterized as disruptive had been attributed to the BLM group as opposed to the counter-protestors.

Chief Carter said that he did not have a direct count, but a majority of incidents involved some type of distraction from the counter-protesting group.

Councilmember Heroux asked what the concern was over the alternative location regarding First Amendment rights.

Reverend Holland said that visibility from the road at the other location was greatly diminished. He said that the alternative location was down and out of the way, which was what the counter-protestors desired, since they viewed the BLM Vigil as a nuisance.

Councilmember Mooney motioned to uphold the Chief of Police's decision to deny the permit.

Seconded by Councilmember McGuire.

Councilmember Semple said that this matter required further deliberation and more time to gather information for him to make a decision.

Councilmember Sutphin said she would support deferring the matter to have more time for deliberation.

Councilmember Sutphin motioned to table the matter for further discussion.

Seconded by Councilmember Semple.

The vote was as follows:

<b>Ayes:</b>	Ms. Heather Sutphin; Mr. William Semple.
<b>Nays:</b>	Mr. Brett Hamby; Mr. David McGuire; Mr. Paul Mooney; Mr. James Hartman; Mr. Jay Heroux.
<b>Abstention:</b>	
<b>Absent:</b>	

The motion failed (2-5).

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Mayor Nevill called the question on the motion to uphold the Chief of Police's decision to deny the permit.

The vote was as follows:

<b>Ayes:</b>	Mr. Brett Hamby; Mr. David McGuire, Mr. Paul Mooney, Mr. James Hartman.
<b>Nays:</b>	Ms. Heather Sutphin; Mr. William Semple, Mr. Jay Heroux.
<b>Abstention:</b>	
<b>Absent:</b>	

The motion passed (4-3); the appeal was denied.

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## RECESS

Council recessed at 10:59 a.m. and reconvened at 11:08 a.m.

### **C. A Resolution to Contribute Funds to the Fauquier County Economic Development Authority's Microloan Program**

Rob Walton, Director of Community Development, introduced the item. Doug Parsons, Director of the EDA, introduced Brett Robinson, Silver Branch Brewing Company, and Ray Knott, Market President of Northern Virginia Atlantic Union Bank, who were present and able to answer questions from Council.

Councilmember Heroux asked how the loan would help Silver Branch.

Mr. Robinson said that the loan would enable Silver Branch to add a pizza oven to the kitchen and purchase a canning line for in-house products. He said that some retrofitting was required for the building, and the loan may be used partially for startup inventory, such as food, wine, and liquor.

Councilmember Heroux asked what projected revenues were.

Mr. Robinson said they anticipated more than \$2 million in revenue.

Councilmember McGuire asked for more information about the canning operation.

Mr. Robinson said that they intended to do canning onsite. He said they hoped to be selling manufactured products within the year, and they anticipated products to be available locally by November.

Mr. McGuire asked if they anticipated a separate location for canning in the future.

Mr. Robinson said that if they were successful, they may explore another facility in the County.

Mr. Knott provided an overview of the history of the fund. He detailed the terms of the proposed loan.

Mayor Nevill said that the item would be added to the Consent Agenda to be approved at the evening session.

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### **D. FY 24 Budget Work Session**

Stephanie Miller, Director of Finance, introduced the topic. She provided an overview of the May Council meeting, including actions taken regarding the budget and tax rates. She said that since the May meeting, they found two errors. She said that when they remapped the motor pool internal service fund to create a fleet department in the general fund, the fuel cost estimates were not included. She said that insurance costs were not allocated correctly, as well, and the insurance renewal cost was higher than expected. She said that the total impact of the adjustments was \$272,000.

Ms. Miller noted that the total impact of all revisions across all funds was a reduction of \$610,000. She said that the unassigned fund balance at the end of FY 24 was now projected to be 48%.

Councilmember Semple asked for more information regarding ARPA funding. He said he was concerned about the \$1 million allocation for the WWTP capital payment, that it was not an appropriate use of ARPA funds. He expressed concerns that \$0 were allocated for affordable housing initiatives, and he suggested using a portion of the \$1 million to support Habitat for Humanity.

Council discussed potential uses of ARPA funding and whether Council should allocate funds to Habitat.

Mayor Nevill noted that interest in reallocating the ARPA funds had not gained majority support. He said that the majority of Council had shown interest in proceeding with the budget as presented.

Councilmember McGuire said that he would support using the remainder of the ARPA funds for projects that would benefit the Town as a whole, rather than on studies or organizational needs.

Councilmember McGuire motioned to allocate the remaining ARPA funds for the general betterment of the Town, to be discussed further at the next meeting.

Councilmember Semple called a point of order and asked whether motions could be considered during a work session.

Mayor Nevill said that motions could be made since it was an official meeting of the Town.

Seconded by Councilmember Semple.

Councilmember Semple motioned to amend to allocate the remainder of the ARPA balance to Habitat.

Seconded by Councilmember Mooney.

Councilmember Semple said that the funds would provide Habitat the opportunity to fulfill its obligations.

Councilmember Sutphin expressed concerns about what would happen to current residents if they were not accepted into the Habitat program.

Mayor Nevill called the question on the amended motion.

The vote was as follows:

<b>Ayes:</b>	<b>Mr. William Semple; Mr. Paul Mooney.</b>
<b>Nays:</b>	<b>Ms. Heather Sutphin; Mr. Jay Heroux; Mr. Brett Hamby; Mr. David McGuire; Mr. James Hartman.</b>
<b>Abstention:</b>	
<b>Absent:</b>	

The motion failed (2-5).

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Mayor Nevill called the question on the original motion, to allocate the remainder of the ARPA balance for the betterment of the Town, to be discussed during the July work session.

The vote was as follows:

<b>Ayes:</b>	Mr. William Semple; Mr. Paul Mooney.
<b>Nays:</b>	Ms. Heather Sutphin; Mr. Jay Heroux; Mr. Brett Hamby; Mr. David McGuire; Mr. James Hartman.
<b>Abstention:</b>	
<b>Absent:</b>	

The motion passed unanimously.

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#### **E. Transportation Planning Update**

The item was moved to the July work session.

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#### **F. Agenda Review**

Frank Cassidy, Interim Town Manager, reviewed the agenda.

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### **REGULAR MEETING - 6:30 PM**

The Mayor Called the meeting to order at 6:30 p.m. A quorum was present, and business could be conducted.

#### **A. INVOCATION.**

Pastor Danielle Dean from The Bridge Community Church and Chaplain for the Fauquier County Sheriff's Department led the invocation.

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#### **B. PLEDGE OF ALLEGIANCE.**

The Boy Scouts Troop 10 led the Pledge of Allegiance.

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## C. PROCLAMATIONS AND RECOGNITIONS

Interim Town Manager Frank Cassidy said there were several staff members they would recognize this evening.

Mr. Cassidy announced the Town's new hires: In the Parks and Recreation Department, Lifeguards Maggie Gardner and Gary Hyde, Head Guard Stephen Groves, Water Safety Instructor Andrew Hendrickson, Customer Service Specialist Michelle Weaver, Customer Service Specialist Barbara Hibbard, and Summer Intern Camryn Gavula.

Mr. Cassidy announced the Town's staff promotions: In the Parks and Recreation Department, Danette Parkman was promoted to Manager on Duty, Head Guards Paul Bass and David Poff completed a Lifeguard Instructor Trainer (LGIT) Certification. In the Water Treatment Plant, the staff received the 2022 Silver Water Treatment Plant Performance Award for Excellence in Filtration and Backwash.

Mr. Cassidy provided highlights from the 2023 Touch A Truck Event. He thanked the staff and students for their participation in the event.

Mr. Cassidy recognized Executive Assistant to the Town Manager Lyndie Paul for her achievement in earning a Master of Science in Criminal Justice and Leadership from Averett University.

Mr. Cassidy recognized Emergency Services Coordinator and Risk Manager Chris Melmer for taking the position in the Town Manager Department after serving in the Police Department.

Mr. Cassidy recognized Zoning Official Amber Heflin in the Community Development Department for successfully passing the Code Official Safety Specialist exam administered by the International Code Council.

Mayor Nevill congratulated staff on their recent achievements.

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## D. CITIZEN'S TIME.

Citizen's time Sign in Town Council Regular Meeting: June 13, 2023		
Name	Address	Topic
Ann Berhans	Broad Run	BLM Vigil for Action
Scott Christian		BLM Vigil for Action
Colleen Taylor	Cedar Run	BLM Vigil for Action
Vincent Holland		First Baptist Church lot, plot, and deed
Joe Washington		First Baptist Church lot, plot, and deed

Greg Crown		BLM Vigil for Action
Arthur Pullen	Orlean	BLM Vigil for Action
Richard Parley		BLM Vigil for Action
Josephine Gilbert	Scott District	BLM Vigil for Action
Bill Dorler	Scott District	BLM Vigil for Action
Mary Brown Hock		Racism against Black residents
Mark Riley	Jeffersonton	BLM Vigil for Action
John Trevathan	Lee District	BLM Vigil for Action
Dean Banish		Amazon Data Center
Jennifer Dora	Scott District	BLM Vigil for Action
Jessica Miller	Fauquier County	BLM Vigil for Action
Taryn Weaver		BLM Vigil for Action
Joe Washington		BLM Vigil for Action

Ann Berhans spoke regarding the BLM Vigil for Action and requested Council reconsider their vote to bar the vigil from the Town Courthouse Square.

Scott Christian, representing the Virginia Interfaith Center for Public Policy, spoke regarding the BLM Vigil for Action and requested Council ensure the Courthouse Square was a safe gathering place for the community.

Colleen Taylor spoke regarding the BLM Vigil for Action.

Vincent Holland, representing First Baptist Church, spoke regarding concerns of the encroachment on the church's property and the church's ability to communicate their interests to the Town.

Joe Washington, representing First Baptist Church, spoke regarding the future process of ensuring the church's rights and interests were fairly considered by the Town.

Greg Crown spoke regarding the BLM Vigil for Action.

Arthur Pullen spoke regarding the BLM Vigil for Action.

Richard Parley spoke regarding the BLM Vigil for Action.

Josephine Gilbert spoke regarding the BLM Vigil for Action.

Bill Dorler spoke regarding the BLM Vigil for Action.



Mary Brown Hock spoke regarding the historical and ongoing racism against Black residents in the Town. She requested Council resolve the traffic and safety issues at the Courthouse Square.

Mark Riley spoke regarding the BLM Vigil for Action. He requested the Council reverse their decision, empower and support the police to stop the disruptive behavior of counter-protesters, and consider starting a commission.

John Trevathan, representing the Piedmont Race Amity Project, spoke regarding the BLM Vigil for Action.

Dean Banish spoke regarding the Amazon data center in Warrenton.

Jennifer Dora spoke regarding the BLM Vigil for Action. She requested the Town Council address the safety concerns so the vigil can continue to be held at the Courthouse Square.

Jessica Miller spoke regarding the BLM Vigil for Action.

Taryn Weaver spoke regarding the BLM Vigil for Action.

Joe Washington spoke regarding the BLM Vigil for Action.

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## **RECESS**

Council recessed at 7:32 p.m. and reconvened at 7:46 p.m.

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## **E. APPROVAL OF THE AGENDA.**

Mayor Nevill sought a motion to approve the agenda.

Motion put forth by Councilmember Hamby was to approve the agenda.

Seconded by Councilmember Heroux.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the agenda was approved.

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## **F. PUBLIC HEARINGS.**

### **1. FY24 Budget Public Hearing: Water and Sewer Rates**

Ms. Stephanie Miller, Director of Finance and Procurement, introduced the topic and provided a brief summary of the item to Council.

Councilmember McGuire requested that staff review the bulk rate to ensure it was equitable with the citizens' rate.

Mayor Nevill said there was consensus from Council to direct staff to advertise for a public hearing to address the bulk rate for water for the July meeting of Council.

Councilmember Heroux clarified that the action tonight was on the first year's rates and did not affect the subsequent years addressed in the water study.

Ms. Miller said that was correct.

Councilmember Heroux asked if the potential future rate increases could be communicated to the public.

Ms. Miller said yes, staff could ensure the recommendations of the water study were published on the Town's website for public viewing.

The public hearing was opened at 7:50 p.m.

No one spoke at the public hearing.

The public hearing was closed at 7:51 p.m.

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Heroux was to adopt R23-05, the proposed water and sewer rates ordinance.

Seconded by Vice Mayor Hartman.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the water and sewer rates were approved.

## **2. SUP 2022-06 Chick Fil A**

Ms. Denise Harris, Planning Manager, introduced the topic and provided a brief summary of the item to Council.

Councilmember Semple asked whether changes to traffic had been considered as a part of this proposed change.

Ms. Harris provided details of staff's analysis of the proposal, noting that the Planning Commission recommended approval per the conditions provided to Council. She noted that there were detailed conditions of approval recommended as they related to transportation.

Councilmember Hamby that Condition 9F, which recommended there be no vehicle stacking into the public right-of-way awaiting drive-through service, should be removed as a condition because it was unable to be effectively enforced.

Mayor Nevill agreed with Councilmember Hamby because the intent of this proposed design change was to expedite the flow of traffic, so the engineering itself alleviated the need for Condition 9F.

Ms. Harris noted that the recommendation for no stacking of vehicles in the public right-of-way was also included in Condition 9B. She said that these conditions were the only concern of the applicant.

The public hearing was opened at 8:04 p.m.

There was no one to speak at the public hearing.

The public hearing was closed at 8:05 p.m.

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Hamby was to approve SUP2022-06 for Chick Fil A with the recommended conditions, removing Condition 9B's mention of the stacking of vehicles into the public right-of-way and Condition 9F in its entirety.

Seconded by Councilmember Sutphin.

Councilmember Semple asked if there was an avenue for rectifying any traffic or stacking problems in the future.

Mr. Cassidy said yes.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; SUP2022-06 Chick Fil A was approved.

### **3. Lease Franchise Agreement: Glo Fiber**

Mr. Martin Crim, Town Attorney, introduced the topic and provided a brief summary of the item to Council.

Vice Mayor Hartman asked for confirmation that there had been no other bids were received for this agreement.

Mr. Crim confirmed that was correct; anyone who wished to submit a bid could do so at this time.

Councilmember Heroux asked if there was a revenue estimate for this franchise fee.

Mr. Crim said that that it was heavily regulated by state and federal laws and could not be negotiated.

The public hearing was opened at 8:09 p.m.

No one spoke at the public hearing.

The Public hearing was closed at 8:10 p.m.

Mayor Nevill sought a motion on the item.

Motion put forth by Vice Mayor Hartman was to accept the lease franchise agreement for Glo Fiber.

Seconded by Councilmember Hamby.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the Lease Franchise Agreement for Glo Fiber was approved.

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#### **4. Lease Franchise Agreement: Water Tower: Dish**

Mr. Martin Crim, Town Attorney, introduced the topic and provided a brief summary of the item to Council.

The Public hearing was opened at 8:12 p.m.

No one spoke at the public hearing.

The Public hearing was Closed at 8:12 p.m.

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Hamby was to accept the lease franchise agreement for the water tower with Dish.

Seconded by Councilmember Mooney.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the Lease Franchise Agreement for the water tower with Dish was approved.

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## **G. CONSENT AGENDA.**

- 1. Strategic Retreat Date and Location Discussion**
- 2. A Resolution to amend the Fiscal Year 2023 budget to appropriate grant funds**
- 3. Community Development staff received a request to release the cash Public Improvements Bond in the amount of \$16, 505.87 on June 8, 2022**
- 4. A Resolution to Contribute Funds to the Fauquier County Economic Development Authority's Microloan Program**

Mayor Nevill sought a motion on the item.

Motion put forth by Vice Mayor Hartman was to approve the Consent Agenda as presented.

Seconded by Councilmember Hamby.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the Consent Agenda was approved.

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## **H. NEW BUSINESS.**

There was none.

## **I. UNFINISHED BUSINESS.**

- 1. Location and date setting for the Joint Town Council & Planning Commission Meeting**

Mr. Stephen Clough, Town Clerk, introduced the topic and provided a brief summary of the item to Council.

The Council discussed possible dates and any scheduling conflicts for the joint meeting.

Mayor Nevill said that there was consensus from Council to direct staff to return at the July meeting of Council with a best date for the joint meeting to be held at the dais.

## **2. Adoption of the FY 2024 Budget**

Ms. Stephanie Miller, Director of Finance and Procurement, introduced the topic and provided a brief summary of the item to Council.

Mayor Nevill sought a motion on Ordinance 2023-04 BPOL.

Motion put forth by Councilmember Heroux was to approve Ordinance 2023-04 BPOL.

Seconded by Councilmember Hamby.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; Ordinance 2023-04 BPOL was approved.

Mayor Nevill sought a motion on the Resolution to Establish PPTRA.

Motion put forth by Councilmember Hamby to approve the Resolution to Establish PPTRA.

Seconded by Councilmember Heroux.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the Resolution to Establish PPTRA was approved.

Mayor Nevill sought a motion on the Resolution to Adopt & Appropriate FY2024 Budget and 2024-2029 Capital Improvement Program.

Motion put forth by Councilmember Heroux to approve the Resolution to Adopt & Appropriate FY2024 Budget and FY2024-2029 Capital Improvement Program.

Seconded by Vice Mayor Hartman.

Councilmember Mooney said that he could not support the budget because he found it fiscally irresponsible to depend on the highest estimated revenue of the meals tax as a major contributor, to dip below the 50% reserve, and to not allocate any of the \$10 million of ARPA funds for affordable housing. He explained that he was in support of a 10% raise but not over one year, over multiple years. He was in support of two of the new positions but not all the rest. He did not think that when they could fill them in 28 to 34 days that they merit such raises in new positions.

Councilmember Semple said that he agreed with Councilmember Mooney, especially with regard to the utilization of ARPA funding.

Councilmember McGuire expressed concern regarding the water and sewer rates, which should be reconsidered for raises at a later date to address their revenue issues.

The vote was as follows:

<b>Ayes:</b>	<b>Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. David McGuire</b>
<b>Nays:</b>	<b>Mr. William Semple; Mr. Paul Mooney.</b>
<b>Abstention:</b>	
<b>Absent:</b>	

The motion passed (5-2); the Resolution to Adopt & Appropriate FY2024 Budget and FY2024-2029 Capital Improvement Program.

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## **J. TOWN ATTORNEY'S REPORT.**

Mr. Crim reported that he had updates to provide Council regarding two litigation matters. In the case *Cross et al. v. Town Council et al.*, staff met today with insurance counsel who was defending that matter on behalf of the Town. They are proceeding through discovery; with a request for protection of documents having been made, they are working on getting those documents produced. There is also a motion craving oyer, which essentially is a legal request to attach documents referred to in the pleading. This step would be necessary for the judge to make a ruling on the merits of the matter. The motion craving oyer is set for August 25, after which there would be a briefing scheduled for a demurrer to test the legal sufficiency of the pleadings.

Mr. Crim reported that in the other case currently pending, *Citizens for Fauquier County v. Town of Warrenton*, which arose from the plaintiff's FOIA request to the Town, the case was concluded at the Circuit Court level, at which the judge had ruled that the Town had indeed complied with the Freedom of Information Act. The plaintiff had filed an appeal of the Circuit Court decision to the Court of Appeals, but that record had not yet been filed, so the deadline to file briefs on that matter had not been set. Staff would continue to monitor that case as it moved forward with the Court of Appeals.

## K. TOWN MANAGER'S REPORT.

Mr. Cassidy thanked everyone for their work during the budget process. He agreed with Mr. McGuire that they had more work to do and would continue to make it better. He welcomed the Town's new postmaster, Monica Praetor, and stated his appreciation of her work so far in fixing up the post office on Main Street. He reported that several other projects were moving forward, which were outlined in the bi-weekly report he had sent to the Council. He requested Council's feedback on these items or if anything should be added. He reported that multiple stop sign areas on Winchester Street were being assessed for placement and utilities, and they were working with the Police Chief on the school zone as well. The top priority was to repave and repaint the street by next year as part of their road improvement plan. Falmouth Street was still under schedule, but had been pushed back due to the water main break. They were looking at the end of July and August to begin work on Falmouth Street. He congratulated the Police Department on their successful torch run at the wharf for the Special Olympics.

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## L. COUNCILMEMBERS TIME.

**Mr. Mooney:** Thanked Mr. Cassidy for his work and update emails. Congratulated all the new hires of the Town, Assistant to the Town Manager Lyndie Paul on receiving her Master's Degree, and the staff who received promotions. Congratulated the Water Department on receiving their award. Thanked all the staff who facilitated the Touch A Truck Event, which his kids enjoyed tremendously. Thanked all the members of the public who attended and spoke at today's meeting. Expressed his belief that the more Town residents participate in this public process, the better the Town would be and the better the communication would be between the Council and the community members. Expressed his disappointment with the remaining issues with the Amazon application and thanked staff for their diligence in identifying the issues. Expressed his concern that it would be difficult for the Town to enforce all the different conditions made and encouraged everyone to keep pushing on enforcement of the conditions. Expressed his concern with the allocation of the ARPA funds, but looked forward to working through that with the next budget cycle beginning next week. Thanked his colleagues and Mr. Cassidy.

**Ms. Sutphin:** Thanked everyone who attended today's meeting. Referring to the amendments to the Constitution, she noted that there had been attempts to redefine or reinterpret these amendments. Noted that there had been mention of what God does or does not approve of, and with June as Pride Month for LGBTQ community members, she wanted to reiterate that her God loves all people. Expressed her belief that they all have the freedom to be who they want to be, and this is what America is about. Stated that if someone wants to stand on a corner for eight years or to have an opinion, they also have the right to say their opinion and be treated respectfully. Stated to the public that she wanted to let everyone know if they want to speak their thoughts at this forum, they should be able to do so without fear of reprisal. Reiterated that people speaking at the dais deserve respect and should be heard. Thanked Chief Carter and Mr. Cassidy for their hard work. Expressed her excitement for the crosswalks, lights, and other public projects currently underway. Thanked her fellow Councilmembers for their respect and diverse backgrounds that helped make this work.



**Mr. Semple:** Expressed his appreciation of Mr. Cassidy's work as Town Manager. Thanked Chief Carter for his dedication to resolving their current issues. Thanked the members of the public who attended the meeting this morning. Commented that living in Warrenton is a privilege, and to maintain harmony and order in this small town is a delicate balance. One of the nice aspects of living here is that there has been a balance, and the job of any public official is to protect the health, safety, and welfare of citizens, but a lot of the reason why they are in such a safe and healthy neighborhood is because of the citizens themselves. Thanked the residents who love this Town as much as he does and who helped him realize what it means to live in a real community.

**Mr. Hamby:** Thanked everyone who attended their earlier work session and tonight's meeting. Reiterated that this is a place where people should come to voice their opinions. Thanked staff for their work during the long budget process.

**Vice Mayor Hartman:** Commended his colleagues on Council for having the courage to discuss the difficult issue they took up earlier today. Thanked the Police Chief for identifying the issue and bringing it forward. Explained that the item heard by Council was an appeal and had nothing to do with the content of the vigil or the gathering held across the street; it was purely a public safety issue. Stated that he looked forward to working with the Police Department and other Town staff on resolving the issue for the future. Expressed his objection to a comment made by a public speaker that compared their actions to putting them in the back of the bus. Expressed his objection to a comment made by a public speaker that they were finally putting a stop to the group. Clarified that they were not putting a stop to anyone but were simply relocating them due to a public safety issue and that they were still free to assemble at Eva Walker Park. Reiterated that they were not putting a stop to anything and that he looked forward to resolving the identified public safety issue. Thanked Mr. Cassidy, Ms. Miller, and other staff for their work on the budget process. Thanked the Wastewater Treatment Plant staff, their new hires, and other staff for their recent achievements. Thanked his colleagues and the Police Chief for their discussion today and expressed his hope that they could sort things out soon.

**Mr. Heroux:** Stated that it was a tough decision this morning. Affirmed his trust and confidence in Mr. Cassidy, Chief Carter, and Mr. Crim. Stated that there is an aspect of faith and adhering to the golden rule of treating others as one would want to be treated, and as they work through this he hopes that they could all adhere to that rule. Thanked the staff in Public Works for their work paving roads, lining streets, and installing signs. Congratulated all the new hires, promotions, and achievements of staff. Encouraged the public and press to read the staff analyses of the budget, which contained incredible insight into the decision-making process. Asked the public to always help to those in the community who are hungry, abused, and forgotten. Thanked Lulu for setting flags out in all the cemeteries.

**Mr. McGuire:** Stated that his decision today was easy because his military experience taught him to always support his commanders in the field, and Chief Carter is a fair and decent man who was knowledgeable and present on the scene. Stated that this was why they hired him and why he was out there, and his vote was not meant to be in favor of one group or another, but was meant to support their Chief of Police. Clarified that he would talk to anyone about any issue, but this did not mean he fully supported the issue being discussed. Reiterated that he believed in the Constitution and the right to peacefully assemble. Reported that since their last meeting, he had the chance to see Delta Company 116 Infantry 29<sup>th</sup> Division of the National Guard, and they

expressed their desire to become more involved in Town events in return for more support from the Town. Reported that the VFW 9835 Robert Lange Post celebrated their 75<sup>th</sup> anniversary, and had requested help from the Town to help them find a permanent location. Stated that he appreciated anyone in the community who could help with that. Reported that tomorrow is Flag Day and the Army Birthday, and reminded the public that it was due to soldiers and police officers at the front lines that they were afforded their freedom. Reiterated that the duty of a police officer is to maintain order in an unbiased fashion. Expressed his appreciation to the public for their attendance and for staff's hard work. Stated that he would discuss a traffic study with Chief Carter offline. Thanked his colleagues and expressed his support for civil discussion without creating division.

**Mr. Semple:** Invited all to the Juneteenth celebration that would be held June 17<sup>th</sup>, 2023, Rain or shine.

**Mayor Nevill:** Reiterated that June 17, 2023 is the upcoming Juneteenth Celebration on Main Street, taking place from 11:00 a.m. to 5:00 p.m., and everyone is encouraged to come out and celebrate. Thanked staff including Ms. Miller and Mr. Cassidy, and thanked his colleagues for adopting this year's budget. Expressed his belief that this was one of the strongest budgets they had seen and believed it took the obligations they had so that they would not only succeed for the next year but for the next five years. Stated that their vision, goal, and financial planning cannot exist in a vacuum and they cannot walk away from this year and think everything is taken care of; they are setting the stage for obligations and commitments, so their work makes the job of future Councils easier by committing to the hard work now and not deferring what should be taken care of now. Noted that delaying obligations and responsibilities only resulted in taxpayers paying more. Stated that this budget is strong, sensible, sober, and meaningful, with acceptance of responsibilities and commitments to them as they move forward. Thanked everyone for their input and for bringing this budget forward.

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## **M. ADJOURNMENT.**

**With no further business, this meeting was adjourned at 8:54 PM on June 13<sup>th</sup>, 2023.**

**I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on June 13<sup>th</sup>, 2023.**

---

Stephen M. Clough  
Town Recorder

Attachments:

- 1) Handouts to Council from Citizen's time. June 13<sup>th</sup>, 2023.
- 2) Citizen Comment Emails and form submissions.
- 3) Signed legislation.

Draft



The Town of Warrenton  
P.O. Box 341  
Warrenton, VA 20188  
P (540) 347-1101  
F (540) 349-2414

## **June 13th, 2023 Regular Town Council Meeting** **Minutes**

**Attachment 1: Handouts to Council from Citizen's**  
**time. June 13th, 2023.**

R9-10447

\* CORRECTED BK0629PG0967

The attached plat, and courses and distance description,  
made by JAMES H. HARRIS & ASSOCIATES - Fred S. Price Certified  
Land Surveyor, Warrenton, Fauquier County, Virginia,  
dated November 12, 1, 88, of the lands of First Baptist  
Church of Warrenton situate in Center Magisterial  
District, Fauquier County, Virginia, and being the same land  
acquired by the said Trustees of the First Baptist Church of Warrenton by  
Deed dated May 2, 19 44, from Henry C. Jackson and  
Charles C. Jackson, of record in the Clerk's  
Office of the Circuit Court of Fauquier County, Virginia, in Deed  
Book Number 155, Page 199, is hereby confirmed and  
submitted for record in the aforesaid Clerk's Office.

Given under our hands this 29th day of November,  
19 89

## TRUSTEES:

Helen E.  
Anderson

Madaline O.  
Fisher

G. Woodson  
Joynes

William H.  
Lewis

Anne C.  
Nelson

Neddie Reavis

Priscilla L.  
Washington

John E.  
Williams

Helen E. Anderson  
Helen E. Anderson, Trustee

Madaline O. Fisher  
Madaline O. Fisher, Trustee

G. Woodson Joynes  
G. Woodson Joynes, Trustee

William H. Lewis  
William H. Lewis, Trustee

Anne C. Nelson  
Anne C. Nelson, Trustee

Neddie Reavis  
Neddie Reavis, Trustee

Priscilla L. Washington (SEAL)  
Priscilla L. Washington, Trustee

John E. Williams (SEAL)  
John E. Williams, Trustee

ACKNOWLEDGMENT

STATE OF VIRGINIA

COUNTY OF FAUQUIER, to-wit:

I, LOUISE J. LACY a Notary Public for  
said County of Fauquier, the State of Virginia, do hereby  
certify that the above named Trustees of First Baptist Church whose names  
are signed to the foregoing certificate of confirmation by owners,  
and Plat, bearing date of the 12th day of November, 1989  
have acknowledged the same before me in my county aforesaid.

My commission as Notary expires January 20, 1991

Given under my hand this 29th day of November

19 89

Louise J. Lacy  
NOTARY PUBLIC

Examined and  
Returned To  
Anne C. Nelson

NOV 30 1989

TCA 101-2-2-3-2-1

PROJ NO. 9

800629160900

REVISED: NOVEMBER 21, 1983  
(VACATED PROPERTY LINE)

This does not constitute a subdivision and  
may be entered to record.  
*Wanda A. Kunkel*  
Zoning Administrator  
11-22-87  
Date

THE PROPERTY AS SHOWN HEREIN  
DOES NOT LIE WITHIN ANY KNOWN  
100 YEAR FLOOD HAZARD AREA AS  
SHOWN ON THE HUD FIRM MAPS  
AS SHOWN'S, IF ANY, NOT SHOWN  
AND TITLE REPORT FURNISHED

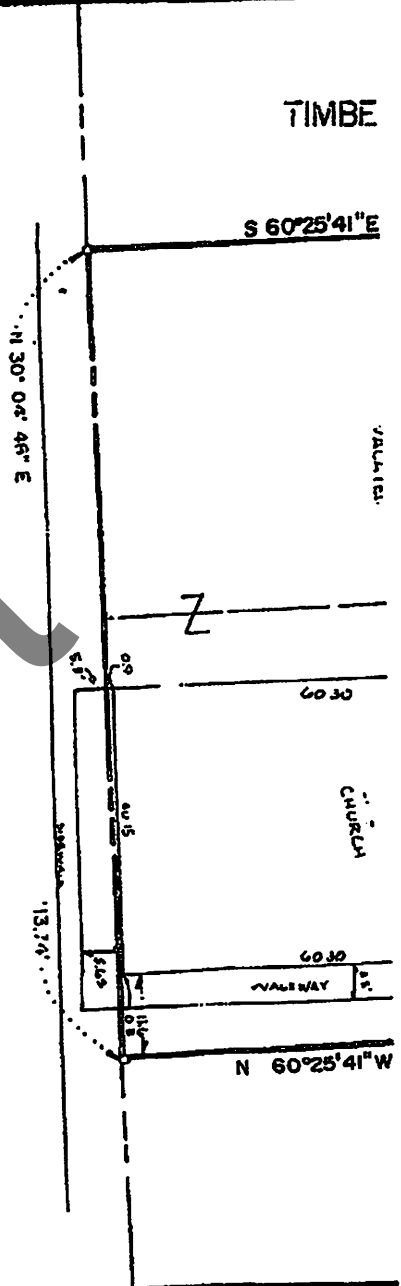
BOUNDARY &  
BUILDING LOCATION  
SURVEY  
OF THE  
FIRST BAPTIST  
CHURCH  
OF WARRENTON  
CENTER MAGISTERIAL DISTRICT  
FAUQUIER COUNTY, VIRGINIA  
SCALE: 1" = 20' NOVEMBER 12, 1988



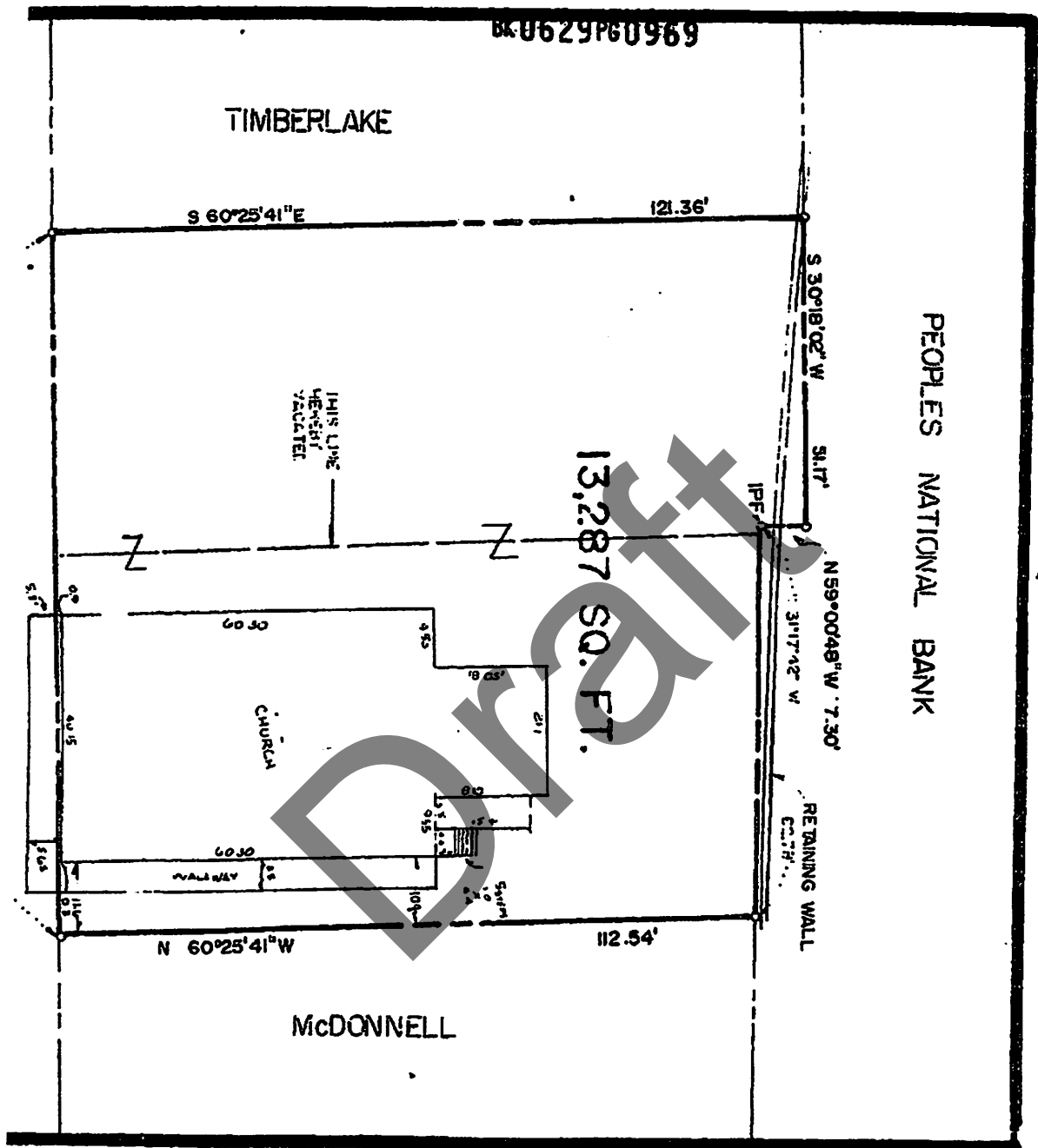
ALEXANDRIA

PIKE

50' WIDE RIGHT OF WAY



TIMBE



BK 0629PG0970

NOV 30 1989

Clerk's Office of Fauquier Circuit Court

This instrument was this day received in said Office  
and with certificate submitted to record at 12:44 PM.

For: *H. Pearson* 

Draft



Mary Brown Haak, representing co-sponsor Coming to the Table.

I am a member of a historic Black church and the Correspondence Secretary for the Northern Virginia Baptist Sunday School Union—an organization of local Black Churches focused on encouraging Christian faith in our youth community. I am active in running the SAIL program where we bring members of both Black and white churches together for a senior program twice a month. I took care of a beloved local pastor, and his wife, in the closing year of his life until his needs exceeded my abilities. I take my elderly neighbor to doctors appointments so she has someone to advocate on her behalf.

These are my neighbors, my friends, my family. And because of these relationships, I see what many white people do not. And these friends share with me what they will not share with other white people. That racism is alive and well.

On Mother's Day morning, residents on Leeds Manor Road had KKK flyers dropped on their driveways. Think about that—Black mothers who already fear for the lives of the children every time they walk out the door being reminded why they fear...on Mother's Day. The next weekend, three teens vandalized a historic Black church and school building. And the following weekend, more KKK flyers, this time in the southern end of the county. None of these specifically targeted the Black community, but the history of KKK hatred is never far from their minds. These are just the major events; others happen every single day. Racism is alive and well and Black people are being terrorized.

What's most heart-breaking for me is the resignation. One friend said he kept his flyer for a couple days, then decided nothing was going to happen even if he reported it. Another threw hers in the trash thinking, "here we go again." Here. We. Go. Again. Because it's never stopped.

This is why we stood on the square every Saturday for three years. And every week, Black families would drive by to see if the white community was still there. In the worst month since the murder of George Floyd, we were not. This is why we need to be back where we are highly visible and can remind everyone that the problem of racism has not been solved. Therefore, I urge you to work expeditiously to resolve the traffic/public safety issues at the Courthouse Square intersection. Black Lives Matter.

Thank you.

## **Remarks of Jon Trevathan to the Warrenton Town Council**

June 13, 2023

After nearly three years of peaceful and lawful assembly, the Black Lives Matter Vigil for Action was, on May 11, 2023, told its Vigils would be permanently relocated from Warrenton's Courthouse Square to Eva Walker Park.

The Courthouse Square is unique in its centrality, visibility, and historical significance. It is the location where spontaneous demonstrations are expected to occur. It is safe. The adjacent streets have very low-speed limits. And, being at the convergence of three streets, traffic counts and pedestrian activity are high.

Warrenton's Courthouse Square is the archetype of a traditional public forum. [United States v. Grace, 461 U.S. 171, 179, 103 S.Ct. 1702 1708, 75 L.Ed.2d 736 (1983). Hicks v. Com., 548 S.E.2d 249, 36 Va. App. 49 (Va. App. 2001)]

As a traditional public forum, governmental restrictions on the time, place, or manner of speech within Courthouse Square must be justified without reference to the content of the regulated speech, narrowly tailored to serve a significant governmental interest, and provide ample alternative channels for communication. Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989) (quoting Clark v. Cmty. for Creative Non-Violence, 468 U.S. 288, 293 (1984)). Camenzind v. Cal. Exposition & State Fair (E.D. Cal. 2022) Galvin v. Hay, 374 F.3d 739, 746 (9th Cir. 2004). Also, Camenzind v. Cal. Exposition & State Fair (E.D. Cal. 2022), among many others

The public safety concern initially cited for the Vigil's banishment was that a driver might jump the curb in an attack on Vigil participants. Scott Christian was additionally told that other groups might be permitted to use Courthouse Square if their speech content did not create this danger. First, this unfettered discretion to determine which content would or would not create this danger would clearly be unconstitutional. Beckerman v. Tupelo, 664 F.2d 502, 506 (former 5th Cir.1981). Smith v. Tarrant Cnty. College Dist., 694 F. Supp.2d 610 (N.D. Tex. 2010) Cox v. State of Louisiana, 379 U.S. 536, 85 S.Ct. 453, 13 L.Ed.2d 471 (1965)

Additionally, at a May 22, 2023, meeting with the Acting Town Manager, Police Chief, and Town Attorney, the Vigil sponsors learned that no particular threat or exigent circumstance had been identified as a basis for the Town's "safety concerns." If the Town had stuck with its original justification, there is little question that it would have failed the Court's content neutrality test.

"In a traditional public forum," restrictions based on content must satisfy strict scrutiny, and those based on viewpoint are prohibited." Minnesota Voters All. v. Mansky, 138 S. Ct. 1876, 1885 (2018). Quoted in McGlone v. Metro. Gov't of Nashville & Davidson Cnty. (6th Cir. 2018)

A speech restriction "is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed." Brewer v. City of Albuquerque, 18 F.4th 1205 (10th Cir. 2021)

Miller Carpet proposed using Courthouse Square as a tribute to the police. The Vigil, while consistently supporting law enforcement, had, for 152 weeks, occupied Courthouse Square as a reminder that human beings are treated differently due to the color of their skin. Absent these content differences, the safety issues arising from Miller Carpet's and the Vigil's proposed use of Courthouse Square were theoretically identical. Yet, Miller Carpet's application was approved, and the Vigil was told its removal from Courthouse Square was permanent. This inequality

provides strong evidence of the Town's unconstitutional content-specific bias that survives the Town's subsequent attempt to find a more content-neutral basis for the Town's unequal treatment.

Although the optics remain abysmal, it is fortunate for the Town that this initial pretext was abandoned. Instead, at the May 22, 2023, meeting, we learned that a new justification had been concocted – one allegedly based on traffic concerns and distractions.

“[T]hat a governmental interest may be substantial in the abstract does not mean that the harms the government has invoked are real...” *Edenfield v. Fane*, 507 U.S. 766, 770 (1993) Quoted in *Pan Am. v. Municipality of San Juan* (D. P.R. 2018)

“[I]n the context of a First Amendment challenge ... the government has the burden of showing that there is evidence supporting its proffered justification.” *Lim v. City of Long Beach*, 217 F.3d 1050, 1054 (9th Cir.2000) quoted in *Kuba v. I-A Agricultural Ass'n*, 387 F.3d 850 (2004) See also *Leavitt*, 256 F.3d at 1072-73 (placing the burden on the government to justify its speech restrictions in a preliminary injunction hearing). Quoted in *Summum v. Pleasant Grove City*, 483 F.3d 1044 (10th Cir. 2007)

“Therefore, when the government defends a regulation on speech... it must do more than simply posit the existence of the disease sought to be cured.” *Turner Bd. Sys. Inc.*, 512 U.S. at 664 (so acknowledging); *Watkins*, 2014 WL 3408040 Quoted in *Pan Am. v. Municipality of San Juan* (D. P.R. 2018).

“That is so because there may not be a problem, and a regulation perfectly reasonable and appropriate in the face of a given problem may be highly capricious if that problem did not exist. See, *Turner Bd. Sys. Inc.*, 512 U.S. at 664; *Burkow v. City of Los Angeles*, 119 F. Supp. 2d 1076, 1080-1081 (C.D. Cal. 2000) Quoted in *Pan Am. v. Municipality of San Juan* (D. P.R. 2018)

During the May 22, 2023, meeting, the Town admitted that its decision to bar the Vigil from Warrenton's public forum was based on subjective impressions, not traffic studies or accident statistics.

Although subjective impressions are constitutionally insufficient, let's suppose that there are. Hasn't the Town Warrenton created several Catch-22 situations for itself? It has publically proclaimed the streets adjacent to Courthouse Square are dangerous and that gatherings can cause hazardous distractions. In this context, a blanket prohibition on all future public and private use of Courthouse Square would seem to be required. And, should the Town at any time in the future decide to reopen Courthouse Square, constitutionally impermissible content-based decisions would seemingly be inevitable.

Moreover, the Town cannot, “consistent with the First Amendment,” “close[ ] a substantial portion of a traditional public forum to all speakers” without “seriously addressing [its identified] problem through alternatives that leave the forum open for its time-honored purposes”. *Brewer v. City of Albuquerque*, 18 F.4th 1205 (10th Cir. 2021)

Here, it is particularly damning that Warrenton's Acting Town Manager, Police Chief, and Town Attorney refused to discuss the safety remediations the Vigil proffered in its appeal letters and during the May 22, 2023 meeting. Additionally, the Vigil's overtures to collaboratively address the Town's safety issues in future discussions were summarily rejected.

In this context, how does the Town Council propose to satisfy the “narrowly tailored” test? There is no evidence that the Town “contemplated the relative efficacy or burden on speech of any alternatives” to the Vigil’s banishment. Clearly, the only way “to evaluate alternatives, and subsequently opine on their utility, [is] ‘to consider them.’” *Brewer v. City of Albuquerque*, 18 F.4th 1205 (10th Cir. 2021)

As to the question: does Eva Walker Park provide the Vigil with ample alternative channels for communication? The answer is “No.” If the goal was to hide Vigil from public view, the objective was successful. Traffic counts seem to be substantially lower. Opportunities for pedestrian interactions seem relatively nonexistent. The steep hillside tends to subdivide the Vigil participants into two groupings. Pictures of Vigil participants document their relative invisibility.

Section 12-2, the Code of the Town of Warrenton stipulates that the Warrenton “ police department shall be under the control of the town manager for the purpose of preserving and enforcing peace and order, for the execution of the laws of the state and this Code and other ordinances of the town, and the performance of such other duties as the town manager may prescribe.” Similarly, Section 12-32 places the Chief of Police “ under the control of the town manager.” There appears to be some evidence that the Vigil’s content and the wishes of influential members of Warrenton’s business community may have had a greater influence over the Town’s decisions than the Town’s alleged safety concerns.

The Equal Protection Clause and the First Amendment’s prohibition on viewpoint discrimination are “closely intertwined,” as, under either constitutional provision, the “government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views.” *Police Dep’t of Chicago v. Mosley*, 408 U.S. 92, 96, 92 S.Ct. 2286, 33 L.Ed.2d 212 (1972). Quoted in *Young America’s Found. v. Kaler*, 370 F.Supp.3d 967 (D. Minn. 2019)

Although “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury,” *Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976), quoted in *Pac. Frontier*, 414 F.3d at 1235, and *Heideman v. South Salt Lake City*, 348 F.3d 1182, 1190 (10th Cir. 2003). Quoted in *Sumnum v. Pleasant Grove City*, 483 F.3d 1044 (10th Cir. 2007)

...the Vigil’s sponsors remain hopeful that our offer to collaboratively address the Town’s alleged safety issues in the context of the Vigil’s two pending permit applications and the additional permit applications that the Town Council can be assured will be coming.



My name is Anne Burhans and I live in Broad Run. I am one of dozens of like-minded citizens who have been showing up every Saturday at the town square in Warrenton for a 45 minute Vigil for Justice. We have been doing so for three years without fail. We stand with signs that say "Black Lives Matter", "Liberty and Justice for ALL", and similar, and signs commemorating individuals who did not receive equal justice under law. The Vigil is sponsored by six non-partisan and/or interfaith groups and each week they invite public participation in a Vigil for Justice. Attendance varies, typically about forty people, all ages, faiths, races, and political persuasions. Over time, a hundred people or more have attended the Vigil.

We stand peacefully with our signs and smile and wave to the pedestrian and vehicular traffic passing by. We conscientiously follow all local ordinances and all police direction. We cause no disturbances. Our purpose is to raise the consciousness of our community to the reality of racial discrimination. Over time we have had increasing support with gentle honks, waves, and thumbs up. We have also had "counter-protesters" who have not been entirely peaceful. They will direct profane and violent language at us, make individual threats leading to protective orders, and obey police direction only when police are present. The town has instituted a permitting process for public events. The policy does not apply to the "counter-protesters", only to assemblies of 15 or more. It feels like a regulation directed at the peaceful Vigil while giving the "counter-protesters" free rein.

This May, with less than 48 hours notice, the Vigil was unceremoniously booted from its usual town square location to a less prominent one. Eva Walker Park is a lovely park, but with a number of disadvantages for our purposes. It gives us access to only one road into town (instead of four) which reduces our exposure. We are told where we must stand - behind a row of parked cars, behind the sidewalk, and behind a three panel concrete fence, giving us little visibility to passing drivers. And because the park lies lower than the roadway, we must stand on a precipitous slope while trying to hold our signs.

The ostensible reason given for moving us from the town square was "public safety". After three years without a single safety incident and with never a credible threat, that excuse doesn't pass muster. Our First Amendment rights to free speech and assembly are being curtailed by the town for no publicly expressed rational reason. Last summer this Council strongly expressed their belief in and support for freedom of speech and assembly, which makes your recent decision unfathomable.

We, in our small way, are engaged in the never-ending battle against fear and ignorance that has recently spawned an ideology of incivility, hate and violence. We will stand up peacefully for what we believe in and that is our right.

Please stand up to the political pressure you are getting from some. Stand up for the rights bestowed by our Constitution. We look to you for moral leadership that is needed now more than ever.





The Town of Warrenton  
P.O. Box 341  
Warrenton, VA 20188  
P (540) 347-1101  
F (540) 349-2414

## **June 13th, 2023 Regular Town Council Meeting** **Minutes**

### **Attachment 2: Citizen Comment Emails and form** **submissions.**

**From:** "Taryn Meeks" <[REDACTED]>  
**Sent:** Wed, 17 May 2023 09:05:50 0400  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Waterloo St

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning Town Council,

I recently purchased the home on 175 Waterloo St, Warrenton. It's a lovely home and I've enjoyed being here. However, tragically last weekend my beloved cat Havana was hit and killed right in front of my home. The driver did not even stop but I heard my cat scream. She was gone moments later.

I am writing to tell you this because while I was trying to care for her in the middle of the road, cars continued to speed by and around me. It was 10pm and dark. I could easily have been hit. No one stopped and they barely slowed down.

I know this is a busy road and I do appreciate the new stop signs. However, they clearly do not deter people from speeding over that hill in between signs and posing a danger to animals and people alike. I don't have a crosswalk in front of my house - nor a sidewalk. So in order to cross the street, or even pull out of my driveway, I have to cross my fingers and hope no one flies over the hill at the time. This is very dangerous and I feel only a matter of time before there is another accident.

I am asking for speedbumps to be installed to help prevent future tragedy. Cars speed up to get over the hill and come down far faster than the speed limit allows. Even a well placed traffic camera could help.

Please consider this and I appreciate your time.

Taryn Meeks

**From:** "Gregory Schumacher" <[REDACTED]>  
**Sent:** Tue, 13 Jun 2023 12:01:16 0400  
**To:** "" <citizencomment@warrentonva.gov>  
**Cc:** "Gregory Schumacher" <[REDACTED]>  
**Subject:** Comment on Policy for Use of the Space the Black Lives Matter Vigil for Action Used for Almost Three Years

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

- The space, while admittedly a great space for visibility for any group utilizing that space, is a distraction for traffic. It is at the apex of what can be a very difficult intersection to navigate even without any distractions. I agree with Chief Carter that this space should not be used for public demonstrations unless the street is closed off.
- Whatever space or spaces the Town authorizes for free speech demonstrations, no one group should be allowed to monopolize it. The Council might consider limiting authorization for any specific group or purpose to a limited number (Ex. 4 time/year), regardless of whether other individuals or groups have requested it or not.
- You might consider having a space or spaces designated for free speech expression without a permit, but limit the number of participants for any given cause.

Regards,

Greg Schumacher

Gregory A. Schumacher  
Major General, US Army (Ret)

[REDACTED]





The Town of Warrenton  
P.O. Box 341  
Warrenton, VA 20188  
P (540) 347-1101  
F (540) 349-2414

## June 13th , 2023 Regular Town Council Meeting Minutes

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### Attachment 3: Signed legislation

FORM MOTION FOR CONVENING A CLOSED MEETING 06/13/23

I move that the Council convene in closed session to discuss the following:

- \_\_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving:  
Discussion, consideration, or interviews of prospective candidates for employment or appointment; OR  
assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of  
specific public officers, appointees, or employees of the Town;  
specifically dealing with \_\_\_\_\_
- \_\_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving:  
\_\_\_\_ discussion or consideration of the acquisition of real property for a public purpose; OR  
\_\_\_\_ disposition of publicly held real property  
specifically involving \_\_\_\_\_ [Give location of property], because discussion in an open  
meeting would adversely affect the City's bargaining position or negotiating strategy.
- \_\_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(4), a matter requiring the protection of the privacy of  
individuals in personal matters not involving the public business.
- ☒ As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel or briefing by staff  
members or consultants pertaining to: probable litigation involving **BLM Vigil for Action**  
\_\_\_\_ [Give subject]; OR  
\_\_\_\_ the pending case of \_\_\_\_\_ [Give case name],  
where such consultation or briefing in open meeting would adversely affect the negotiating or litigating  
posture of the City.
- \_\_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal  
matters requiring the provision of legal advice by such counsel, relating to \_\_\_\_\_  
\_\_\_\_ [Give nature of matter].
- \_\_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(29), discussion of the award of a public contract for  
[Give nature of the contract] involving the expenditure of public funds, including interviews of bidders or  
offerors, and discussion of the terms or scope of such contract, where discussion in an open session  
would adversely affect the bargaining position or negotiating strategy of the City Council.
- \_\_\_\_ As permitted by Virginia Code § 2.2-3711(A)(19). a matter involving: \_\_\_\_\_  
\_\_\_\_\_.

[IDENTIFY THE APPLICABLE PARAGRAPH OF § 2.2-3711(A) OR OTHER LAW AND GIVE  
THE SUBJECT MATTER AND PURPOSE FOR THE CLOSED SESSION.]

Votes:

Ayes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr.  
Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

Nays:

Absent from Meeting:

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:**

(requires a recorded roll call vote)

I move that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion.

**Votes:**

Ayes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

Absent from Vote: None

**For Information:**

Town Clerk

Effective date: June 13<sup>th</sup>, 2023

Stephen Clough, Town Recorder



Draft

June 13<sup>th</sup>, 2023  
Town Council  
Regular Meeting

**A RESOLUTION TO AMEND THE FISCAL YEAR 2023 BUDGET  
TO APPROPRIATE GRANT FUNDS AND DONATIONS**

**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, 2022, the Town Council adopted the Town of Warrenton Fiscal Year 2023 Budget; and

**WHEREAS**, during the course of the fiscal year, events may occur that require a supplemental appropriation; and

**WHEREAS**, Town staff identified several grant opportunities for staff training and development that did not require a match of local funds; and

**WHEREAS**, the Virginia State Police awarded a Help Eliminate Auto Theft (HEAT) grant to the Town in the amount of \$1,556.60 to cover attendance for one police officer at the Annual Southeast Chapter of the International Association of Auto Theft Investigators; and

**WHEREAS**, the Virginia Department of Environmental Quality has awarded a Litter Prevention and Recycling Program grant in the total amount of \$10,248, and the adopted budget contained an anticipated award of \$6,589, resulting in the need for an additional appropriation in the amount \$3,659; and

**WHEREAS**, the Town's Property, Liability and Workers' Compensation insurance carrier, Virginia Risk Sharing Association (VRSA), awarded a grant to the Town in the amount of \$1,500 to cover the cost of attendance for one staff member at the Virginia Women's Municipal Leadership Institute; and

**WHEREAS**, an anonymous donor has provided \$2,000 in gift cards to the Human Capital Department to be used for employee incentives and awards;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Warrenton this June 13, 2023, that the Fiscal Year 2023 budget is hereby amended to appropriate \$6,715.60 in grant revenue to reimburse expenditures for staff training and development and litter control activities and \$2,000 in donations for employee awards.

**ATTACHMENT:** Budget Amendment

**Votes:**

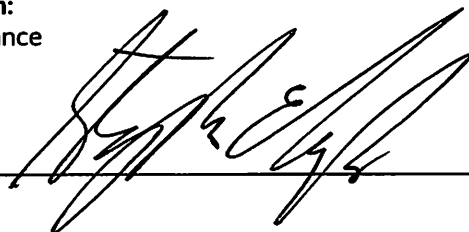
**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Meeting:**

**For Information:**  
Director of Finance

**ATTEST:** \_\_\_\_\_



**Town Recorder**  
**For Finance Department Use**

**Budget Amendment (Supplement)**

Date: June 13, 2023

Subject: Grants and Donations

G/L Account Number	Description	Debit	Credit
3-100-18990-0050	Local Grant Revenue		3,056.60
3-100-24040-0007	Litter Control Grant		3,659.00
3-100-18990-0051	Donations		2,000.00
4-100-31100-5540	Training	1,556.60	
4-100-12420-5540	Training	1,500.00	
4-100-42400-6099	Recycling Materials and Supplies	3,659.00	
4-100-12220-2850	Employee Incentive Program	2,000.00	

**ORDINANCE 2023-04**

**AN ORDINANCE TO ESTABLISH BUSINESS, PROFESSIONAL AND  
OCCUPATIONAL LICENSE TAX RATES FOR THE  
TAX YEAR BEGINNING JULY 1, 2023**

BE IT ORDAINED by the Council of the Town of Warrenton, Virginia, that the following Business, Professional and Occupational License Tax Rates are hereby levied for the tax year beginning July 1, 2023:

Amusements	\$0.10 per \$100 Gross Receipts
Contractors, Builders or Developers	\$0.085 per \$100 Gross Receipts
Business, Personal or Repair Service Occupations	\$0.1683 per \$100 Gross Receipts
Financial or Real Estate Services	\$0.2678 per \$100 Gross Receipts
Professional Occupations	\$0.2678 per \$100 Gross Receipts
Retail Merchants	\$0.10 per \$100 Gross Receipts
Vending Machine Operators	\$200 plus \$0.10 per \$100 Gross Receipts
Wholesale Merchants	\$0.0425 per \$100 Gross Purchases
Public Utilities (Telephone & Telegraph)	½ of 1% of Gross Receipts

The license tax is the greater of \$30.00 or the tax computed on gross receipts. Flat fees apply to certain businesses as follows:

Fortune tellers, Clairvoyants & Practitioners of Palmistry	\$1,000.00 per year
Carnivals, Circuses and Speedways	\$1,000.00 per performance
Itinerant Merchants	\$500.00 per year
Peddlers	\$250.00 per year
Photographers (as defined in §58.1-3727 of the Code of Virginia)	\$30.00 per year
Savings and Loan Associations and Credit Unions	\$50.00 per year
Direct Sellers	(Total annual sales greater than \$4,000.00) \$0.10 per \$100 Total Annual Retail Sales -Or- \$0.0425 per \$100 Total Annual Wholesale Sales

Alcoholic Beverages (special license tax provision in addition to gross receipts tax):

Wholesale Beer License	\$75.00
Wholesale Wine Distributor	\$50.00
Retail On-Premises Wine & Beer - Hotel, Restaurant or Club	\$37.50
Retail Off-Premises Wine & Beer	\$37.50
Retail On-Premises Wine - Hotel, Restaurant or Club	\$25.00
Retail Off-Premises Beer	\$25.00

ATTACHMENT: None

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Meeting:**

**For Information:**

Director of Finance

**ATTEST:** \_\_\_\_\_



Town Recorder

Draft

**ORDINANCE 2023-05**

**AN ORDINANCE TO ESTABLISH WATER AND SEWER RATES AND SERVICE FEES EFFECTIVE JULY 1, 2023**

WHEREAS, the Town of Warrenton charges certain fees and rates for usage pursuant to Article 2 of Chapter 17 of the Code of the Town of Warrenton (hereinafter referred to as the "Town Code") as authorized by Section 15.2-2119 of the Code of Virginia, 1950, as amended; now therefore

BE IT ORDAINED by the Council of the Town of Warrenton, Virginia, that the following water and sewer rates and fees are hereby effective beginning July 1, 2023:

**WATER AND SEWER USAGE RATES:**

**Base Charge (for usage < 2,000 gallons):**

Meter Size	In Town Rates		
	Water	Sewer	Total
5/8	\$ 8.04	\$ 15.32	\$ 23.36
3/4	\$ 12.06	\$ 22.98	\$ 35.04
1	\$ 20.10	\$ 38.30	\$ 58.40
1 1/2	\$ 40.20	\$ 76.60	\$ 116.80
2	\$ 64.32	\$ 122.56	\$ 186.88
3	\$ 140.70	\$ 268.10	\$ 408.80
4	\$ 253.26	\$ 482.58	\$ 735.84
6	\$ 522.60	\$ 995.80	\$ 1,518.40
8	\$ 643.20	\$ 1,225.60	\$ 1,868.80

Out of Town Rates		
Water	Sewer	Total
\$ 12.06	\$ 22.98	\$ 35.04
\$ 18.09	\$ 34.47	\$ 52.56
\$ 30.15	\$ 57.45	\$ 87.60
\$ 60.30	\$ 114.90	\$ 175.20
\$ 96.48	\$ 183.84	\$ 280.32
\$ 211.05	\$ 402.15	\$ 613.20
\$ 379.89	\$ 723.87	\$ 1,103.76
\$ 783.90	\$ 1,493.70	\$ 2,277.60
\$ 964.80	\$ 1,838.40	\$ 2,803.20

**Commodity Rate, per 1,000 gallons**

Usage	Water	Sewer	Total
>2,000	\$ 8.91	\$ 12.29	\$ 21.20

Water	Sewer	Total
\$ 13.37	\$ 18.44	\$ 31.81

Minimum monthly charges shall not be prorated.

**SEWER ONLY RATES:**

The owner of any residential property connected to the Town sewer system which property has a private water supply shall pay a monthly charge of \$41.13 inside of Town and \$61.70 outside of Town for sewer service. Commercial users shall pay \$200.36 for sewer service outside of Town.



<b>WATER AND SEWER ACCOUNT FEES:</b>	
New Service/Transfer of Service	\$25
Security Deposit	\$150 (residential & commercial)
Late Fee	\$5
Reconnection Fee	\$40

### New Service Fee

A new service fee of \$25.00 shall be paid to transfer water and/or sewer service from one customer to another or to transfer a customer from one location to another.

### Security Deposits

The minimum utility deposit for residential and commercial customers, other than owner occupied properties, shall be \$150.00.

Any property whose water and or sewer account has become delinquent twice during any twelve-month period, and service has been disconnected for non-payment, shall be required to pay an additional deposit equal to the average monthly bill, or the minimum utility deposit amount of \$150.00, whichever is greater.

All funds paid for utility deposits shall be maintained in a separate account and no interest shall be payable on those utility deposits. Utility deposits shall be held and applied toward the final bill whenever a customer moves out of the Town or discontinues a utility account. Any remaining balance shall be refunded to the customer.

Any balance remaining from a deposit, after payment of the final bill, which the Town is unable to refund because no forwarding address has been supplied to the Town, shall be remitted to the Treasurer of Virginia in accordance with Unclaimed Property Regulations.

### Late Fees

Any utility account that is not paid when due shall be charged a late fee in the amount of \$5.00.

### Reconnection Fees

Any water service for which a bill has been rendered for water and/or sewer service and which is not paid after due notice shall be discontinued. Before service shall be reinstated, a reconnection fee of \$40.00 shall be paid.

If a customer requests suspension of water service, a reconnection fee of \$40.00 shall be paid prior to reinstating water service.

Liability of Homeowner/Homeowner Authorization

Where property is occupied by more than one family or occupied other than by the owner, such owner shall be directly liable for service charges and fees.

Tenants wishing to establish a utility account in their name must provide the Town with a Homeowner Authorization Form or a copy of a current signed lease agreement.

ATTACHMENT: None

Votes:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Meeting:**

**For Information:**

Director of Finance

ATTEST: \_\_\_\_\_

  
Town Recorder

June 13<sup>th</sup>, 2023  
Town Council  
Regular Meeting

**A RESOLUTION ANNOUNCING A DATE AND VENUE FOR THE WARRENTON TOWN COUNCIL  
STRATEGIC RETREAT**

**WHEREAS**, the Town Council has requested a Strategic Retreat for 2023 at the Warrenton Police Department Community Room; and

**WHEREAS**, The Town Council discussed dates for the retreat at the May 9<sup>th</sup>, 2023 Regular Town Council meeting; and

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council hereby adopts a resolution announcing the date as September 16<sup>th</sup>, 2023, and venue as the Warrenton Police Department Community room for the Strategic Retreat.

ATTACHMENT:

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Meeting:**

**For Information:**

Town Manager

Town Clerk

ATTEST: \_\_\_\_\_

  
Town Recorder

**A RESOLUTION TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2024 BUDGET AND THE  
FISCAL YEAR 2024 - 2029 CAPITAL IMPROVEMENT PROGRAM**

**WHEREAS**, Code of Virginia §15.2-2503 requires that the Town Manager submit a proposed budget to the Town Council on or before the first day of April each year, and that the Council approve the budget no later than the date on which the fiscal year begins; and

**WHEREAS**, Section 15-1 of the Code of Ordinances of the Town of Warrenton requires that the Town Council adopt a tax rate for all real estate and for tangible personal property no later than the fourteenth day of May of each calendar year; and

**WHEREAS**, the Town Manager submitted the Fiscal Year 2024 Proposed Budget to the Town Council on March 31, 2023 and work sessions were held by the Council during April and May 2023 to discuss the Proposed Budget and any changes thereto; and

**WHEREAS**, a duly advertised Public Hearing was held on May 9, 2023 to receive public comment and the tax rates for all real estate and tangible personal property were adopted on that date; and

**NOW, THEREFORE, BE IT RESOLVED** that the Fiscal Year 2024 - 2029 Capital Improvement Program for the Town of Warrenton is hereby adopted;

**BE IT FURTHER RESOLVED** that all outstanding encumbrances as of June 30, 2023 are hereby re-appropriated to FY 2024 to the same department or account for which they are encumbered in FY 2023, as approved by the Town Manager;

**BE IT FURTHER RESOLVED** that appropriations designated for capital projects and asset replacement projects that are unexpended as of June 30, 2023 are hereby re-appropriated to FY 2024 to the same projects; and be it;

**BE IT FURTHER RESOLVED** that all unencumbered FY 2023 appropriations lapse for budget items other than capital projects, asset replacement projects, contracts and grants, unless otherwise authorized by the Town Manager;

**BE IT FURTHER RESOLVED** that the Town Manager, or designee, may approve necessary accounting or budget transfers between funds to enable the proper accounting for capital projects or asset replacement projects;

**BE IT FURTHER RESOLVED** that the Fiscal Year 2024 Budget for the Town of Warrenton is hereby adopted and the amounts summarized below are hereby appropriated for the Fiscal Year Beginning July 1, 2023:

**ATTACHMENT:** FY 2024 Budget and Capital Improvement Program

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux;  
Mr. David McGuire.

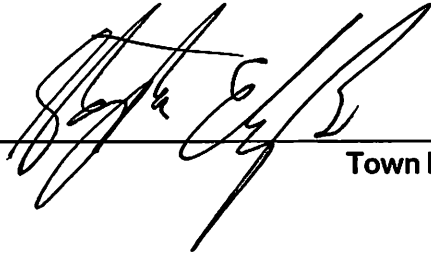
**Nays:** Mr. William Semple; Mr. Paul Mooney.

**Absent from Meeting:**

**For Information:**

Director of Finance

ATTEST:

A handwritten signature in black ink, appearing to be 'J. E. B.', is written over a horizontal line.

Town Recorder

Draft

## REVENUE SOURCES

GENERAL FUND		AMOUNT
General Property Tax	\$	1,303,616
Meals Tax		5,500,000
BPOL Tax		2,272,525
Local Sales Tax		999,500
Bank Stock Tax		1,200,000
Consumer Utility Tax		490,020
Other Local Taxes		887,176
Permits and Fees		288,064
Fines and Forfeitures		77,500
Use of Money/Property		500,000
Charges for Services		1,090,439
Miscellaneous Revenue		221,633
State Revenue		2,971,638
Transfers/Proffers		539,913
<u>Use of Fund Balance</u>		<u>4,394,803</u>
<b>Total General Fund</b>	<b>\$</b>	<b>22,736,827</b>
<b>OTHER FUNDS</b>		
Capital Improvement Fund		2,770,359
General Asset Replacement Fund		1,491,350
Water and Sewer Operating Fund		8,092,362
Water and Sewer Capital Fund		5,311,700
Stormwater Utility Fund		1,485,404
<u>ARPA Fund</u>		<u>3,269,910</u>
<b>Total Other Funds</b>	<b>\$</b>	<b>22,421,085</b>
<b>Total All Funds</b>	<b>\$</b>	<b>45,157,912</b>
Less Transfers		(4,741,622)
<b>Total Estimated Revenue</b>	<b>\$</b>	<b>40,416,290</b>

## EXPENDITURES/ USES

GENERAL FUND		AMOUNT
General Government	\$	4,501,562
Public Safety		3,710,131
Public Works		5,721,974
Parks and Recreation		2,462,078
Community Development		1,359,697
Contributions		58,954
Non-departmental		389,666
Debt Service		824,238
Transfers – Capital		4,201,709
<u>Vacancy Savings</u>		<u>(493,182)</u>
<b>Total General Fund</b>	<b>\$</b>	<b>22,736,827</b>
OTHER FUNDS		
Capital Improvement Fund	\$	2,770,359
General Asset Replacement Fund		1,491,350
Water and Sewer Operating Fund		8,092,362
Water and Sewer Capital Fund		5,311,700
Stormwater Utility Fund		1,485,404
<u>ARPA Fund</u>		<u>3,269,910</u>
<b>Total Other Funds</b>	<b>\$</b>	<b>22,421,085</b>
<b>Total All Funds</b>	<b>\$</b>	<b>45,157,912</b>
Less Transfers		(4,741,622)
<b>Total Estimated Expenditures</b>	<b>\$</b>	<b>40,416,290</b>

June 13, 2023  
Town Council  
Regular Meeting

**RESOLUTION TO APPROVE BOND RELEASE REQUEST BOND-22-2 FOR STEEPLECHASE MANOR (SDP 1999-01)**

**WHEREAS**, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS**, a Site Development Plan for the Steeplechase Manor apartment complex, case number SDP 1999-01, was approved subject to the provision of a cash Public Improvements Bond placed on April 2, 2020 in the amount of \$16,505.87; and

**WHEREAS**, an As-Built Plan was submitted and subsequently approved on May 24, 2023 to demonstrate conformity with the approved site development plan and the ordinances and regulations of the Town of Warrenton as required by Section 10-9 of the Ordinance; and

**WHEREAS**, the Developer submitted a request on June 8, 2022 to release the cash Public Improvements Bond in full; and

**WHEREAS**, the Warrenton Town Council may grant period partial releases of any bond, escrow, letter of credit or other performance guarantee required for the completion of improvements which are to be bonded as provided in Section 10-8.5 of the Town of Warrenton Zoning Ordinance; and

**NOW THEREFORE BE IT RESOLVED**, by the Warrenton Town Council that the Public Improvements Bond in the amount of \$16,505.87 is hereby released in full.

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Community Development Director,  
Town Attorney

**ATTEST:** \_\_\_\_\_

  
Town Recorder



**A RESOLUTION TO CONTRIBUTE \$50,000 TO THE FAUQUIER COUNTY ECONOMIC DEVELOPMENT  
AUTHORITY'S MICROLOAN PROGRAM**

**WHEREAS** the Fauquier County Economic Development Authority's Microloan Program was created as a means of providing accessible microloans to small businesses in Fauquier County; and

**WHEREAS**, the Fauquier County EDA is supportive of offering a total loan amount of \$100,000 to assist in business retention; and

**WHEREAS**, the Town of Warrenton would like to provide an equal match to support the Fauquier County EDA's loan; and

**WHEREAS**, the Town of Warrenton agrees to supply this funding provided that the business continues to operate within the borders of the Town; and

**WHEREAS**, the Town of Warrenton's match will be expended from the Economic Development's Professional Services appropriation; and

**WHEREAS**, the Town Council have reviewed and approved the contribution of the funds; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Warrenton Town Council this 13th day of June 2023, that \$50,000 is hereby allocated from the Economic Development Department's Professional Services line item.

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Fauquier County Department of Economic Development  
Community Development Director

**ATTEST:**



Town Recorder

June 13<sup>th</sup>, 2023  
Town Council  
Regular Meeting

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON ESTABLISHING THE PERCENTAGE RELIEF GRANTED TO QUALIFYING PERSONAL USE VEHICLES, SUBJECT TO THE TOWN OF WARRENTON'S PERSONAL PROPERTY TAX, FOR THE 2023 TAX YEAR**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Virginia Code §§58.1- 3253 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

**WHEREAS**, these legislative enactments require the Town of Warrenton to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

**WHEREAS**, these legislative enactments provide for the appropriation to the Town of Warrenton, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Warrenton, Virginia that:

Qualifying vehicles obtaining situs within the Town of Warrenton during tax year 2023, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$20,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 100% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

ATTACHMENT: None

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

**Nays:**

**Absent from Meeting:**

**For Information:**

Director of Finance

ATTEST: \_\_\_\_\_

Town Recorder

June 13<sup>th</sup>, 2023  
Town Council  
Regular Meeting

**RESOLUTION PURSUANT TO SECTION 11-3.10 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON APPROVING A SPECIAL USE PERMIT AMENDMENT FOR A DUAL DRIVE THROUGH AT CHICK-FIL-A, 256 W. LEE HIGHWAY**

**WHEREAS**, Chick Fil A, ("the Applicant"), is requesting to amend Special Use Permit 2006-08 (the "SUP") to allow a dual drive through on a parcel of land containing approximately 1.2139 acres, located at 256 W. Lee Highway, and hereinafter referred to as the "Property"; and

**WHEREAS**, pursuant to §11-3 of the Zoning Ordinance, upon petition of the Applicant for amendment of the Special Use Permit, the Town Planning Commission held a Public Hearing on May 16, 2023, upon advertisement and notice properly given pursuant to § 15.2-2204 of the Virginia Code; and

**WHEREAS**, the Town Planning Commission has recommend approval of the Special Use Permit with the conditions proposed by Town staff; and

**WHEREAS**, the Town Council of the Town of Warrenton held a Public Hearing on June 13, 2023, upon notice properly and duly given pursuant to § 15.2-2204 of the Virginia Code; and

**WHEREAS**, the Town Council has considered the impact of the requested use on the Town of Warrenton and has weighed the factors listed in §11-3.10.3 of the Zoning Ordinance for the Town of Warrenton; and

**WHEREAS**, the Town Council, in consideration of all of the foregoing, is of the opinion that the application for the amendment of the requested Special Use Permit be approved subject to certain conditions; now, therefore, be it

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Warrenton Town Council on this 13th day of June 2023, that SUP 2022-06 be, and is hereby, amended to allow a dual drive through, subject to Special Use Permit with Conditions of Approval dated June 13, 2023, which supersede all previous approvals for SUP 2006-08.

**ATTACHMENT:** Conditions

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

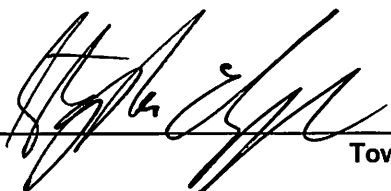
**Nays:**

**Absent from Meeting:**

**For Information:**

Town Clerk

**ATTEST:**



Town Recorder

## FINAL SPECIAL USE PERMIT CONDITIONS

Applicant: Chick Fil A  
Owner: Warrenton Crossroad, LLC  
SUP 22-06 (Supersedes SUP #06-08)  
PINs 6984-28-8927-0000 (the "Property")  
Special Use Permit Area: ± 1.2139  
Zoning: Commercial (C)  
Date: June 13, 2023

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, "SUP Amendment," prepared by Bohler Engineering, dated August 23, 2022, revised April 28, 2023, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.
3. Use Parameters:
  - a. Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 1.2139 acre site.
  - b. Use Limitations – The use shall be limited to the dual land drive through and +/- 4,640 square foot commercial building.
4. Elevations: The site shall be developed in general conformance with the elevations submitted by Hill Foley Rossi Architecture and Engineering dated September 14, 2022.
5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be

screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).

7. Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).
  - a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
  - b) Stormwater Management – The Applicant shall provide one hundred percent (100%) of the required stormwater runoff quality and quantity control measures for the site. The locations and specific techniques to be utilized shall be determined at the time of plan review and discussed with Stormwater Management staff prior to submittal of the first final site plan.
8. Lighting: All outdoor lighting shall conform to the Zoning Ordinance and be full cut-off and designed to prevent sky glow and light trespass at time of site plan.
9. Transportation:
  - a) Vehicular Access – The site shall maintain a minimum 12' one way travel lane around the building, except for the north side adjacent to Lee Highway which will maintain a two way travel lane
  - b) Delivery trucks shall access and leave the site off Branch Drive.
  - c) Drive Through – vehicles on the eastern side of the building adjacent to the bank will be required to take a right turn only to leave the site.
  - d) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
  - e) Pedestrian Safety – High visibility crosswalks will be installed and maintained on the northern side of the property to the sidewalk on Lee Highway and the western side of the property to the angel parking.
  - f) The property owner is responsible for maintaining all interior directional signage and wayfinding to maintain the safety of pedestrians and vehicles.
  - g) The location and number of directional signage and pavement arrows shall be reviewed as a part of the site development plan; a striping and signage plan shall be required for review and approval by the Zoning Administrator in coordination with the Fire Marshal, Warrenton Volunteer Fire Company, and Police Department.