



## TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, May 09, 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 MAY 9<sup>th</sup>, 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.

###### ABSENT

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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. NewGen & Davenport Presentation: Water and Rate Study**

Stephanie Miller, Director of Finance, introduced the topic. She introduced Mr. Kyle Luxe from Davenport & Company LLC and Mr. Michael Maker from NewGen Strategies & Solutions. They would present the Water and Sewer rate study to Council. She reminded Council of the proposed 20% water and sewer rate increase that was included with the budget and noted that the advisors were still working through the numbers for the proposal.

Mr. Luxe presented a financial report to the Council.

Mr. Maker continued the presentation.

Davenport presented a list of recommendations to Council for consideration.

Councilmember McGuire asked whether the water usage and rate were keeping pace with debt and debt capacity.

Mr. Luxe explained that, as part of Council's financial policies, they closely observed the debt service coverage ratio. He said that it was the Town's policy to maintain a ratio of \$1.20 for every dollar of debt service.

Councilmember Heroux asked what assumptions were made in regards to utilities demand, specifically in terms of population and business growth.

Mr. Maker said they were not aggressive regarding growth—the Town was reaching a buildout point, limiting redevelopment. He said they anticipated a 1% increase in customers; however, customers were separate from usage projections since per capita, customers were using less water.

Councilmember McGuire asked if they had considered selling water as they increased capacity.

Mr. Maker replied that it was something to consider since new revenue opportunities were welcome.

Councilmember Semple expressed concerns about the rapid increase in capital expenses despite several sources indicating the Town was experiencing very low growth rates. He asked what the forecast was for the debt service coverage.

Mr. Luxe said that they could follow up with a chart. He explained that Council had a policy to maintain a minimum 1.20:1 ratio for debt service, and within the projected five years, they would fall either at the ratio or higher. He said that the rate increases and capital borrowing were planned to correlate with the debt service ratio.

Councilmember Mooney expressed concerns about the \$70 million of debt service, noting that some of the projects may be unnecessary if usage decreased.

Mr. Cassidy noted that maintenance and infrastructure projects had been delayed for the past few years, so the projected costs included costs which had accumulated over those years. He said that the projects were to address capacity needs within the current customer base and system pressures, regardless of growth. He noted that they had to establish a maintenance and improvement plan to move these projects forward before it became a critical issue.

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## **B. Town / County Liaison Update**

Mayor Nevill introduced the topic. He stated that he and Councilmember Hamby attended the Town/County Liaison Committee meeting on May 3. He noted that it was Mr. McCulla's last meeting with the Town/County Liaison, and he wished him the best of luck during his retirement. He said that at the meeting, they addressed the Main Street repaving, and the County expressed interest in supporting the project.

Mayor Nevill stated that they also discussed the former Visitor Center conversion to the Wellness Center, a VHCD grant opportunity, and pedestrian safety improvements.

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

Stephanie Miller, Director of Finance, introduced the topic. She noted that for any increase to the tax rate, they would have to advertise a public hearing for the June meeting. She clarified that the public hearing on the agenda was related to the tax rates for the calendar year.

Ms. Miller provided Council with a presentation on the proposed changes to the budget following Council's previous budget work sessions on April 11 and April 26.

Councilmember McGuire noted that residents were paying more in personal property taxes than businesses were paying. He said he wanted Council to increase the business personal property tax rate (BPP) so that it was fair and equitable for residents. He suggested also setting a separate rate for data centers according to enabling legislation in state code. He said that by raising the BPP, they may be able to lower personal property taxes for residents.

Councilmember Semple said Council had previously reached a consensus where they would actually lower BPP. He said that they could have a threshold where smaller businesses could have a lower rate.

Mr. Eric Maybach, Fauquier County Commissioner of the Revenue, explained that in 2022, the General Assembly passed legislation enabling the general classification tax rate to be lower than other classes; previously, all other classes had to be the same rate or lower than the general classification. He continued that this law had a sunset clause for 2025, and it was unclear how tax rates would be impacted. He said that this could potentially impact their tax rate if the BPP were higher than the general personal property tax rate. He noted that it was staff's recommendation to keep the rates equal at \$1.50.

Councilmember McGuire said that he would support setting the same rate for personal property and BPP.

Ms. Miller continued the presentation, which focused on the CIP.

Council and staff discussed I9, stormwater infiltration, and the progress the Town had made in addressing I9 issues.

Ms. Miller continued the presentation on the asset replacement program.

Mr. Mooney requested staff provide Council a presentation at a future meeting regarding the ERP system replacement project.

Ms. Miller noted that the current system was purchased in 1996, and it was approaching a time when the software was no longer supported. She said that it was likely they would have to change software vendors at some point, and they were trying to be proactive.

Councilmember Semple asked for clarification regarding funding for the police vehicles.

Ms. Miller said that they had applied for a grant to cover the cost of one vehicle.

Councilmember Semple asked for clarification about the cost of the vehicles, which were up to \$150,000 for a single vehicle.

A discussion followed regarding vehicle costs and features and the replacement cycle for vehicle assets. Staff noted that the costs included all of the equipment and technology outfitted onto vehicles. Staff explained that they were transferring to an SUV fleet, which would enable them to transfer equipment from one vehicle to another, reducing future replacement costs.

Ms. Miller continued the presentation on new positions included in the budget.

Councilmember Heroux expressed his support for both the Communications Manager position and the Building Official position in Community Development. He asked why the Building Official position had been vacant.

Mr. Cassidy replied that the position had been staffed, but the funding had been cut at some point during staff restructuring due to the COVID-19 pandemic.

Councilmember Hamby asked what the Human Capital Generalist position entailed.

Kasey Braun, Human Capital Manager, explained that the position would help the Town with recruitment and retention.

Councilmember McGuire asked what positions were hard to fill.

Ms. Braun said positions which were hard to fill included those in public works and utilities, especially the water treatment plant, and in finance.

Councilmember Semple asked how they compared to other localities in regards to Human Capital departments.

Ms. Braun said the Town of Culpeper had two positions and a part time position, and Culpeper County had two positions and was requesting more.

Councilmember Semple expressed support for keeping the fund balance policy at 50%.

Ms. Miller noted that if Council wanted to keep the 50% fund balance policy, they would need to realize further budget cuts. She said that the budget alternatives provided by staff would be able to fund all of the presented items.

Councilmember Hamby said that if they wanted to change policy regarding fund balance, they should do so incrementally. He said that they should not change the policy during the budget process but instead address it afterwards. He said that they should maintain the current policy.

Councilmember Mooney expressed support for maintaining the 50% policy.

Ms. Miller continued the presentation on ARPA funding.

Rob Walton, Director of Community Development, provided an overview of the comprehensive zoning update.

Councilmember Semple suggested reallocating the \$1 million in ARPA funding for the water treatment plant project to Habitat for Humanity. He said that with \$500,000 of the ARPA funds, Habitat would be able to construct 10 homes on Haiti Street, rehabilitating the area.

Councilmember Mooney said he agreed with Councilmember Semple's suggestion to reallocate the funds to Habitat.

Councilmember Heroux asked if Mr. Cassidy could provide background on the \$1 million capital payment.

Mr. Cassidy said that the \$1 million capital payment was meant to address an issue regarding the capacity of the water treatment plant, which was restricted to a 2.5 million gallons per day (MGD) capacity by a deed and a permit from the state. As part of the approach to improve at the plant, they need to get out from underneath the deed, which would allow them to upgrade the permit with DEQ and continue upgrading the plant to make it functional.

Councilmember Semple reiterated that he did not believe the use of ARPA funds was pertinent to securing that permit because it is part of a plan and not the result of a crisis. They would also lose the opportunity to do something meaningful by creating safe and affordable housing.

Mayor Nevill said if there was an interest in reallocating these funds or to keep them as presented, staff should hear from Council about that today.

Councilmember Heroux said that he supported keeping the ARPA fund allocations as presented.

Mayor Nevill said that it was possible to fund the water treatment plant capital payment out of the general fund, but it appeared the consensus of Council was to use ARPA funding as presented, which would help offset the costs of necessary infrastructure improvements. He said he was glad to see the use of \$200,000 for the zoning ordinance update, which would help address affordable housing issues as identified by the Rappahannock-Rapidan Regional Commission.

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#### **D. Zoning Ordinance Text Amendment Initiation - Churches in the Industrial District**

Heather Jenkins, Zoning Administrator, introduced the topic. She provided a brief summary of the item to Council.

Councilmember Semple asked how they defined a church.

Ms. Jenkins answered that it was defined in Article 12 of the ordinance, which specifically calls out a structure or building used for a religious-type purpose. The staff report included a copy of the definition copied from the zoning ordinance. Due to the specificity of the definition for the

church use group, they did not have the ability to call it something else, so they could not approve a church as a use in the industrial zoning district.

Councilmember Semple asked how this situation was discriminatory against churches.

Ms. Jenkins explained that because the industrial zoning district allowed for other similar assembly-type uses, it was discriminatory under federal law to exclude church uses.

Mr. Crim explained that there were four tests under the Religious Land Use and Institutionalized Persons Act (RLUIPA) to determine whether a local ordinance was in violation of the Act. One of those tests was whether or not churches were excluded entirely from the area, and another was disparate treatment compared to other similar uses.

Councilmember Semple expressed concern about the potential traffic impacts that could result if the church had a large congregation. He asked if they would be violating the law by requiring a special use permit.

Mr. Crim said that by requiring a special use permit for a church and not for other similar uses, yes, it would be a violation. He noted that there was a legitimate government interest in the land use differences between a church serving 200 people and one serving 20,000.

Councilmember Heroux asked if the pre-existing assembly uses in the industrial zoning district could be grandfathered in if the allowed uses were changed.

Mr. Crim said that there was potential for a property owner to claim their existing land use had a vested right, and in that case would be well-advised to come to the Town and ask for an opinion as to whether they had a vested right.

Councilmember Semple asked why the purpose of the district in addition to the use were not sufficient to determine whether it was discriminatory.

Mr. Crim said that the text and history of RLUIPA indicated that Congress found there was discrimination against religious land uses. The case law followed that in a certain circumstance when a similar secular use and did not allow a religious use, it was effectively discrimination and anti-religious animosity. Without direct proof of animosity, the statute allows a church to show they were treated differently in violation of RLUIPA.

Mayor Nevill said that they would be seeking action tonight from Council to either include churches, remove the similar uses entirely, or to move them all to special use permit or all to by right. The uses in the industrial zoning district could be further addressed during their upcoming comprehensive ordinance update and review; however, this item was immediately generated by an applicant initiation.

Councilmember McGuire asked if they would potentially be eliminating the special use permit process.

Ms. Jenkins said no. She explained that there currently is no process by which a church can be allowed in an industrial district.

Councilmember McGuire clarified that the issue pertained specifically to churches.

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#### **E. Strategic Retreat Date and Location Discussion**

Mayor Nevill requested that all Councilmembers review the staff report which had dates presented for when the Virginia Institute of Government (VIG) was available to conduct their strategic retreat. This is a follow-up and continuation of the work done last August. He asked Councilmembers to email Mr. Clough by tomorrow with their preferred dates or any scheduling conflicts so they could confirm the dates with VIG.

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

Mr. Cassidy reviewed the agenda. He noted a new item on the agenda, which was Proclamations, Recognitions, and Promotions, during which several staff members would be recognized. He said regarding the quarterly reports, he wanted to bring Council's attention to some of the details of the CIP Quarterly Report. The report included current CIP projects and their timelines along with estimated costs and funding sources.

Mr. Cassidy noted the Water Fill Station project was substantially completed on March 27, 2023 and was under budget by \$52,000. The Stormwater Garrett Street Pond Retrofit was substantially completed on April 5, 2023 and was under budget by \$122,452. He explained the intent of providing this information to Council was to give them a better view of how the timeline and budget estimates for these projects may change as the projects move along. The report was placed under the Public Works and Utilities Departmental Report because that department was managing most of the CIP projects.

Mr. Cassidy continued reviewing the agenda.

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#### **G. Closed Session**

- 1) 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 the Town Attorney Appointment
- 2) 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 a proposed Text Amendment limiting tree clearing new legislation review

Vice Mayor Hartman moved to convene a closed session as permitted by Virginia Code 2.2-3711 (A)(1).

Councilmember Hamby Seconded. There was no discussion on the motion.

**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 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

Councilmember Mooney seconded. 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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#### **REGULAR MEETING - 6:30 PM**

The Mayor called the meeting to order at 6:31 pm. A quorum was present, and business could be conducted.

## **A. INVOCATION.**

Reverend Zach Ritz from Veritas Church led the invocation.

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

Mayor Carter Nevill led the Pledge of Allegiance.

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## **C. PROCLAMATIONS, RECOGNITIONS, AND PROMOTIONS.**

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 Community Development Department, Zoning Administrator Heather Jenkins and Preservation Planner Casey Squyres. In the Finance Department, Accounting Manager John Norman.

Mr. Cassidy announced the Town's staff promotions: In the Police Department, Scott Arnold was promoted from Lieutenant to Deputy Chief of Police and Kevin Turner was assigned to a new position as Property & Evidence Officer/Training Coordinator. In the Public Utilities/Water Treatment Department, Operator Jared Harris received certification as a Virginia Class III Waterworks Operator License. In the Facilities Management Department, Maintenance Worker Matt Wilkinson earned a Class B Commercial Driver's License (CDL) from the Town's internal Entry-Level Driver Training (ELDT) Program. In the Emergency Services Department, Emergency Management Coordinator Chris Melmer took this position after previously serving in the Town's Police Department.

Chief of Police Timothy Carter said that it was a great honor to promote Scott Arnold to the position of Deputy Chief of Police after he was unanimously chosen through their competitive selection process. He presented Deputy Chief Arnold with his badge.

Mayor Nevill congratulated staff on their recent achievements.

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## **D. CITIZEN'S TIME.**

<b>Citizen's time Sign in Town Council Regular Meeting: May 9, 2023</b>		
<b>Name</b>	<b>Address</b>	<b>Topic</b>
Melanie Burch	98 Alexandria Pike	ARPA funding for Habitat for Humanity
Joe Washington		Juneteenth Celebration 2023

Josephine Gilbert	Scott Drive	BLM Protests in Courthouse Square
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Melanie Burch, President and CEO of Fauquier Habitat for Humanity, requested Town Council to utilize ARPA funds and collaborate with Habitat for Humanity to fulfill their priority of providing affordable housing.

Joe Washington, representing the Juneteenth Committee, requested the Town Council's support and participation in the Juneteenth Celebration to take place on June 17, 2023.

Mayor Nevill said that Mr. Washington had the unequivocal support of the Town Council for the Juneteenth Celebration.

Josephine Gilbert, Scott Drive, spoke regarding the weekly Black Lives Matter vigil and insufficient documents provided for FOIA requests.

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## E. APPROVAL OF THE AGENDA.

Mayor Nevill sought a motion to approve the agenda.

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

Seconded by Vice Mayor Hartman.

The vote was 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:**

The motion passed unanimously; the agenda was approved.

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## F. PUBLIC HEARINGS.

### 1. Lease-Franchise Agreement Glo Fiber

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

Mr. Crim noted that the materials sent to the Town from Glo Fiber were not the latest version of the franchise that had been discussed, so he advised holding the public hearing and continuing it to the June meeting of the Town Council so the issue could be resolved.

Mayor Nevill clarified that Mr. Crim's advisement was to hold the public hearing and keep it open for 30 days until their June meeting.

Mr. Crim confirmed that was correct.

The public hearing was opened at 6:48 p.m.

No one spoke at the public hearing.

The public hearing was kept open and continued until the June meeting of Town Council.

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## **2. Lease-Franchise Agreement Water Tower: Dish**

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

Mr. Crim noted that this lease-franchise agreement was not ready for action; Dish had sent a redlined version without communication as to why. He said that his advisement to Council would be to open the public hearing and continue it to the June meeting in order to communicate with Dish and rectify the problem.

The public hearing was opened at 6:49 p.m.

No one spoke at the public hearing.

The public hearing was kept open and continued until the June meeting of Town Council.

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## **3. Acquisition of Real Property- Warrenton Horse Show Grounds**

Tommy Cureton, Director of Parks and Recreation, introduced the topic and provided a brief summary of the item to Council.

Councilmember Mooney asked if the details of the agreement will be addressed during contract negotiations.

Mr. Cureton said that was correct. He added that the final draft of the property management agreement was provided last week to both the Town Council and representation of the Association.

The public hearing was opened at 6:51 p.m.

Marion Maggiolo, 7197 Woods Edge Court, Warrenton, VA spoke regarding the positive aspects of the Warrenton Horse Show Grounds, including its benefits to local revenues, culture, community, and history.

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Janelle Mullen, 7241 Hunton Street, Warrenton, VA, Board member of the Warrenton Horse Show Association and Warrenton Pony Show, spoke in favor of the proposal.

Kelsey Stern, 7241 Hunton Street, Warrenton, VA, Co-President of the Warrenton Pony Show, spoke in favor of the proposal.

Becky Miller, 9597 Leesville Road, spoke in favor of the proposal.

Betty Orr spoke in favor of the proposal for proposal.

Mary Paige, 4318 Buckminster Lane, Founding President of the nonprofit organization Ride Fauquier, spoke in favor of the proposal.

Catherine Pendleton spoke in favor of the proposal.

Laura Bartee, Chair of the Warrenton Architectural Review Board (ARB), spoke in favor of the proposal.

Richard Gargagliano spoke in favor of the proposal.

Lachlan Willwerth spoke regarding the importance of the Warrenton Horse Show Grounds because of its creek and being able to participate in shows at the Grounds.

Kristy Willwerth spoke regarding the importance of preserving the Warrenton Horse Show Grounds for the children of the community, as well as its personal significance to her as a native Warrenton resident and teacher.

Sandra Favini spoke regarding the historical and cultural significance of the Warrenton Horse Show Grounds.

Hillary Gearhart, Co-President of the Warrenton Horse Show, spoke regarding the historical, cultural, and environmental significance of the Grounds.

The Public hearing was Closed at 7:15 p.m.

Public Hearing: Acquisition of Real Property: Warrenton Horse Show Grounds		
Name	Address	Organization or Individual
Marion Maggiolo	7197 Woods Edge Court, Warrenton, VA	Individual
Janelle Mullen	7241 Hunton Street, Warrenton, VA	Individual
Kelsey Stern	7241 Hunton Street, Warrenton, VA	Individual

Becky Miller	9597 Leesville Road, Warrenton, VA	Individual
Betty Orr		Individual
Mary Paige	4318 Buckminster Lane, Warrenton, VA	Individual
Catherine Pendleton	158 Culpeper Street, Warrenton, VA	Individual
Laura Bartee	9549 Springs Road, Warrenton, VA	Individual
Richard Gargagliano		Individual
Kristy Willwerth	7769 Piccadilly Drive, Warrenton, VA and 10219 Leesville Road, Warrenton, VA	Individual
Lachlan Willwerth	7769 Piccadilly Drive, Warrenton, VA and 10219 Leesville Road, Warrenton, VA	Individual
Sandra Favini		Individual
Hillary Gearhart	8305 Old Dumfries Road, Catlett, VA	Individual

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Hamby was to direct the Town Manager to enter into contract negotiations for the purchase of real property within Town limits, the Warrenton Horse Show Grounds.

Seconded by Vice Mayor Hartman.

Councilmember Semple disclosed that 20 years ago, he purchased his horse tack and equipment from Ms. Maggioli. He expressed his appreciation for her attendance and comments tonight. He expressed his support of the proposal.

Councilmember Sutphin thanked the members of the public for attending tonight's public hearing. She recalled the positive impacts that equestrian activities had on generations of children and their families. She expressed her support of the proposal.

Councilmember McGuire expressed his support of the proposal.

Mayor Nevill noted that a member of the public mentioned to him the positive aspects of this location as a green space for seniors of the community.

Councilmember Mooney thanked the members of the public for attending the public hearing. He expressed his enthusiasm for utilizing this property to benefit the community.

Councilmember Hamby thanked the members of the public for attending the public hearing and thanked staff for their commitment to working on this project. He expressed his support of the proposal.

Councilmember Heroux expressed his support of the proposal.

The vote was 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:**

The motion passed unanimously; Acquisition of Real Property, Warrenton Horse Show Grounds was approved.

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#### **4. Fiscal Year 2023-2024 Budget Public Hearing: Tax Rates**

Stephanie Miller, Director of Finance and Procurement, introduced the topic. She provided a brief summary of the item to Council. She noted that this topic was previously discussed at the morning work session and alternatives had been provided.

Councilmember Hamby asked who set the values of the vehicles.

Ms. Miller replied that the Commissioner of the Revenue assessed the values of the vehicles.

Councilmember Hamby clarified that the Town was not the entity that decided the value of the cars.

Ms. Miller said that was correct. She said that it was valued by the National Auto Dealers Association (NADA) each year. The NADA was predicting a 20% decline in values this year.

Councilmember Semple asked if considerable staff effort was required to manage the vehicle fee.

Ms. Miller confirmed that it was a significant effort for staff to send out the supplemental bills and answer questions regarding them.

The Public hearing was opened at 7:28 p.m.

No one spoke at the public hearing.

The Public hearing was Closed at 7:29 p.m.

Public Hearing: Fiscal Year 2023-2024 Budget Public Hearing: Tax Rates		
Name	Address	Organization or Individual

Councilmember McGuire stated that whatever direction Council took tonight, it was essential it be equitable across the board.

Councilmember Heroux noted that there was an ongoing issue with revenue in the Town that the Council must address. He mentioned that in light of the results of the water and rates study provided in the Council's earlier session, he would support alternative one. He emphasized that Council must create a revenue strategy for the Town with reasonable expectations for their citizens and businesses.

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Hamby was to approve alternative one for the Fiscal Year 2023-2024 Tax Rates.

Mayor Nevill clarified that alternative one would maintain the current tax rates for vehicle and business personal property at \$1.00 and maintained the vehicle licensing fee for this year.

Seconded by Councilmember Sutphin.

Councilmember McGuire expressed concern that keeping the same rate would exacerbate their issues with generating revenue, especially with regard to the water and rates study. While they could lower the rate in the future, it was unwise to maintain a steady rate.

Mayor Nevill noted that the rates study proposed an increase to rates, and currently it was proposed in the budget as a 20% increase for water rates.

Councilmember McGuire said that he understood; however, considering the history of how the water rates got to how they currently are, he urged caution against doing nothing. An equitable raise in rates would avoid the potential of a shortfall and Council had the option of lowering the rates in the future if deemed fiscally appropriate.

Councilmember Semple asked Ms. Miller what staff's reasoning was for the proposal to increase the tax rate and elimination of the vehicle license fee.

Ms. Miller answered that staff had seen the elimination of the motor vehicle licensing fee in other localities either through consolidation into the rate or elimination of the fee altogether. Staff has

been aware of the possibility to consider such action for several years, but they also wanted to produce a revenue-neutral option by still associating the rate with the vehicle.

Councilmember Semple asked if the proposal was to maintain alternative one and offset the decrease through elimination of other expenses.

Ms. Miller said yes. The \$568,054 decrease was the impact to revenues, and this could be partially offset by the \$236,100 generated by keeping the motor vehicle license fee.

Mayor Nevill said that it would be flat revenue with the expectation of a decrease in revenues after the COVID-19 bump.

Ms. Miller confirmed that it accounted for that.

Councilmember Heroux said that he agreed with Councilmember McGuire's earlier statement about the Town's issues with revenue. He said that they must set the expectations and explain effectively to their citizens what the current state of finances are in the Town. He reiterated that a revenue strategy was necessary in order for them to make informed decisions on how to fix these issues.

Councilmember McGuire expressed his support for increasing the tax rate and eliminating the vehicle licensing fee in order to maintain equity for their citizens.

Councilmember Heroux stated that looking forward, the Council must consider diversification of revenue sources in their strategies.

Mayor Nevill clarified that the motion on the floor was regarding the tax rates for business personal property, general personal property, and real estate. The vehicle licensing fee will be addressed at the Town Council's June meeting.

Councilmember Mooney noted that the data center would provide revenues to the Town in the future.

The vote was 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:**

The motion passed unanimously; Fiscal Year 2023-2024 Tax Rates was approved.

## **G. CONSENT AGENDA.**

### **1. DEPARTMENT REPORTS.**

- a. Quarterly Finance Department Report
- b. Quarterly Parks and Recreation Department Report
- c. Quarterly Police Department Report
- d. Quarterly Community Development Report
- e. Quarterly Public Works and Utilities Department Report

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Hamby was to approve the Consent Agenda as presented.

Seconded by Vice Mayor Hartman.

The vote was 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:**

The motion passed unanimously; the Consent Agenda was approved.

## **H. NEW BUSINESS.**

### **1. A Resolution to Amend the Fiscal Year 2023 Adopted Budget to Appropriate \$100,000 in Virginia Outdoors Foundation Grant Funds**

Mr. Tommy Cureton, Director of Parks and Recreation, introduced the topic. He provided a brief summary of the item.

Councilmember Semple asked if the language of the Warrenton Horse Show Grounds' conservation easement mentioned that it would not be maintained as an equine facility.

Mr. Cureton said that was correct. Staff coordinated with VOF to ensure that it did not have to remain in that state, although it would continue to operate as such. He clarified that it was not a contingency for acceptance of the grant.

Councilmember Semple asked if the grant had already been received or if the award was contingent upon the Town receiving ownership of the Horse Show Grounds.

Mr. Cureton said that they had not yet accepted the grant.

Councilmember Semple asked how they would appropriate funds that they did not yet have.

Mr. Crim clarified that Council was authorizing the expenditure for when the funds were received.

Mayor Nevill sought a motion on the item.

Motion put forth by Councilmember Semple was to approve the Resolution to Amend the Fiscal Year 2023 Adopted Budget to Appropriate \$100,000 in Virginia Outdoors Foundation Grant Funds.

Seconded by Vice Mayor Hartman.

The vote was 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:**

The motion passed unanimously; Resolution to Amend the Fiscal Year 2023 Adopted Budget to Appropriate \$100,000 in Virginia Outdoors Foundation Grant Funds was approved.

---

## **2. Zoning Ordinance Text Amendment Initiation - Churches in the Industrial District**

Heather Jenkins, Zoning Administrator, introduced the topic. She provided a brief summary of the item to Council.

Councilmember Heroux said that in addition to considering the ZTA if churches were included, they should also consider the option of removing other assembly-related uses from industrial zoning in order to better utilize their industrial land.

Councilmember Semple said that he agreed with Councilmember Heroux. They should consider removing some of the language regarding assembly in the current industrial zoning. He asked Ms. Jenkins if there were three options to consider.

Ms. Jenkins said that generally, there were three to four options. They could consider adding churches, removing all assembly uses, move all assembly uses to be permissible uses that require a special use permit approval, or leave it unchanged.

Councilmember McGuire asked Mr. Crim what the legal implications could be if they added churches into the zoning. He noted that it would give more clarity if they eliminated all of the assembly-related language.

Mr. Crim said that Council had the option to ask the Planning Commission to consider eliminating all assembly uses from the industrial district and keep uses in line with the purposes of the industrial zone. However, the Planning Commission could still recommend a different option if they deemed it appropriate.

Councilmember McGuire asked if an applicant could request an assembly-related use through a special use permit.

Mr. Crim said no. If they forbid the use in the zone, it could not be requested by right or with a special use permit.

Councilmember McGuire said that he believed they should keep the industrial zoning specific to industrial uses.

Councilmember Mooney said that it would be wise for Council to take more time to address the questions and concerns regarding this item before taking action on it.

Mayor Nevill said that the initiation would direct staff to begin work on the item; it would still take six to eight months for the item to return to Council for consideration.

Councilmember Heroux clarified that the initiation would allow staff to research the options and was not approving any changes to their code. He asked for more information about the tax implications for a situation in which an assembly took place in a building owned by an entity that was not a church.

Councilmember Hamby said that he did not believe that Council had adequate direction to give the Planning Commission on this item.

Mr. Crim said that Council could potentially move the item forward and hold a joint work session with the Planning Commission to discuss the item together. He noted there had already been a threat of litigation in this case, so he was sensitive to ensuring they were moving deliberately and with appropriate speed on this item.

Councilmember Semple asked if the applicant had made the threat of litigation.

Mr. Crim said yes, the applicant had mentioned they could sue the Town, although he was not present for the discussion during which that was stated.

Councilmember Semple asked if the initiation was brought forward by the Town or the applicant.

Mr. Crim replied that it was initiated by the Town in response to the discrepancy that was brought to their attention.

Mayor Nevill said that in order to receive further information from staff, it seemed prudent to initiate this process and direct staff to draft the ZTA, especially in light of the legal consequences that may result in the case of inaction. He noted that joint work sessions with the Town Council and the Planning Commission could take place if the Council wanted to be a part of the drafting process, but they would hear the recommendation of the Planning Commission regardless.

Councilmember McGuire asked if Mr. Crim could provide information on the potential legal consequences of eliminating all assembly uses from the industrial zoning.

Motion put forth by Councilmember Hamby to authorize staff to initiate work on the Zoning Text Amendment, to refer the matter to the Planning Commission, and for the Town Council and

the Planning Commission to jointly meet to review legal and zoning language to specifically address the assembly uses within industrial zoned land.

Councilmember McGuire said that his position on the matter was that Council should recommend all assembly uses be eliminated from the industrial zoning.

Councilmember Hamby said that he was unsure about giving a specific recommendation to the Planning Commission without further discussion with the legal team, staff, and the Planning Commission.

Seconded by Councilmember Mooney.

The vote was 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:**

The motion passed unanimously; Zoning Text Amendment Initiation – Churches in the Industrial District was approved.

---

**3. Resolution appointing Martin Crim of Sands Anderson P.C. as the Town Attorney for the Town of Warrenton, Virginia, effective June 1st, 2023.**

Mr. Crim introduced the topic. He provided a brief summary of the item to Council.

Mayor Nevill noted that the Town had an established relationship with Sands Anderson P.C. and their assets would contribute to Mr. Crim's provision of sound legal guidance to the Town.

Mayor Nevill sought a motion on the item.

Motion put forth by Vice Mayor Hartman was to approve the Resolution appointing Martin Crim of Sands Anderson P.C. as the Town Attorney for the Town of Warrenton, Virginia, effective June 1st, 2023.

Seconded by Councilmember Sutphin.

The vote was 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:**

The motion passed unanimously; Resolution appointing Martin Crim of Sands Anderson P.C. as the Town Attorney for the Town of Warrenton, Virginia, effective June 1st, 2023 was approved.

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#### **I. UNFINISHED BUSINESS.**

There was none.

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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.*, Amazon filed a motion to be added as a defendant in this case, which was approved. Amazon was defending their property interests in the special use permit. The transcripts of all work sessions were being prepared and expected to be completed by the end of the month or beginning of next month.

Mr. Crim explained that transcripts were essential to processing the case because the allegation that the decision was wrongly made depends on the facts known by the Council at the time of the vote, and the transcript would show all the information available to the Town at that time. The Town was primarily being defended by insurance counsel John McGavin, who filed defensive motions on behalf of the Town's position in that case.

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, an order had been entered, and an appeal had been filed by Citizens for Fauquier County. Insurance counsel John McGavin was appointed to represent the Town in that case as well. The expectation was that the petition for appeal would be filed, followed by briefs between the two parties, and then a hearing before the court sometime in the next few months.

---

#### **K. TOWN MANAGER'S REPORT.**

Mr. Cassidy reported that the new floors at the wharf were installed promptly by staff and he encouraged Councilmembers to see them in person if they had not yet. The farmers' market was approaching its fourth week and had been having impressive numbers of citizens in attendance since opening. First Fridays also was an excellent event with great attendance, which he hoped would continue. Parks and Public Works and Utilities were flocked by Fauquier High School at the shops, and he expressed his gratitude for those involved. He announced that Public Works and Utilities would be hosting their Touch a Truck Event on Friday, May 12, 2023 at the WARF from 9:00 a.m. to 1 p.m., and he encouraged everyone to attend.

---

#### **L. COUNCILMEMBERS TIME.**

**Mr. Mooney:** Thanked Town staff for their dedicated work on the budget and efforts in answering all questions during the process. Expressed his gratitude to the Town Manager for initiating the new segment at the beginning of their meeting. Thanked the Project Manager, Mr. Warden, for his excellent work. Congratulated everyone, including the new Deputy Chief of Police. Stated that he was looking forward to working with the Commissioner and Economic Development Manager. Stated that he was extremely disappointed that the Council did not reallocate funds to Habitat for Humanity and instead spent them on something they could have easily added to their debt service over the next five years. Stated that he was hopeful that the last bit of money they have could be used to help Habitat. Stated that he looked forward to the negotiations on the Horse Show Grounds and the potential of the historic property to be used for great things.

**Ms. Sutphin:** Stated that she always encouraged people to be passionate about their community, and it was always great when people come in and voice their opinions. Stated that some of the comments made about Habitat for Humanity had upset her. Stated that she refuted the accusations made that because funding was not allocated to Habitat for Humanity it meant that Council did not care about their residents, the crime, or the condition of Haiti Street. Expressed her appreciation for the passion that brought people to discuss issues before Council, and wanted to emphasize that she and all her fellow Councilmembers care tremendously about their constituents. Thanked Public Works for all of their hard work cleaning up Hastings Lane. Read a constituent's comment sent to her on Facebook regarding how great the area now looked. Stated that another resident talked with her in person about how excited she was about them taking care of a feral cat colony in the area. Announced that the Juneteenth Celebration on June 17, 2023 from 11 a.m. to 8 p.m. would happen rain or shine, and encouraged the community to come enjoy the food and entertainment. Announced that the Joseph .E. Penn Family Life Center was holding a Ladies Chat and Chew, called Ignite the Fire, which would begin June 3, 2023 at 1:00 p.m. and provide food and empowering discussions for women of all ages in the community. Thanked Mr. Cureton for his work regarding the renovations of the wharf floors. Congratulated all the new hires and recent promotions of Town staff.

**Mr. Sample:** Announced that Give Local Piedmont was still ongoing and would end tonight at 11:59 p.m., and encouraged everyone to donate to their favorite local nonprofit organization. Thanked the Town staff for their diligence in fixing the water main break on the Greenway. Stated that he discussed with staff present the issues currently faced by the Town regarding the breaks that were occurring more frequently with their aging infrastructure. Noted that it was an ongoing issue that they would be taking up. Expressed his hope that the Town could provide funding to Habitat in some capacity. Stated that the passionate remarks provided by citizens were due to their emotional involvement in the cause to provide safe housing for their community members. Thanked Mr. Cassidy for his work so far as Town Manager. Congratulated Mr. Crim on joining his new law firm.

**Mr. Hamby:** Echoed the previous comments made by Councilmembers. Congratulated all the promotions and new hires of the Town. Expressed his gratitude for the consistent great work done by Public Works, especially since water main breaks had been taking up a lot of time. Thanked staff for their work done on the budget. Thanked the members of the public who spoke on topics tonight.

**Vice Mayor Hartman:** Thanked Mr. Cassidy for adding the proclamations and promotions item to the agenda. Welcomed Mr. Crim back in his new capacity.

**Mr. Heroux:** Stated that he was in Nashville last weekend with his wife, where he walked into a bar in which Maddie Lenhart of Fauquier County was playing music. Congratulated the new hires and promotions of the Town staff. Stated that the quarterly reports were outstanding and he appreciated the job well done. Stated that regarding the budget, difficult decisions must be made in terms of balancing revenue and expenditures, but they must continue to work through it. Noted that for many questions asked by Council, there were informative staff responses on the Town's website. Encouraged Councilmembers and the public to review the staff responses to get a more complete picture of the budget process. Wished everyone a Happy Mother's Day. Announced that Memorial Day Flags would be placed in the cemeteries and anyone who wished to get involved should contact American Legion 68. Asked for those who were able to please donate through Give Local Piedmont as mentioned by Councilmember Semple or to otherwise donate to their local nonprofits or churches.<sup>8</sup>

**Mr. McGuire:** Expressed his appreciation for the work of Council. Thanked the citizens who came to the meeting tonight. Noted that citizens were noticing what was going on locally and nationally regarding the divisiveness of politics, and he believed they all needed to come together and be civil in government with everyone they deal with, regardless of opposing views. Stated that it was great to see the support for the new Police Chief and the support for their community in general. Proposed that for Fauquier Fire's 100th anniversary, the Town bring back the Firefighters' Parade to honor their Fire Department and other local heroes.

**Mayor Nevill:** Reminded Councilmembers to review the dates for the Strategic Retreat and please email Mr. Clough tomorrow by close of business.

---

## M. ADJOURNMENT.

With no further business, this meeting was adjourned at 8:35 PM on Tuesday, May 9<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 May 9<sup>th</sup>, 2023.

---

Stephen M. Clough  
Town Recorder

Attachments:

- 1) Handouts to Council from Citizen's time. May 9<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

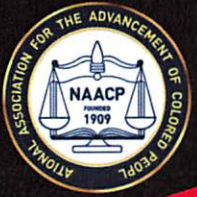
## **May 9th, 2023 Regular Town Council Meeting** **Minutes**

**Attachment 1: Handouts to Council from Citizen's**  
**time. May 9th, 2023.**



# 3<sup>rd</sup> Annual Juneteenth Celebration

*Sponsored By*



Community • Unity • Commitment

Saturday, June 17<sup>th</sup>  
11 am - 8 pm

Main Street, Warrenton, VA

*Enjoy the African-American Experience*

Live Music Featuring:

**R&B • Jazz • Gospel**

Chihamba African Dance Troupe • Black History Education • Vendors

*Celebrating*



1865

*Freedom*

**Bring  
the  
Family!**

For more information or to register for an event:  
Go To: [fauquierjuneteenth.com](http://fauquierjuneteenth.com)  
or Call: 540.812.6525

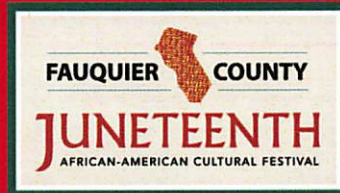
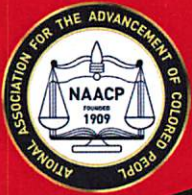
**Volunteers  
Needed!**



3<sup>rd</sup> Annual

# Juneteenth Celebration

*Sponsored By*



Community • Unity • Commitment

Saturday, June 17<sup>th</sup>

11 am - 8 pm

Main Street, Warrenton, VA

## Seeking Talented Contestants

Rap  
Contest

1<sup>st</sup> Prize \$150  
2<sup>nd</sup> Prize \$100

Mr. & Ms.  
Juneteenth  
Pageant

Mr. 1<sup>st</sup> Prize \$150  
Ms. 1<sup>st</sup> Prize \$150

Sweet  
Potato  
Pie  
Contest

1<sup>st</sup> Prize \$150  
2<sup>nd</sup> Prize \$100

Hair-  
Braiding  
Contest

\$250 Prize!

Vendors Welcome! Food, Businesses, Organizations, Churches  
"Share your food, your services, and your story!"

## FREE Registration! Spaces are limited!

For more information or to register for an event:

Email: [fauquiercountyjuneteenth@gmail.com](mailto:fauquiercountyjuneteenth@gmail.com)

Go To: [FauquierJuneteenth.com](http://FauquierJuneteenth.com)

Or Call : 540.812.6525

Bring  
the  
Family!

Volunteers  
Needed!



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*Celebrating*



*Freedom*

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the  
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or Call: 540.812.6525

**Volunteers  
Needed!**

Draft



BLUE  
'LIVES'  
MURDER

BLACK  
LIVES  
MATTER

BLACK  
LIVES  
MATTER



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

**May 9th, 2023 Regular Town Council Meeting**  
**Minutes**

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

**From:** "David Winn" <[REDACTED]>  
**Sent:** Tue, 11 Apr 2023 20:52:12 +0000  
**To:** "cnevill@warrentonva.gov" <cnevill@warrentonva.gov>  
**Cc:** "tcureton@warrentonva.gov" <tcureton@warrentonva.gov>;  
"fcassidy@warrentonva.gov" <fcassidy@warrentonva.gov>; "mcrim@vfnlaw.com"  
<mcrim@vfnlaw.com>; "osimmons@vfnlaw.com" <osimmons@vfnlaw.com>;  
"hsutphin@warrentonva.gov" <hsutphin@warrentonva.gov>;  
"cnevill@warrentonva.gov" <cnevill@warrentonva.gov>;  
"citizencomment@warrentonva.gov" <citizencomment@warrentonva.gov>;  
"dmcguire@warrentonva.gov" <dmcguire@warrentonva.gov>;  
"pmooney@warrentonva.gov" <pmooney@warrentonva.gov>;  
"jheroux@warrentonva.gov" <jheroux@warrentonva.gov>;  
"jhartman@warrentonva.gov" <jhartman@warrentonva.gov>;  
"bhamby@warrentonva.gov" <bhamby@warrentonva.gov>;  
"wsemples@warrentonva.gov" <wsemples@warrentonva.gov>  
**Subject:** Re: Amazon's Land Disturbance

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

Mr. Nevill,

Thank you for your prompt response.

I am referring to the Amazon site on Blackwell Road during the period of March 2023; land clearing.

Specifically, Article 4 of the Zoning Ordinance (Site Conservation Manual), section 4.7, Permits, paragraphs 1 and 2.

In addition, Article 4, Section 4.8.1.2, Tree Survey. All trees were NOT listed in either the tree survey or the Tree Removal Base Plan. The plan was inaccurate; depicting approximately 8 acres as open space (no trees depicted on plans when in fact the area was a mature forest with hundreds of trees).

Also, Article 4, section 4.8.1.5 Erosion and Sediment Control Plan. Paragraph 1; "Clear-cutting, as defined in Article 12, shall not be authorized."

And Article 4, section 4.8.3, Approval Process. No plans were submitted or approved prior to clearing of land (specifically, SDP, SCP and LDP). (Land Disturbance Permit needs approval by Town Arborist or Zoning Administrator. I have not seen a record of that.)

Furthermore, Article 4: 4.8.4, 4.8.6, 4.8.7, 4.8.8, and 4.11.

These touch on just the Town Ordinances. The state statutes set the minimum standards the Town must adhere to as the delegated authority. Those are contained in the summary pages I sent earlier.

I hope this is helpful.

Dave Winn

----- Original Message -----

**From:** [Carter Nevill](#)

**To:** [David Winn](#)

**Cc:** [Tommy Cureton](#) ; [Frank Cassidy](#) ; [Martin Crim](#) ; [Olaun Simmons](#)

**Sent:** Tuesday, April 11, 2023 4:17 PM

**Subject:** RE: Amazon's Land Disturbance

Dear Mr. Winn,

Thank you for bringing your concerns to our attention. Please specify exactly what actions or inactions fell short of the Town's obligations under the VESCP with citations to specific sites, dates and the applicable provisions of state law or regulations.

We will follow up with any inquiry accordingly.

*(Town Council has been bcc'ed on this email)*

Kindly,  
H. E. Carter Nevill

Mayor, Town of Warrenton  
21 Main Street  
Warrenton, VA 20186  
[cnevill@warrentonva.gov](mailto:cnevill@warrentonva.gov)  
(540) 359-5246

---

**From:** [David Winn](#)

**Sent:** Tuesday, April 11, 2023 2:21 PM

**To:** [Carter Nevill](#); [Heather Sutphin](#); [William Semple](#); [Brett Hamby](#); [James Hartman](#); [John B. Heroux](#); [Paul Mooney](#); [David McGuire](#); [citizencomment](#)

**Subject:** Amazon's Land Disturbance

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

Dear Town Council Members of Warrenton,

I have attached for you summary pages of the Virginia Erosion and Sediment Control Program (VESCP) handbook which governs all land development in the Commonwealth of VA. The state

statute sets the minimum standards for land development and permitting, for which the Town and Counties cannot fall below.

In the case of Amazon's land disturbance, I believe the Town officials have fallen below the standards set in the VESCP, and the VESCP Handbook. I am asking for an inquiry by the Town Council and Town Manager into why the Town has not fulfilled its obligations as the responsible authority for following the state ordinance.

I have researched numerous recent Land Disturbance Permits and Site Development Permits issued by the Town, and find that the Town Ordinances may have not been applied consistently (see SDP-22-8), and/or may have been issued contrary to the state statutes (example, LDP-23-2).

Thank you for your attention in this matter.

Dave Winn  
Warrenton, VA

Draft

**From:** "David Winn" <[REDACTED]>  
**Sent:** Tue, 11 Apr 2023 18:18:45 +0000  
**To:** "cnevill@warrentonva.gov" <cnevill@warrentonva.gov>;  
"hsutphin@warrentonva.gov" <hsutphin@warrentonva.gov>;  
"wsemple@warrentonva.gov" <wsemple@warrentonva.gov>;  
"bhamby@warrentonva.gov" <bhamby@warrentonva.gov>;  
"jhartman@warrentonva.gov" <jhartman@warrentonva.gov>;  
"jheroux@warrentonva.gov" <jheroux@warrentonva.gov>;  
"pmooney@warrentonva.gov" <pmooney@warrentonva.gov>;  
"dmcguire@warrentonva.gov" <dmcguire@warrentonva.gov>;  
"citizencomment@warrentonva.gov" <citizencomment@warrentonva.gov>  
**Subject:** Amazon's Land Disturbance  
**Attachments:** VA. Erosion Sediment Control Program (VESCP) Summary  
pages.pdf, Virginia Erosion and Sediment Control Handbook NOTES.doc, SDP 22  
8 The Oaks tree removal.pdf

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

Dear Town Council Members of Warrenton,

I have attached for you summary pages of the Virginia Erosion and Sediment Control Program (VESCP) handbook which governs all land development in the Commonwealth of VA. The state statute sets the minimum standards for land development and permitting, for which the Town and Counties cannot fall below.

In the case of Amazon's land disturbance, I believe the Town officials have fallen below the standards set in the VESCP, and the VESCP Handbook. I am asking for an inquiry by the Town Council and Town Manager into why the Town has not fulfilled its obligations as the responsible authority for following the state ordinance.

I have researched numerous recent Land Disturbance Permits and Site Development Permits issued by the Town, and find that the Town Ordinances may have not been applied consistently (see SDP-22-8), and/or may have been issued contrary to the state statutes (example, LDP-23-2).

Thank you for your attention in this matter.

Dave Winn  
Warrenton, VA

**From:** "Lynn" <[REDACTED]>  
**Sent:** Wed, 19 Apr 2023 12:31:07 0400  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Street closure

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

My name is Lynn Florence. My husband and I have lived in Warrenton for 24 years. The Main Street closing on weekends is one of the best family friendly decisions the town has made. Everyone enjoys the security of the closed street to enjoy dining and entertainment. The Business owners I have spoken to enjoy it as well. Please consider keeping street closed on weekends.

Thank you

Sent from my iPhone

Draft



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

## **May 9th, 2023 Regular Town Council Meeting** **Minutes**

### **Attachment 3: Signed legislation**

May 9, 2023  
Town Council  
Regular Meeting

**A RESOLUTION TO AMEND THE FISCAL YEAR 2023 ADOPTED BUDGET BY \$100,000 TO  
APPROPRIATE VIRGINIA OUTDOORS FOUNDATION GRANT FUNDS**

**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 16, 2022, the Town Council adopted the Town of Warrenton Fiscal Year 2023 Budget; and

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

**WHEREAS**, the Town seeks to purchase the 9.57 acre parcel commonly referred to as the Warrenton Horse Show grounds; and

**WHEREAS**, staff applied for and received notice of a grant award in the amount of \$100,000 from the Virginia Outdoors Foundation under the Preservation Trust Fund – Public Access Program to assist with the purchase of said parcel; and

**WHEREAS**, the terms of the grant agreement require that the Town convey a right, interest or privilege in the property that will protect 9.57 acres of open space and provide for a permanent right of public access to the property; and

**WHEREAS**, the Town Council desires to move forward with the acquisition of the parcels and to permanently protect the land and convey the open space easement required by the grant; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Warrenton that the Fiscal Year 2023 Budget be, and is hereby, amended to appropriate \$100,000 in general fund - local grant revenue for the acquisition of real estate to be permanently protected for public access;

**BE IT FURTHER RESOLVED** that the Town Manager is authorized to execute the grant agreement with the Virginia Outdoors Foundation and to take all such necessary actions to fulfill the terms of said 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:**

Parks and Recreation Director

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

  
Town Recorder

**Town of Warrenton**

**May 9<sup>th</sup>, 2023**

**Budget Amendment Summary**

Department	Amount	From	To	Description
General Fund – Parks and Recreation	\$100,000	Local Grant Revenue 3-100-18990-0050	4-100-71600-8100	Appropriates VOF funds for the purchase of the Warrenton Horse Show Grounds

May 9, 2023  
Town Council  
Regular Meeting

**RESOLUTION PURSUANT TO SECTION 11-3.9.2 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3, SECTION 3-4.12 INDUSTRIAL DISTRICT**

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

**WHEREAS**, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

**WHEREAS**, such an amendment may be initiated by resolution of the Town Council in accord with the procedures and requirements of the Ordinance; and

**WHEREAS**, the omission of Churches as an allowable use in Article 3, Section 3-4.12 Industrial District, in contrast to other allowed assembly-type uses, has been brought to the attention of staff as a matter that requires an amendment to the Ordinance to resolve the discrepancy; and

**NOW THEREFORE BE IT RESOLVED**, that staff is hereby authorized by the Warrenton Town Council to commence work necessary to prepare a Text Amendment to the Ordinance in accordance with the procedures set forth in Article 11, Section 11-3.9 Zoning Amendments; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Warrenton Town Council hereby directs staff to schedule a joint work session with both the Warrenton Town Council and the Planning Commission, to discuss and review all options in regards to assembly uses within Industrial-zoned land, so that Town Council may provide direction to staff and a recommendation to the Planning Commission.

**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

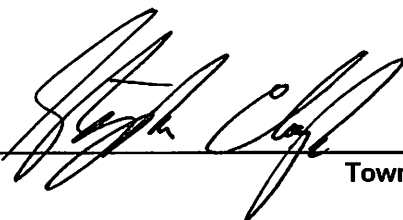
**Nays:**

**Absent from Meeting:**

**For Information:**

Community Development Director,  
Town Attorney

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



Town Recorder

FORM MOTION FOR CONVENING A CLOSED MEETING 05/09/2023

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 the Town Attorney
- \_\_\_ 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 \_\_\_\_\_ [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 A proposed text amendment  
limiting tree clearing, new legislation review. [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: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr.  
Jay Heroux; Mr. Paul Mooney; Mr. David McGuire.

Ayes:

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

Ayes:

Nays:

Absent from Vote: None

For Information:

Town Clerk

Effective date: May 9<sup>th</sup>, 2023

Stephen Clough, Town Recorder



Draft

May 19<sup>th</sup>, 2023  
Mayor H.E. Carter Nevill

**A PROCLAMATION RECOGNIZING THE ROBERT E. LAING MEMORIAL VFW POST 9835'S 75<sup>TH</sup>  
ANNIVERSARY IN THE TOWN OF WARRENTON, VIRGINIA**

**WHEREAS**, the predecessor of the Veterans of Foreign Wars of the United States was founded in 1899 from veterans returning from the Spanish American War, and

**WHEREAS**, several existing veterans organizations banded together to found the Veterans of Foreign Wars of the United States in August 1923; and

**WHEREAS**, 90 Veterans of World Wars I and II joined together to become charter members of the Veterans of Foreign Wars Warrenton Post 9835 on May 19<sup>th</sup>, 1948; and

**WHEREAS**, Post 9835 formally changed its name in 1974 to honor WWII Veteran Robert E. Laing; and


**WHEREAS**, The Robert E. Laing Memorial VFW post 9835 has, since its original creation, served the Warrenton and Fauquier County communities by providing support and awards to many local organizations and individuals including students, teachers, scouts, local veteran-centric entities; and

**WHEREAS**, The Robert E. Laing Memorial VFW post 9835 has seen its membership grow from the original 90 founders to over 330 members today; and

**WHEREAS**, The Robert E. Laing Memorial VFW post 9835 has, through its activities in support of the key programs of the Veterans of Foreign Wars of the United States and the Warrenton /Fauquier Community, been recognized with more than two score citations as an Honor Post, more than a dozen Citations as an All-State Post, and eight Citations as an All-American Post; and

**WHEREAS**, all of these accomplishments have taken place without the post having a formal Post home; instead relying over the decade of offers of temporary meeting spaces; and

**NOW, THEREFORE, BE IT PROCLAIMED** the Mayor of the Town of Warrenton wishes to offer thanks and congratulations to the members of the Robert E. Laing Memorial VFW post 9835 on the occasion of the Post's 75<sup>th</sup> Anniversary of May 19, 2023.



H. E. Carter Nevill  
Mayor  
Town of Warrenton

May 9<sup>th</sup>, 2023  
Town Council  
Regular Meeting

**A RESOLUTION TO APPOINT MARTIN CRIM OF SANDS ANDERSON P.C. AS THE TOWN ATTORNEY  
FOR THE TOWN OF WARRENTON, VIRGINIA, EFFECTIVE JUNE 1ST, 2023.**

**WHEREAS**, the Warrenton Town Council appointed Martin Crim of Vanderpool, Frostick and Nishanian, P.C. (VF&N) as the Town Attorney at the January 25<sup>th</sup>, 2022 Special Town Council Meeting; and

**WHEREAS**, Mr. Crim has been serving the Town diligently since his appointment; and

**WHEREAS**, Mr. Crim has resigned from Vanderpool, Frostick and Nishanian, P.C. effective May 31<sup>st</sup>, 2023; and

**WHEREAS**, Mr. Crim will join the team of Sands Anderson P.C. as of June 1<sup>st</sup>, 2023; and

**WHEREAS**, the Town Council wishes to retain Mr. Crim as the Town Attorney and utilize the team of Sands Anderson P.C. for the needs of representation for the Town of Warrenton; and

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council Hereby appoints Martin Crim of Sands Anderson P.C. as the Town Attorney for the Town of Warrenton, Virginia, effective June 1<sup>st</sup>, 2023.

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 Clerk

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



Town Recorder

May 9<sup>th</sup>, 2023  
Town Council  
Regular Meeting

**A RESOLUTION DIRECTING THE TOWN MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS FOR  
THE PURCHASE OF REAL PROPERTY WITHIN TOWN BOUNDARIES: THE WARRENTON HORSE  
SHOW GROUNDS**

**WHEREAS**, the 9.57-acre historic Warrenton Horse Show Grounds, located off of Shirley Avenue, is home to the country's oldest continuously operating horse show; and

**WHEREAS**, the Warrenton Horse Show Association ownership approached the Town to purchase the property to preserve the unique land and open it to the public year-round while continuing its popular use as an equine recreation facility; and

**WHEREAS**, The Town Council has directed Staff to review the property for purchase and identify sources of funding to utilize for the purchase; and

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council hereby directs the Town Manager to enter into contract negotiations with the Warrenton Horse Show Association for the purchase of the Warrenton Horse Show Grounds for the use as a park for no more than \$1.6 Million; and

**BE IT FURTHER RESOLVED** that the Town Manager return to Town Council with a draft contract for Council approval and appropriation of funds.

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 Clerk

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



Town Recorder