



TOWN COUNCIL MEETING

21 Main Street

Tuesday, October 11, 2022 at 6:30 PM

MINUTES

**A MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON WAS HELD ON
OCTOBER 11th, 2022, AT 6:30 P.M. IN WARRENTON, VIRGINIA**

WORK SESSION

Present: Mr. Carter Nevill, Mayor; James Hartman, Vice Mayor; Mr. Sean Polster; Mr. Jay Heroux; Mr. Brett Hamby; Ms. Heather Sutphin; Mr. William Semple; Mr. Renard Carlos; Christopher E. Martino, Interim Town Manager; Mr. Tommy Cureton, Deputy Town Manager; Mr. Olaun Simmons, Town Attorney

Present Virtually

Absent

REGULAR MEETING

Present: Mr. Carter Nevill, Mayor; James Hartman, Vice Mayor; Mr. Sean Polster; Mr. Jay Heroux; Mr. Brett Hamby; Ms. Heather Sutphin; Mr. William Semple; Mr. Renard Carlos; Christopher E. Martino, Interim Town Manager; Mr. Tommy Cureton, Deputy Town Manager; Mr. Olaun Simmons, Town Attorney

Present Virtually

Absent

CALL TO ORDER

The meeting was called to order at 9:00 A.M.

WORKSESSION -

1. VDOT State of Good Repair Projects

Mr. Frank Cassidy gave an update via a PowerPoint presentation on the Plan Warrenton 2040 – VDOT State of Good Repair/Smart Scale Road Projects. He noted that the Town Council must approve the resolution accepting the projects and the agreement with VDOT. It will take 2-3 years for VDOT to complete these projects.

Councilman Semple asked if Falmouth Street will be remarked once the repaving is accomplished as they were previously, or if there will be changes?

Mr. Cassidy responded to Councilman Semple stating that the painting and markings will be refreshed, and the Greenway will enhance that area due to some enhancements already on that crossing and his team will maintain those enhanced crossings and try to implement as many other high visibility markings as they can with any of those crosswalks or sections that cross those walkability channels and sidewalks.

Councilman Heroux asked for confirmation that the completion of the projects will take 2-3 years.

Mr. Cassidy responded to the Councilman confirming the duration of the projects, detailed the process, and reiterated that VDOT will be responsible for all costs.

Mayor Nevill asked for the payments VDOT is indicating in the locally funded project administration agreement.

Mr. Cassidy responded to Mayor Nevill confirming that there are no costs to the Town. The resolution will be added to the consent agenda.

2. ARPA Project Status Update

Ms. Stephanie Miller gave a presentation providing a status update on the ARPA Projects, the purpose of ARPA, the timeline of funding, public health and economic impacts, match and cost-share, procurement, and reporting and audit impacts.

Councilman Semple asked to go back to the Eligible Use Categories slide 16 for clarification on the Town's allocation of \$10.4 million towards the "Replace Public Sector Revenue" category.

Ms. Miller responded to Councilman Semple and clarified that the Town is allowed to classify up to \$10 million in that category.

Councilman Semple asked for the percentages of each of the categories that the Town has allocated so far.

Ms. Miller responded to Councilman Semper by proceeding to the ARPA Spending Plan – Project Status Update delineating in detail each project, the allocated and reallocated budget for FY 2022 and 2023, and the remaining balances.

Mayor Nevill asked for clarification on unused allocation of budgeted funds – are they put back into the ARPA balance? For example, the fuel system remaining balance of \$19,568.00; \$50,000.00 was allocated in the budget. The actual cost was \$30,000 . Is the \$19,000 put back into the ARPA balance?

Ms. Miller responded to Mayor Nevill that the money will be held for any additional expenses, such as upgrades, other costs, or reallocated.

Councilman Carlos asked when ARPA funds must be spent.

Ms. Miller responded with a date of December 31, 2024 for funds to be spent or obligated. She added that Council will have through the end of 2026 if there is a large project, such as a construction project.

Councilman Carlos asked if the project coordinator is going to be specifically just for coordinating ARPA spending or all projects in general.

Ms. Miller responded to Councilman Carlos stating that the focus is primarily on water and sewer projects but anticipates the position will assist in other areas.

Councilman Carlos asked if there will be any ability to get a full scope of the projects that the Town is currently engaged in now that the project coordinator can assist with.

Ms. Miller responded in the affirmative to Councilman Carlos.

Councilman Carlos asked if funds could be allocated to projects 9-11 and can the \$19,000 can be reallocated.

Ms. Miller responded to Councilman Carlos in the affirmative.

Councilman Semple revisited his original question to Ms. Miller about the percentages of the amount the Town has allocated to the administrative category of eligible uses – supporting the COVID-19 public health and economic response because \$3 million is left.

Ms. Miller responded to Councilman Semple by explaining the public sector revenue loss category allows the Town to be able to classify almost everything up to \$10 million without having to meet all the qualifications in the other categories.

Councilman Semple expressed his concern about the remaining \$3 million as to how the Town will actually show how the money has been allocated to meet each of the respective goals under ARPA as the Town does not have that distribution down.

Mr. Martino responded to Councilman Semple stating that for reporting purposes, the Town can put any item the Council chooses in that \$10 million category that facilitates the reporting and accounting on the funding from the Federal Government.

Councilman Semple asked how the Town is allocating the funds to the 4 categories and what are generally the priorities?

Ms. Miller responded to Councilman Semple advising that the Town makes the decision to what it would like to do with the funding.

Councilman Carlos requested an update as to how we know the improvements are working at the pedestrian crossing at Blackwell and Morehead.

Mr. Cassidy responded to Councilman Carlos stating that the feedback received from individuals using that crosswalk and internal individuals is that the improvements of high visibility addressed the concerns of that intersection at this time.

Councilman Carlos asked if the Town has conducted a survey.

Mr. Cassidy stated no – just the feedback at this time.

Councilman Heroux requested an update on the Waterloo speed study and the expectation when it will be in place and the duration of it.

Mr. Rob Walton responded to Councilman Heroux advising that he does not have a timeframe on the study; however, a professional survey on Waterloo Street and will ask the consultant to do a design for Waterloo. Rob deferred to Ms. Denise Harris for additional information.

Ms. Denise Harris reiterated Mr. Walton's input and stated that they will ask the consultant to go forward with a design for Waterloo. She stated that they must go through a Federal Procurement process to use ARPA funds. They are ready to start surveying and doing an engineering design based on the interests of the residents.

Councilman Heroux asked Ms. Harris for a timeline when the contacts and surveys will be put in place.

Ms. Harris responded to Councilman Heroux stating that once they get through the procurement process, they will begin surveying before the end of the year.

Councilman Hamby asked Ms. Harris what we are doing with the federal procurement and if a proposal is out for Waterloo Street.

Ms. Harris indicated that a proposal is not out for Waterloo Street that an open-ended that is being submitted for a host of activities that would be done under ARPA – general engineering, transportation, landscaping, architecture, parks and rec, septic – all these things will be included in the RFP going out to allow flexibility with the ARPA funds.

Councilman Hamby asked Ms. Harris what we are doing with Waterloo Street.

Ms. Harris expressed that this will all be part of the design after the survey to determine if we want to budget for it.

Councilman Hamby asked Ms. Harris if we have a plan to change Waterloo Street.

Ms. Harris stated that the next step is to determine what we want to do, how we want to do it, and then budget for it at the appropriate time. Now we are putting a survey of the road out to the residents.

Councilman Carlos wanted clarification from Ms. Harris of where we are now with the engineering study and then potentially some type of redesign that takes in all aspects of the project – and timeframe ballpark. His concern is the timeframe from start to finish as the lines on Waterloo Street make it appear that there is parking in areas where you cannot park and there are now lines in from of the residents' driveways.

Ms. Harris responded to Councilman Carlos suggesting that the front of the driveways be painted in stripes until the redesign occurs to prevent individuals from parking in front of the residents' driveways. She stated that there are many variables to consider, such as funding, conversations with her colleagues (e.g., Public Works,), FHW standards and what is allowable, and budgeting.

Councilman Carlos asked if funding from ARPA can be reallocated to do short-term safety improvements.

Mr. Martino responded to Councilman Carlos, the Mayor, and Council suggesting a work session discussion with Council in November before deciding.

Mr. Martino reminded everyone that the lines on Waterloo were an intermediate step to determine efficiency.

Mr. Hamby asked if staff could advise of the cost to put Waterloo back to its original state.

Ms. Harris answered in the affirmative.

Mr. Martino asked Mayor Nevill if a resolution is needed in the evening session to adjust the budgets.

Mayor Nevill consented to Mr. Martino's request to add the resolution of reallocation and reappropriation to the consent agenda.

3. Sewer and Water Request Warrenton Shopping Center

Mr. Rob Walton provided a brief presentation to discuss the Tri-Party Agreement Request and informed Council of the proposal and concept by the Morgan Companies outside of Town limits for a shopping center to include a grocery store, retail shops, coffee shops, and a convenience store with pumps. The Morgan Companies have had a pre-application meeting with the County to discuss their proposal but have not presented a formal submission to them. The County expects the formal application at the beginning of the year – January first. The Council has to decide to amend the Tri-Party Agreement to serve the two properties with public water and sewer or pass a resolution to add or update the agreement if in favor.

Councilman Semple asked Mr. Walton if this is the area that the Council is considering a boundary line adjustment.

Mr. Walton responded to Councilman Semper that this was not the case.

Councilman Carlos asked Mr. Walton to provide the additional benefits the Town will see.

Mr. Walton responded to Councilman Carlos of the economic growth (e.g., tap fees for the water and the sewer, monthly service charges for the Town's water services).

Councilman Carlos requested of Mr. Walton the amount of the tap fees.

Mr. Walton referenced the Staff Report on page 2, which provides the breakdown.

Mayor Nevill asked Mr. Walton if the Town is still obligated to the 2017/2018 approved or adopted resolution of the Fletcherville project that never came to fruition.

Mr. Walton responded to Mayor Nevill stating that if the resolution passed and unless that resolution had a time limit on it, then the Town would still be under obligation; he will check the resolution.

Mayor Nevill asked Mr. Walton to review the resolution to determine if the Town can vacate from the obligation of the Fletcherville project or discuss with the County before doing so to remove from the books if null and void.

Mr. Walton responded to Mayor Nevill informing of the Tiffany Estates Project inside the service district limits providing water, not sewer, to which the resolution has not expired.

Councilman Polster asked Mr. Walton if the Town could look at the Morgan Companies' request in the future when a formal application is submitted to the County, but at this juncture be noncommittal in the resolution as additional information is needed and this will allow the County time to receive the additional application information.

Mr. Walton responded to Council Polster advising that he will speak to the County.

Councilman Polster asked Mr. Walton if the Town could have a sunset clause on this – that it would be for the Timmons Group application specifically and not for buying or bailing for this water and sewer and then selling to something different, and would this be acceptable in a resolution to say that it's for x use and not for this application specifically or is this more of a legal issue?

Mayor Nevill interjected to clarify Councilman Polster's question by stating that the Town have other commitments and if they do not come to fruition, the Town is still under obligation. The point is to either put this project on sunset or tie it specifically to this project so if the County does not approve the rezoning or if for some reason the project doesn't go forward, the Town won't find itself committed to a use that is not this one.

Councilman Polster asked Mr. Walton if the Town amends the Tri-Party agreement, is it perpetuity?

Mr. Walton responded to Councilman Polster stating this would not be the case if the Town puts a sunset clause on them; however, he will defer to the Town Attorney to ascertain if this be acceptable.

Vice Mayor Hartman suggested discussing with the County the revenue sharing as they will be utilizing the Town's infrastructure, water, and sewer.

Councilman Hamby agrees with Vice Mayor Hartman's suggestion.

Councilman Semple requested to see more analysis on the effect of the Town's water and sewer capacity.

Councilman Carlos suggested not acting on this matter until November as the Town has additional questions for the County to answer.

Councilmen Polster and Semple agree with Councilman Carlos.

Councilman Hamby expressed moving forward with a resolution tonight, not delay a month, and present some sort of agreement to the County to ascertain if they agree with the revenue sharing.

Mayor Nevill suggested putting a cap on the gallons of water and a sunset so all the concerns expressed can be satisfactorily addressed while also serving the interests of the applicant.

Vice Mayor Hartman asked Mr. Walton to address the capacity of both the water and sewer systems to serve this project.

Mr. Walton responded to Vice mayor Hartman with the number breakdown based on monthly reports, which substantiate that there is sufficient water capacity for this project.

Councilman Heroux asked Mr. Walton if we have an ongoing model that shows what our water demand is today to determine if we can meet current and potential future commitments.

Mr. Walton answered in the affirmative stating that readings are taken monthly to show usage.

Mr. Martino added the point that WRA conducted the last analysis of supply and demand in 2015 and has asked Mr. Cassidy to have WRA provide an update and possibly build the analysis reports in future schedules to run routine capacity updates.

Councilman Polster proposed sending the proposal back to the County with a cap and resolution, adding the sunset, and adding that this isn't in perpetuity.

Councilwoman Sutphin, Councilman Hamby, Vice Mayor Hartman, and Councilman Heroux wish to move forward. Councilmen Semple and Councilman Carlos prefer to wait 30 days with data to decide.

Mayor Nevill, based on the majority of the Council, will add to the resolution noting the resolution as a sort of parallel tract with the conditions indicated by Councilman Polster.

4. Appointments to Planning Commission

Mr. Martino advised the Town Council to appoint at least two new members by the end of the year to take office January 1, 2023. He asked Council how they would like to proceed to nominate and consider future members of the Planning Commission.

Mayor Nevill suggested that members of Council recruit with a sense of urgency within their respective wards, contacts, and neighbors for at least three qualified, quality candidates to interview and appoint by the December Town Council Meeting so at least one seat is filled by January 1st.

Councilman Semple expressed that according to the guidelines, Mayor Nevill would reconstitute another committee based on different representation for the next vacancy, and each vacancy is treated individually, not all together at once, so that each member of Council can have an opportunity to get involved in the process to ensure representation from each ward.

Mayor Nevill responded to Councilman Semple stating that he saw clarification from Mr. Crim on Councilman Semple's e-mail on the citizen guidelines and Mr. Crim recommended the Council could allow the nominating committee to indicate if candidates are qualified when applicants are presented to Council.

Councilman Carlos expressed that if Mr. Crim issues a legal opinion based on the Town's codes and policies, then the e-mail submitted by Councilman Semple or any information, should be shared with the entire governing body.

Councilmen Carlos and Vice Mayor Hartman specified that they were unaware of an e-mail and would like to see it.

Mr. Martino clarified to Council that he believes this matter is not a legal issue, rather, it is Council policy and if there is a quorum, Council can take action to change its policy and act how it deems necessary at any point of time. Mr. Martino further expressed to Council the urgency to obtain at least 5 members on the Planning Commission as efficiently as possible.

Mayor Nevill and Councilman Semple agreed with Mr. Martino as long a Council is involved in the review.

Councilman Carlos, Vice Mayor Hartman, and Councilman Hamby reiterated that all communication should be shared with Council and asked that Councilman Semple's e-mail reflecting Mr. Crim's suggestions be shared with all Council members.

Councilwoman Sutphin and Councilman Hamby expressed that all candidate information should be compiled by the Committee, the Committee would interview each candidate and forward all information to Council, and then Council would interview each candidate.

Councilman Hamby delineated the process that interested candidates should follow to be considered for the Planning Commission.

6. Interim Town Manager Update:

Department Reports

Mr. Martino has asked the directors to review their reports and revise them due to data being out of context, resulting in unusable information. He asked that monthly reports be moved to quarterly reports to capture more analysis, information, and narrative over a longer period of time, and remove drain on staff to update their reports monthly. Quarterly reports would be beneficial to staff, Council, and the community, allowing time to review trends and read the analysis over a longer period of time.

Mr. Martino provided Council with reporting timeline.

Councilman Carlos voiced agreement with Mr. Martino.

Councilman Heroux asked Mr. Martino which reports have the most volatility or tend to have the bigger changes from month-to-month.

Mr. Martino responded to Councilman Heroux stating that there is not much volatility under normal operations - only when there is the exception, e.g., a storm event, such as a hurricane or a big public safety issue event.

Councilman Heroux expressed his appreciation for the reports, acknowledging the workload impact, and wanting an exception report when something out-of-the-norm arises.

Boundary Line Adjustment

Mr. Martino stated that he has had several conversations with the County Administrator beginning in August to bring their analysis forward, but the County Board deferred the action and asked the County staff to conduct and present additional analysis, which should have been done so in September. However, the County Administrator indicated that this will be done in October (this Thursday). Mr. Martino expressed that he and the County Administrator agreed that it would be constructive to create a Town/County liaison group that includes other towns, but a separate group should focus on the boundary line adjustment issue. Mr.

Martino recommended that the Council designate 2 members of the Council to participate in the group either today or tonight in order to move forward.

Councilman Carlos emphasized that this Town/County liaison group is a separate group specifically for the Boundary Line agreement and he recommended Councilman Semple.

Mayor Nevill recommended Councilman Hamby.

Councilman Polster suggested to table the discussion until tonight.

Mayor Nevill agreed with Councilman Polster.

Accounting Position in Finance Department

Mr. Martino requested Council to consider a draft request to authorize approval for an off-cycle full-time accounting position due to an increase of activity and drain in Finance – FY22 closing with the auditors, preparing financial reports for underwriters and the public accounts, and smaller items cited by the auditors regarding internal controls.

Mr. Martino explained to Council how the position will pay for itself.

Councilman Hamby asked Mr. Martino if the proposal request specifically for an accountant.

Ms. Miller responded to Mr. Hamby advising that Finance is looking for an individual with an accounting background, coursework and expertise, and someone who can check her work as she is the only person in the department with an accounting background, which raises an internal control issue. This individual would also assist in submitting the bank reconciliations in a timely manner to improve this process, which has been an issue.

Councilman Hamby asked Ms. Miller who determines the salary range for the requested position.

Ms. Miller explained that the request presented for \$125,000 is mid-range including benefits, based on the budget manager position and the level of expertise and responsibility assumed by the position.

Ms. Miller expressed the involvement of the Human Capital Manager to assist with refining the job description.

Councilman Hamby asked Ms. Miller to clarify the request amount of \$125,000.00 as the range presented reflects \$74,000.00 - \$118,000.00.

Ms. Miller responded in the affirmative adding that \$63,000.00 would probably be needed in the current year because at best it's going to be mid-year, higher even if starting to recruit now.

Councilman Semple asked Ms. Miller if the vacant budget manager position can absorb the responsibilities of the proposed accounting position.

Ms. Miller responded by stating that those who do budgeting typically do not have an accounting background as was the case with the last Budget Manager.

Councilman Semple expressed his concern of an open Budget Manager position and now authorizing the hire of another open position. He asked if there is an immediacy for the proposed accounting position because we are moving into an audit period.

Ms. Miller justified the immediate need by explaining that accounting needs are year-round for the finance department, they are currently wrapping up FY22 audit, and the financial reporting and entries are falling on her.

Councilman Semple asked how confident the Town feels that it will continue getting more than expected from the meal's taxes, especially since seeing some of the headwinds seen from the economy. He also expressed that without a finance report this month, the Council is unable to see the entire nature of where the Town is financially.

Mr. Martino responded by stating that it is one of the ramifications of Ms. Miller's workload, resulting in him asking her not to prepare this month's finance report as doing so would have been a drain on addressing the bond market and everything involved, the information statement, and the closing on the bonds along with a whole host of other things occurring with a sense of urgency, in addition with bringing other items in the best way for Council to consider – water and sewer, transportation, capital projects.

Councilman Carlos asked Ms. Miller to confirm that the accounting position is a mid-year hire at \$63,000.00 and a total cost of \$125,000.00 and if Council, doing their budgeting cycle, have to consider keeping the position and funding it long term.

Ms. Miller answered in the affirmative, adding that this is an estimated cost.

Councilman Carlos thanked Ms. Miller and Mr. Martino for their hard work, and for making Council aware of the workload because their work is important. Councilman Carlos acknowledged that what finance does is a lot.

Councilwoman Sutphin asked Ms. Miller if it was correct that she has been basically doing the work by herself for a very long time.

Ms. Miller answered in the affirmative, adding that it is a consideration that there should be someone else in the department that she can bounce things off that has the same level of expertise.

Councilwoman Sutphin praised Ms. Miller for doing a fabulous job handling things by herself and expressed that the Council will get her help.

Councilman Carlos acknowledged that if Ms. Miller were to leave, there would be no one, so Council is trying to eliminate a single point of failure here.

Mayor Nevill asked Ms. Miller if the Town is running a hiring process for the budget position.

Ms. Miller answered in the affirmative and added that they are in the interview cycle now.

Councilman Heroux asked Ms. Miller how much of the productivity and the workload are driven by the current financial management system and if the system is fairly dated.

Ms. Miller responded by confirming that the current financial management system is antiquated and informed that there are other ERP solutions that can be used, but the undertaking is expensive with the implementation process. She reminded Council that a system is programmed in the CIP and the longer the decision is put off, the more expensive it gets.

Councilman Polster expressed appreciation to Ms. Miller and informed Council that the County currently has an RFP out now for a system and this may be an opportunity to have a shared system to allow the Town to extrapolate data from the Commission revenue and other things.

Councilman Hamby inserted that Council has been trying to update the accounting software since 2017/2018.

Mayor Nevill asked Council if they are comfortable amending the budget to add the position to the consent agenda.

Council agreed.

7. Agenda Review

Mr. Martino reviewed the agenda with Council.

Mayor Nevill asked Council if they have questions.

Councilman Polster asked Mr. Martino how does the 1997 zoning effect the Harris Teeter Project.

Ms. Harris expressed that this is a little confusing as this is a unique parcel; she explained the back history and informed Council that the action before them tonight would be to amend that master development plan to allow for a fuel station, which is considered a rezoning.

Councilman Polster asked Ms. Harris if (1) the Town is bound by the 1991 agreement that was amended in 1997 and (2) to confirm that nothing in the agreement references a gas station, and (3) this why the amendment is coming forward to allow them.

Ms. Harris responded to Councilman Polster in the affirmative and provided additional history.

Councilman Hamby requested of Ms. Harris to clarify what she stated previously explained and asked her how Harris Teeter is zoned.

Ms. Harris responded to Councilman Hamby stating that Harris Teeter is its own zoning district of planned unit development.

Councilman Hamby asked Ms. Harris if the Harris Teeter zoned as commercial.

Ms. Harris invited legal to jump in and continued explaining that Harris Teeter is its own zoning tied to the master development plan.

Town Attorney Simmons explained that the plan development district is its own zone – separate and apart from a commercial district, but within the PUD there are certain uses. There are by-right and special permit uses as well. In the 91 and 97 versions of the PUD, it authorizes service stations with a special use permit, and this is what Harris Teeter is doing in this case; they are bound by the 91, 97 versions of the code. Those versions say you need a special permit if you want to do a service station and that is what Harris Teeter is going for at this point under the 91, 97 version of the PUD.

Councilman Hamby asked for clarification if the version being considered by Council is the 1991 agreement.

Ms. Harris responded by stating that Council in looking at the master development plan that was adopted in the 90s for Northrock.

Councilman Polster informed that he has the 1997 agreement, not the 91, and the 97 silent to that even has the SUP for that use, which is why he was asking if it was referenced to the 91 that needed the SUP and was not carried over to the 97.

Mr. Simmons responded by stating that the 97 version mentions the SUP and service stations as well – it says if you have a commercial district use, then you would have to look at the commercial district section in the 97 version and that commercial district section points you to the service stations as being authorized with an SUP.

Councilman Polster reminded Mr. Simmons that he stated that this was not a commercial district because you could not consider it a commercial district.

Mr. Simmons responded by agreeing but added that in the PUD version under special use permits, it provides an option to use a commercial district if you have an SUP. He pointed out that under the commercial district section, it mentions service stations.

Councilman Semple clarified that the original 1991 ordinance only provided for commercial light uses – CL – which did not include gas stations either as a By-Right use or a special use permit. The 1997 change, which was voted on in January 1998, was brought by the current applicant's attorney in order to provide for an SUP that allowed for a gas station. So that was the amendment which they are relying on to provide their vested interest and allow this to go forward. He stated that the point to consider is that the original plan unit development has many of the components of a residential plan unit development that was found in 2008, a revision of all of the plan unit developments that we have in Warrenton, and that makes the difference that this was an amendment that allows the SUP to go forward and this is what Harris Teeter is relying on.

Councilman Polster stated that the way the 97 version was written up as an RPUD He noted that under 14 3.2, it says, "commercial use as a special use permit."

Town Attorney Simmons confirmed Councilman Polster's statement.

Councilman Polster sought confirmation of his statement, "even though the intent of this was the residential component, correct?"

Mr. Simmons affirmed.

Councilman Hamby asked if the master plan include all the whole commercial in the area, such as the Longhorn side, down the hill, all the back to Walker Drive.

Ms. Harris responded by saying that the SUP is for the 11 acres that includes Northrock commercial components that includes Sweet Frog, Harris Teeter; she referenced the map found in the ZMA 2021-01/SUP202101-North Rock Harris Teeter Service Station Presentation.

Councilman Hamby requested the original site plan/master plan to determine if the 11 acres are from the Sweet Frog end to the Harris Teeter – just the shopping center.

Ms. Harris confirmed that this is the case.

Councilman Heroux wanted to know the logic behind the 1991 plan allowing for a service station under a special use permit.

Ms. Harris responded by stating that she could not speak to the logic of the 90 something zoning ordinance because it is by-right today and generally special use permits are put in place to allow for a development to take place with conditions of approval that would mitigate any potential negative impacts, and in this particular case, there is a list of potential conditions of approval that relate to environmental – they relate to elevations traffic, pedestrian, walkability, and things of that sort to try to address the existing environment and this use within the existing environment.

Council Heroux wanted clarification that during that time, a service station was envisioned as a potential use, but it was recognized because of the nature of that business – petroleum products, environmental risk, fire, etc., if you were to come forward with a proposal, the Town would have to make sure that the business is accommodating and accounting for all the potential risks of that business and that it wasn't a blank check for a business to do whatever it wants.

Ms. Harris answered in the affirmative and presented the ZMA 2021-01/SUP202101-North Rock Harris Teeter Service Station Presentation.

Councilman Polster asked if Council should refer to the 91, 97 ordinances for the PUD and refer to today's ordinance for the sign.

Ms. Harris responded in the affirmative to Mr. Polster.

Councilman Polster asked Ms. Harris if there are any other nuances like that in this application where they have to follow today's ordinance, but not the 90s but not what we agreed to behind the cooler.

Ms. Harris responded to Councilman Polster by stating that he has done a pretty good job of covering the nuances.

Councilman Carlos asked Ms. Harris how many gas stations were there in town when the 91/97 agreement was done.

Ms. Harris responded by stating that she had no idea.

Councilman Carlos asked Ms. Harris if the Northrock development already created at that point time or in the Northrock residential area.

Ms. Harris responded stating that the residential area was part of the entire development, and this is a Harris Teeter gas station, which uses their fuel points.

Councilwoman asked Ms. Harris if the Town will still be able to use the points at the BP station or if that agreement being cancelled out.

Ms. Harris deferred to the applicant to answer.

Councilman Hamby asked Ms. Harris if Walmart wanted to put gasoline at Blackwell Road's site, would they be allowed to do that, are they just our normal commercial zoning, or do they have any special agreements in town?

Ms. Harris deferred to the Zoning Administrator and stated that she would have to check and further stated "that they have a SUP on the Walmart site and probably at a minimum require an amendment to their existing SUP" and she "assume that it has to be built in general conformance with whatever special use plan they had in place when it originally came through," but she would have to look at that.

Councilman Hamby added, "It's not the Government's job to be involved in any type of competition. It's really not our concern how many gas stations we have. To me, it's

more of trying to do everything neutral. I know that there's a different animal when they came across the first...because I think it was the first PUD in town, which was Blackwell and I know it's a little different. When somebody confronts you who's an average citizen...would you let somebody else do this? Say it's not Walmart, say it's Home Depot, say it's somebody who has large acreage of parking places in order to be fair across the board, is it any legal reason Harris Teeter can't move forward with something on their property? If somebody else in town was to do the same thing, what restrictions would they be subject to versus this? Publicly, that's what other people think. It's what's allowed and what's not."

Councilman Carlos asked Ms. Harris how much traffic the Harris Teeter site is already getting?

Ms. Harris responded by stating that two transportation analysis are in the Executive Summary Report; she then deferred to the applicant's representative, Ms. Jessica Pfeiffer, to speak more directly to the traffic generation all that is related to that specific site.

Ms. Pfeiffer, with Walsh, Carlucci, Lubi and Walsh (on behalf of Harris Teeter), provided a presentation on the traffic impact analysis.

Vice Mayor Hartman asked Ms. Pfeiffer if the gas pumps exclusively for Harris Teeter customers and the point system or anyone?

Ms. Pfeiffer responded by stating that the intent of use is for Harris Teeter customers, "but it's really easy to become a Harris Teeter customer to use the gas."

Vice Mayor Hartman asked Ms. Pfeiffer if someone could use the pumps if they just see them at Harris Teeter.

Ms. Pfeiffer responded in the affirmative.

Councilman Semple expressed his concerns to Ms. Pfeiffer.

Councilman Carlos asked (referencing the Traffic Impact Analysis – trip generation) if the primary trip numbers - 30, 80, 70 - are in addition to all the other traffic that's coming to the gas stations.

Ms. Pfeiffer answered in the affirmative, adding that this is over a 3-hour period.

Councilman Semple asked what the current loss of service is now.

Ms. Pfeiffer responded by stating that she would have to refer to the TIA, "but what it is now is negligible adding our use."

Councilman Semple wanted clarification on if this is the loss of service now (referencing the COVID-19 VDOT Traffic Volume Tool slide).

Ms. Pfeiffer answered in the affirmative.

Councilman Heroux asked Ms. Pfeiffer if it has proven to be a good business model for Harris Teeter to bring a fuel station into their offering mix and for what reasons.

Ms. Pfeiffer affirmed and deferred to Mr. Garrett Merritt to elaborate.

Councilman Heroux asked Mr. Merritt has this business model not worked at any locations.

Mr. Merritt responded, "No."

Councilman Heroux asked if this does not go well, will the new buyer be responsible for the clean-up of the site (fuel tanks).

Ms. Pfeiffer explained that Harris Teeter would be responsible for doing so.

Councilman Heroux asked of others that have approached with an interest in the site during the 10 years it's been marketed.

Ms. Pfeiffer responded that she has not been directly involved in the marketing, but believes banks have shown an interest and "the owner has been aggressively marketing to everyone and anyone."

Councilman Heroux asked Ms. Pfeiffer to confirm her use of the term over park to mean there are too many cars to park there.

Ms. Pfeiffer responded stating that it "means that there's a certain number of parking spaces required per the Town's code and the number of spaces provided is 70 more than what required."

Councilman Semple questioned why the proposal relied on the old comprehensive plan.

Ms. Pfeiffer replied suggesting "that the whole shopping center is under the old comprehensive plan."

Councilman Semple asked Ms. Pfeiffer if we should consider the proposal under the new comprehensive plan.

Ms. Pfeiffer responded by deferring to the Town's staff and referenced their update in the comment response letter to the statement of justification.

Councilmen Semple wanted to know how the Harris Teeter proposal differs from what is now in place with BP in terms of points.

Ms. Pfeiffer stated that it is not, but "having a new gas station coming into the market can help gas throughout the market come down in price a little bit, but it will be another option and hopefully reduce trips on Route 29 for folks off of Fletcher so they do not have to go out onto Route 29 to go to that gas station."

Councilman Semple asked Ms. Pfeiffer to confirm that gas prices will go down because they will compete against one another.

Ms. Pfeiffer answered in the affirmative.

Mayor Nevill asked Ms. Pfeiffer to explain how the average trips per day counts compare to a non-affiliated gas station, such as a Wawa and Sheetz, as it “would seem that this probably is a lesser count than a standalone gas station has for daily unique trips.”

Ms. Pfeiffer responded in the affirmative and explained that Wawa and Sheetz have their own category because of being super convenience store gas stations, which draws more trips, and they often have more pumps.

Councilman Polster asked for the compelling reason why the community should go forward with this SUP.

Ms. Pfeiffer responded by referring back to her presentation – the Comparison Exhibit slide.

Councilwoman expressed her concerns about parking and community safety.

8. Closed Session- Proposal Review and Selection for the Town Manager Search

Vice Mayor Hartman moved to convene a closed session

Closed Session under Va. Code §2.2-3711(A)(29) to discuss discussion of the award of a public 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 public body under Virginia Code.

Councilmen Hamby Seconded.

Ayes: Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos

Nays:

Abstention:

Absent:

Upon reconvening from the closed session, Town Council adopted 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

Councilmen Hamby seconded, the vote for the motion was unanimous, as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

Mayor Nevill inquired as to the procedure for the appointment.

Mr. Martino answered that it would be added to the session this evening.

Recess at 1:16 p.m.

The Town Council reconvened in regular session at 6:30 p.m.

REGULAR MEETING - 6:30 PM

The meeting was called to order at 6:30 p.m.

INVOCATION.

PLEDGE OF ALLEGIANCE.

CITIZEN'S TIME.

Douglas Barylski, 189 N. View Circle, Warrenton, addressed the Council regarding the Amazon Data Center.

Cindy Burbank, 6347 Barn Owl Court, Warrenton, addressed the Council regarding the Amazon Data Center.

Jean Boenish, 5473 Camellia Ct. Warrenton, addressed the Council regarding the Gas Station at Harris Teeter.

Natasha C. Kurfees, 88 Main Street Warrenton, addressed the Council regarding the Amazon Data Center.

APPROVAL OF THE AGENDA.

Councilman Brett Hamby moved to approve the agenda; Councilman Carlos seconded. There was no discussion.

The vote was as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

The agenda was approved.

Closed Session- Legal Matters

Vice Mayor Hartman moved to convene a closed session.

Closed Session under Va. Code §2.2-3711 (A)(8) Legal matters, specifically where such matters require the provision of legal advice, under Virginia Code

Councilmen Hamby Seconded.

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

Upon reconvening from the closed session, Town Council adopted 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

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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

Councilmen Hamby seconded, the vote for the motion was unanimous, as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

Mayor Nevill added that there was a request from a Citizen who was not able to make it for Citizens' Time. Reverend Ruiz would like to address Council.

Reverend Ruiz thanked the Town Council for the support of the Latino Community and the Latino Festival.

PUBLIC HEARINGS.

- 1. An Applicant Initiated Zoning Ordinance Text Amendment (ZOTA 2022-1) To Increase the Permitted Density in the Central Business District from Twenty-Five (25) Units Per Acre to Fifty (50) Units Per Acre on Parcels Less Than 1/2 Acre and to Update to Fee Schedule**

AM Session

Mr. Rob Walton reminded Council that this is an amendment to the zoning ordinance to amend Articles 3, 7, 9 and the fee schedule. He stated that the proposal includes amending the CBD district from the currently allowed 25-apartment units per acre to an increase up to 50 units per acre parcels that are less than $\frac{1}{2}$ an acre; parcels that are $\frac{1}{2}$ an acre or greater will remain limited to 25 apartment units.

Proposal: 25% of new units would be subject to ADU (affordable dwelling units) provisions that has been included in the text. Mr. Walton directed Council to refer to the agenda for Ordinance A – reflecting Articles 3, 7, and 9, which would be the Text Amendment with no affordable dwelling unit provisions; Ordinance B – includes the ADU provisions, the updated Text, Articles 3, 7, 9 and the fee schedule.

Councilman Semple provided Council with background information.

Councilman Carlos echoed Councilman Semple's statements, thanked the applicant and staff for their hard work and acknowledged that there is an affordable housing crisis across the country and in Warrenton.

Councilman Heroux requested, as a new Councilman, another 30-days to review the proposal to understand the peculiarities as he sees a lot of positives and risks.

Mayor Nevill responded to Councilman Heroux stating that his request is fair.

Councilman Carlos asked Councilman Heroux if he have specific questions that can be answered by Council during the Work Session.

Councilman Heroux responded to Councilman Carlos expressing his desire to put together a comprehensive list, requesting a little time to do so.

PM Session

An Applicant Initiated Zoning Ordinance Text Amendment (ZOTA 2022-1) To Increase the Permitted Density in the Central Business District from Twenty-Five (25) Units Per Acre to Fifty (50) Units Per Acre on Parcels Less Than 1/2 Acre and to Update to Fee Schedule

Applicant, Charles Mothershead addressed Council.

Councilman Semple asked Mr. Mothershead to explain the Affordable Housing provision.

Mr. Mothershead responded to Councilman Semple by providing background, stating that this matter came from the Planning Commission that expressed the need for additional affordable housing in the Town.

Councilman Semple asked Mr. Mothershead to explain the standards that they are applying in terms of the rental and the amount of the rent that is charged.

Mr. Mothershead responded by explaining that “the average rent is now \$1,200 to \$1,500 for one bedroom in downtown Warrenton and part of the problem is that the medium income, which guides the Affordable Housing, is over 73,000 in Warrenton – higher than that in Fauquier County. So there’s quite a disparity in terms in that.” Councilwoman Sutphin asked Mr. Mothershead where he is finding the \$1,500 rental as she cannot find anything under \$3,000.

Mr. Mothershead responded by advising that Kress Realty informed him that one bedroom units along Main Street are \$1,200 to \$1,500.

Councilman Semple added that “one of the key features of the Affordable unit is that it cannot be greater than the HUD standards, which raised it below what you might consider to be market. That’s why we thought about some flexibility, so if somebody wanted a two bedroom or one bedroom or an efficiency, both the landlord and the applicant would have a chance to determine whether it was an availability and it would provide some flexibility all the way across. The provision requires that there be at least one affordable unit in every four that is rented or available.”

Councilman Hamby wanted clarification that there are 1 or 2 lots eligible in this ordinance.

Mr. Mothershead answered in the affirmative, adding that “after removing some that apparently wouldn’t be used for that.”

Councilman Hamby stated 202 lots and added by asking for the theoretical number of units that would be able to be put in.

Mr. Mothershead referred to Table 2 and informed that the current eligible number is 713 and there would be 1108.

Councilman Hamby? asked for clarification of 1108 possible dwelling units that can be done right now.

Mr. Mothershead responded to Councilman Hamby stating that 700 right now.

Councilman Hamby asked for the normal size of a unit – 300 square feet, 600 square feet.

Mr. Mothershead stated that there would be minimums under the ordinance and referred to Article 9 reflecting 500 feet, but no less than 300 square feet that is consistent with other communities similar in type and size to Warrenton that have those kinds of minimums.

Councilman Hamby asked if the County is planning to put something in the courthouse, if Mr. Mothershead represents the County or was that just an example building.

Mr. Mothershead responded that it was an example building, he believes the County has a purchase contract and doubts the County will use it for residential, and he does not represent the County.

Councilman Hamby asked if Mr. Mothershead's proposal did not include anything on top of the bank building.

Mr. Mothershead responded in the affirmative.

Councilman Hamby expressed his concern for parking and asked Mr. Mothershead where under his proposal would cars be parked if 1108 units were moved into Old Town or the central business district if there was a 2-car occupancy.

Mr. Mothershead responded to Councilman Hamby by referring to a provision in Article 9 of (3) qualifications that must be met by the property owner – demonstrating that parking is available in the Town-owned municipal parking lot.

Councilman Hamby asked if the public would be allowed to use/park in an empty space.

Mr. Mothershead answered in the affirmative with an explanation.

Councilman Hamby requested that Mr. Mothershead address the issue of trash for 1108 units and would it be streetside or curbside pick-up.

Mr. Mothershead responded that there would be curbside pick-up and a design criteria is in the proposal for adequacy and screening that would be accommodated under the site plan review. Capacity or the collection process was not discussed.

Councilman Hamby asked Mr. Mothershead to give an example of the Affordable Dwelling Unit, stating that if 25% of the \$1,200 - \$1,400 could be affordable, what is an affordable rent?

Mr. Mothershead responded by stating that the size of the family and the size of the unit, and 30% of their income dictate what is qualifiable rent under HUD standards.

Councilman Hamby asked if this would be on a case-by-case basis based upon the applicant's income versus the median income of the County.

Mr. Mothershead answered in the affirmative, correcting that it's the median income of the Town.

Councilman Hamby asked Mr. Mothershead what is to prevent those who do not qualify from applying to subdivide their lot and up in the density.

Mr. Mothershead replied to Councilman Hamby, "nothing."

Councilman Hamby asked Mr. Mothershead if, in theory, the 257 and the 214 - any of those people within those two paths - could apply to subdivide down to meet the ordinance?

Mr. Mothershead responded that the affected people would only be those that are restricted to 25 units per acre and those are over one-half acre in size - only 12 lots in the CBD.

Mayor Nevill asked Mr. Mothershead to confirm that those 12 lots could subdivide if they chose to.

Mr. Mothershead answered in the affirmative.

Mayor Nevill asked if the Affordable Housing in perpetuity on the property or is there a 10-year or 20-year?

Mr. Mothershead stated 25 years under 9-3, adding that it's the same provisions used for the RNF district in the Town - modified a bit to clarify what goes in the CBD.

Councilman Heroux expressed his concern behind the proposal with the economics, the math, the infrastructure impacts, the market, the demand, the implementation, the enforcement from the protection of the tenant, understanding the data and the model around this, and the execution.

Councilman Carlos expressed his delight in the proposal addressing the issues of affordable housing and workforce housing adding, "this is certainly an opportunity to add a tool into the toolbox to get us a little closer to trying to create opportunity where there is no opportunity."

Councilman Semple asked Mr. Mothershead how many affordable units he thinks would come of this.

Mr. Mothershead responded, "at least 60 units, excluding the 12 parcels that are over a half-acre and within those, it would be 136."

Councilman Hamby again expressed his concern with trash and parking and this becoming a very large Text Amendment.

Mr. Mothershead again explained the numbers and added, "it doesn't all happen at once and that's why the Public Works Department said there's adequate sewer and water to handle what's likely to occur there. And with 5 arterioles going out of downtown, the traffic flow is pretty easy."

Mayor Nevill requested clarification on the Town's trash collection policy from Mr. Frank Cassidy and he asked if it is true by policy that the Town does not collect residential trash and what is the intended policy for the central business district.

Mr. Cassidy responded by stating that the Town, "by policy, should not be picking up commercial accounts, and commercial accounts, by definition, can include apartment complexes, condo complexes, or multifamily based upon the amount of the trash produced from that site."

Mayor Nevill asked Mr. Cassidy if apartment commercial trash, "would be something that the Town would need to address to make sure there are provisions by which, in terms of the application, would have to find places to dispose of or arrange for trash pickup."

Mr. Cassidy responded in the affirmative with explanation.

Mayor Nevill stated that he thinks this is headed in a good direction; he is getting a general consensus of favor for this with a few tweaks.

Councilman Carlos stated that Council should be mindful of the parking issue, but "he sees this as a good opportunity to start putting the pieces together and moving forward."

Councilman Hamby asked Mr. Mothershead if the owner of the property or the occupant of the dwelling be responsible for paying according to the parking fee schedule in the appendix.

Mr. Mothershead responded stating, "the owner of the property."

Councilwoman Sutphin expressed concern of increasing the police department to handle the population growth, adding that Council will have to consider this.

Councilman Carlos informed Council of other means of transportation, such as Uber and Lyft, that could be utilized in lieu of personal vehicles.

Councilman Semple asked Mr. Mothershead what could be possible now in the number of allotted cars under the existing density as his numbers are based on just the lots, not what is on them now and the potential buildout, which reduces the number of actual additional cars that his proposal would produce.

Mr. Mothershead responded to Councilman Semple stating that he and Councilman Hamby are correct in their statements; he elaborated again that downtown areas are evolving where individuals are walking or using Uber and Lyft.

Mayor Nevill asked if the is a one-time fee.

Mr. Mothershead confirmed as a one-time fee as currently configured.

The Public hearing was opened: 7:23pm

Powell Duggan, 1 Given Street Colonial Beach, VA 22443, addressed the Council.

Malcom Alls, 8005 Duke Lane Warrenton VA 20186, addressed the Council.

The Public Hearing was Closed: 7:35pm

Councilman Polster recused himself from the vote as he owns property on Main Street.

Mayor Nevill added that he would recuse himself due to a potential conflict of interest.

Councilman Semple moved to approve ZOTA ordinance B.

AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT (ZOTA 2022-1) TO ARTICLES 3, 7, 9 AND THE FEE SCHEDULE TO ALLOW INCREASED APARTMENT DENSITY IN THE CENTRAL BUSINESS DISTRICT (CBD) WITH THE PROVISION TO ADD AFFORDABLE DWELLING UNITS AND TO UPDATE THE FEE SCHEDULE ASSOCIATED WITH FEE IN-LIEU OF PROVIDING PARKING SPACES

Seconded by Councilman Carlos

Councilman Heroux asked to delay the vote for 30 days to allow for more research and opportunity to review the data on this proposal.

Councilman Heroux motioned to defer the vote to the next regular meeting to address the following concerns: around the implementation, the execution, the infrastructure impacts.

Councilman Carlos inquired about the procedure of the consideration of the motion to table.

Mayor Nevill advised that the motion to table took precedence.

The motion to table was seconded by Vice Mayor Hartman, the vote for the motion was as follows:

Ayes: *Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux;*

Nays: *Mr. William Semple; Mr. Renard Carlos.*

Abstention: *Mr. Sean Polster.*

Absent:

2. ZMA/SUP 2021-01 Northrock Harris Teeter Service Station

PM Session

Ms. Denise Harris summarized what was discussed in the morning Work Session.

She added that the Planning Commission recommended approval 3-2 with the condition of not accepting the proffer related to 1.3.2 relating to canopy signage.

The Public hearing was opened: 8:21pm

Jessica Pfeiffer, Harris Teeter representative, provided a presentation to Council and the public. She noted that there were changes to the presentation from the morning session to address the concerns of the Town Council.

Roy Francis, 147 North View Circle, addressed the Council.

Mark Smith, 232 North View Circle, addressed the Council.

Gwen Hickman, 150 W Lee Highway, Warrenton VA, addressed the Council.

Jean Boenish, 5473 Camellia Ct. Warrenton VA, addressed the Council.

The Public hearing was closed: N/A

Councilman Polster motioned to keep public comment open but delay the conversation until the next Town Council meeting.

Seconded by Vice Mayor Hartman, the vote for the motion was unanimous, as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

Mayor Nevill added that comments would continue to be received and entered into the record during this time.

3. SUP 2022-4 Oak View National Bank Drive-Thru

AM Session

Ms. Millie Latack provided a brief presentation informing Council that this 2-lane drive-thru will be built By-Right, located on the corner of Waterloo and Garrett Streets and adjoining to the Waterloo Station Shopping Center.

Councilman Carlos asked if the "lighting is not going to be anything majorly different than what's already in the shopping center already."

Ms. Latack responded stating that “what was proposed in the plan is what is going to be reviewed, but they have the caveat within their application that it would be determined at site plan for the lighting plan, and they have to fall within the regulations of the zoning ordinance.”

Councilman Semple asked Ms. Latack to confirm if everyone adjacent has been noticed because sometimes it doesn't happen.

Ms. Latack responded in the affirmative.

Councilman Semple asked Ms. Latack to respond to the commissioner's and the planning commissioner's belief that the SUP is not consistent with the character district.

Ms. Latack responded by explaining that “it's a health and wellness character district within that in the comprehensive plan, it calls for as a service district, and this bank is a business service and it has a walkable location, which alludes to specifically health and wellness. On several locations within the comprehensive plan and other legislative documents for the Town of Warrenton, it's called out that Waterloo area as a gateway to Old Town Warrenton, which the elevations staff has seen/noted that the elevations align with being a good transition piece from the commercial to the residential, especially with the landscaping around it.”

Councilman Heroux expressed “that a community bank at the front of Main Street is a fantastic idea,” adding that “we have to get moving on this Waterloo study.”

Councilman Semple asked Ms. Latack if a traffic study was done with the SUP application.

Ms. Latack stated that there was no traffic analysis done for this application.

Councilman Semple asked Ms. Latack if there is an analysis as to whether or not this creates an impact on all the traffic involved to include Carousel and the shopping center.

Ms. Latack reiterated that the bank is a By-Right use and it falls within the peak hours of traffic, so no analysis seemed to be triggered and it also didn't exceed 5,000 trips, which VDOT follows.

Councilman Hamby stated that he has no issue with a bank going there.

Mayor Nevill believes this application will be an improvement to traffic flow.

PM Session

Millie Latack reintroduced the topic.

The Public Hearing opened: 8:51pm

Virginia Palmer Tuechsel, 335 Waterloo Street, Warrenton VA, addressed the Council.

Jean Boenish, 5473 Camellia Court, Warrenton VA Addressed the Council.

The applicant, Mike Ewing, CEO of Oak View National Bank addressed the Council.

The Public Hearing Closed: 9:00pm

Councilman Heroux stated that he fully supports a community bank in this location – he sees it as a very positive thing.

Councilman Carlos expressed his gratitude of the applicant's choice to locate his business in the Town of Warrenton.

Councilman Polster stated that he believes the improvements made by Oak View and working with staff is going to make a huge difference at the end of Waterloo Street.

Mayor Nevill echoed Councilman Polster's statements and commended the applicant on the design quality of the building.

Vice Mayor Hartman and Councilman Semple concurred with other Council members.

Councilman Polster motioned to approve SUP 2022-4

Councilman Hamby seconded.

The vote was as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

SUP 2022-4 was approved.

CONSENT AGENDA. (Adopted and approved.)

Councilman Hamby motioned to approve the Consent Agenda

Vice Mayor Hartman seconded.

The vote was as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

4. Budget Amendment to accept \$4,000 of the ICAC Funds from Virginia State Police
5. Budget amendment to accept \$2,500 in Grant Funds from the PATH Foundation
6. A resolution affirming commitment for projects under agreement with the Virginia Department of Transportation and provide signature authority
7. A resolution to amend the Fiscal Year 2023 Adopted Budget to de-appropriate Coronavirus State and Local fiscal recovery funds in the amount of \$134,994
8. A Resolution to Amend the Fiscal Year 2023 Budget by \$62,995 to Fund an Accounting Position

STAFF REPORTS.

9. Parks and Recreation Department Report
10. Police Department Report.
11. Community Development Report
12. Public Works and Utilities Department Report

APPROVAL OF COUNCIL MINUTES.

13. Minutes August 9th, 2022.

NEW BUSINESS.

14. Appointment of FOIA Officer

Mr. Martino recommended before Council to identify Mr. Stephen Clough as the Town's FOIA Officer.

Vice Mayor Hartman moved to appoint Mr. Stephen Clough, the Town Clerk, as the Town's Freedom of Information Act Officer.

Councilman Carlos seconded.

The vote was as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent:

Mayor Nevill announced Mr. Clough as the new FOIA Officer.

15. Proposal Review and Selection for the Town Manager Search

Vice Mayor Hartman moved to adopt the resolution to direct the Town Manager to enter into a contract with Baker Tilly to conduct executive searches for a Town Manager.

Councilman Hamby seconded.

The vote was as follows:

Ayes: *Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos*

Nays:

Abstention:

Absent: 16. **Sewer and Water Request Warrenton Shopping Center**

Mr. Martino provided an overview requesting Council to consider the resolution to agree to providing water and sewer service to 2 parcels on a conditional basis.

Councilman Hamby Motioned to approve:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN AN AMENDMENT OF THE TRI- PARTY WATER AND SEWER AGREEMENT TO PROVIDE SEWER AND WATER TO GPIN'S 6995-23-0001-000 AND 6995-23-3305-000 SUBJECT TO CONDITIONS

Councilman Polster seconded.

Councilman Semple expressed his concern that Council does not "have a complete understanding of what the water and sewer capacity will be for the portions of the Town that may be part of the Town or are already in the Town", adding that Council "should take care of those issues first before providing services to others in the service district."

Councilman Carlos agreed with Councilman Semple.

Councilman Polster thanked Mr. Martino and staff for assembling the resolution.

Ayes: *Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster.*

Nays: *Mr. William Semple; Mr. Renard Carlos*

Abstention:

Absent:

17. **Appointments to the Town County Liaison Work Group for Boundary Line Adjustment**

Mayor Nevill recommended Councilmen Hamby and Heroux for the committee.

Councilman Carlos recommended Councilman Semple and Councilman Hamby for the committee based on qualifications and experience.

Seconded by Councilman Semple.

Mayor Nevill put forth as the Chair for Councilmen Hamby and Heroux for the committee.

Seconded by Councilwoman Sutphin.

Vice Mayor Hartman expressed his recommendation of appointment of Councilmen Hamby and Heroux for the committee.

Councilman Polster recommended Councilman Heroux as he would bring a fresh prospective as a new councilman.

Councilwoman Sutphin recommended Councilman Heroux.

Councilman Semple added that he would bring balance to the perspective that has been developed over time about the subject matter. Thus, recommending himself.

Councilman Heroux recommended himself.

Mayor Nevill motioned to appoint Councilmen Brett Hamby and Jay Heroux to the Town County Liaison Work Group for Boundary Line Adjustment.

Ayes: *Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster.*

Nays: *Mr. William Semple; Mr. Renard Carlos*

Abstention:

Absent:

Councilmen Hamby and Heroux were appointed to the Town County Liaison Work Group for Boundary Line Adjustment.

Councilman Hamby vacated his position on the Planning Commission Committee.

Mayor Nevill nominated Councilman Semple out-of-cycle to the Planning Commission Committee.

Councilman Hamby seconded.

Ayes: Councilman Polster, Councilwoman Sutphin, Councilman Hamby, Vice Mayor Hartman, Councilman Heroux, Councilman Carlos, and Councilman Semple

Nays:

Councilman Semple will serve with Vice Mayor Hartman on the Planning Commission Committee.

The vote was as follows:

Ayes: Mr. William Semple; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman; Mr. Jay Heroux; Mr. Sean Polster; Mr. Renard Carlos

Nays:

Abstention:

Absent:

TOWN ATTORNEY'S REPORT

Mr. Simmons congratulated Mr. Tommy Cureton on his appointment as the new Deputy Town Manager.

Mr. Simmons informed Council of continuing discussions and negotiations with the attorney representing the horse show grounds.

TOWN MANAGER'S REPORT

Mr. Martino had nothing to present.

COUNCILMEMBERS TIME

Councilman Carlos express his appreciation to Town staff and Councilman Semple, and business owners for their hard work on Ordinance B. He thanked the residents of Northrock and reassured them that their concerns are heard and his approval to delay the gas station project was based on gathering all the facts and analyzing the entire project in conjunction with some of the concerns to ensure appropriate action. Councilman Carlos showed appreciation of Oak View Bank's desire to remain in the neighborhood. He also reemphasized that everyone on Council is qualified to serve on the Town County Liaison Work Group for Boundary Line Adjustment. However, his suggestion for the appointment of Councilman Semple in lieu of Councilman Heroux was based on merit alone.

Councilman Polster stated that he wanted "the record to reflect that on October 11th at 21, 36 hours that I have no comment."

Councilwoman Sutphin had nothing to add.

Councilman Semple thanked all the residence for attending the Public Meeting, acknowledged being nominated for one position and wound-up in another, wished the special committee working on the BLE well, reiterated Councilman Carlos' explanation of one of the reasons to

postpone the decision on the Harris Teeter gas station was to ensure that the Council's decision is well grounded, and expressed looking forward to working on the Planning Commission Committee.

Councilman Hamby thanked the residents and staff for everything they do.

Vice Mayor Hartman, in response to Councilman Carlos' comments, stated that he "tried to clarify what was said in that, just because you're new to the Council doesn't mean you're any less qualified than the rest of us."

Councilman Heroux expressed thanks to the following individuals:

Stephen Clough - a great job organizing orientations and department heads.

Mr. Martino and Deputy Town Manager, Tommy Cureton - meeting with all department heads.

Police Chief - arranging the ride along with Officer Ray Dale and Officer Freeman

Deputy Town Manager, Tommy Cureton, and his team - assisting with the glitch in parking for the Piedmont Smiles event.

Council - all the coaching provided.

Mayor Nevill thanked the following people:

Staff for their incredible amount of work.

Residents for their input and willingness to voice their opinion.

Mr. Martino for serving in the capacity of Interim Town Manager.

Mr. Simmons for his legal advice on several issues.

He congratulated Tommy Cureton on his appointment as Deputy Town Manager.

ADJOURNMENT

With no further business, this meeting was adjourned at 9:43 p.m.

I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on October 11th, 2023.

Stephen M. Clough
Town Recorder

189 N View Circle
Warrenton VA 20186
October 11, 2022

Warrenton Town Council
21 Main Street
Warrenton VA 20186

Dear Council,

I am Douglas Barylski, I live at 189 North View Circle in Warrenton. I wish I didn't have to come here and give this statement. But I feel there is a major issue in our town government that needs to be dealt with immediately. I am referring to the proposed Amazon data center.

Amazon does not care about Warrenton or its residents. We can see that Amazon cannot be trusted at all from their dealings with others in Virginia. They have slick lawyers who will find every loophole to save a buck. That alone would make any arrangement suspect.

But that is not the worst of it. Apparently, our former town manager was involved with making this deal with Amazon, then she got a job with them.

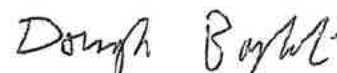
That situation makes any further dealing with Amazon inappropriate. Warrenton cannot be seen as supporting such behavior.

I understand that a decision on the proposed Amazon data center has been delayed until after election day. Of course this is said to be necessary to obtain more information. I am very disturbed by this action. This is the same approach we see with Washington politicians when they intend to support something that the populace does not agree with. I am very disturbed that such politics may be happening in our nice Town of Warrenton.

I received a campaign letter in which the candidate claimed to place residents first. I am sorry to have to say that I no longer believe that. If I am wrong, the council can prove it by taking a stand against unethical behavior now.

I tell you, I will not vote for any incumbent who will not come forward in opposition to unethical behavior. I challenge the council to stand for what is right.

Thank you for this time.


Douglas Barylski

From: "Mo Bakheit" [REDACTED]
Sent: Tue, 13 Sep 2022 10:35:25 -0400
To: "" <citizencomment@warrentonva.gov>
Subject: Regarding the "No Towers" Meeting

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

Dear Sir/Madam; my comment, with respect:

"I am a 33+ years career professional and Subject Matter Expert in industries that span - Data Centers (Government and Commercial), Telecom Infrastructure, Network Services, Cyber and Physical Security, and Safe Smart Cities.

Having been engaged in the - design, deployment and operation - of numerous - Data, Fusion, and C4ISR Centers around the globe my concerns are 3:

A. There is indeed no need for a Towers Infrastructure - especially in a town as small and serene as Warrenton. Sub Station expansion and subterranean cabling is absolutely a viable option to expand the "Energy" Grid; and preferably a "Smart Grid" so that Warrenton can benefit from the additional Resilience during time of inclement weather.

B. If one takes a look at Data Centers serving Federal, Commercial and Global ("SWIFT") in - Reston, Culpeper and DC - they are right across, or within the proximity of the Customer Facility. Is this not an option with the Warrenton Federal "Training" Facility - rather than a location smack dab in the middle of our beautiful Warrenton?

C. The selection of the current location for an Amazon AWS Data Center was in my opinion purely commercially versus Sustainability driven. We are now in the age of - Safe, Secure and Sustainable Smart Cities - this location does not checklist any of those factors - and is a potential disruption to the most beautiful town in America.

Thank you; and with respect.

Mo Bakheit
208 N.View Circle.
Warrenton, VA. 20186

From: "Joe Lowe" [REDACTED]
Sent: Tue, 13 Sep 2022 21:20:40 -0400
To: "" <citizencomment@warrentonva.gov>
Subject: Amazon data center

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

Dear Members of the Warrenton Town Council,

As a citizen of Fauquier County for 10 years, I am writing to express my grave concern and opposition to the approval of a Special Use Permit (SUP) for a Data Center within Warrenton's town limits. I relocated to Warrenton in 2012 in large part because of its rural and scenic qualities, as well as its high quality of life. .

Warrenton is home for me, my wife, and two small children. We share it with many others who cherish the aesthetic quality, peace, expanses of forest, safety and security, and historic preservation.

There is so much development in counties to the north and south of Fauquier County. A large data center will not only destroy the character of Warrenton, but will result in construction of power substations and mega power lines for miles in the county.

Below is a list of reasons for my opposition to granting the SUP for the Amazon Data Center.

WTC (Warrenton Town Council) amended the Zoning Ordinance on short notice last summer to allow Data Centers to be within town limits. It was done quickly and with minimal community input. This is a serious breach of trust between the community and the elected Town Council, and the WTC should prioritize restoring trust with their citizens, not accommodating tech giants.

Remington & Vint Hill are Planned Commercial Industrial Districts, and Data Centers should be kept there to protect our natural landscape and habitats.

The proposed HB791 legislation in Richmond will tie data center tax revenue for the community to property/asset depreciation, NOT commercial income. This likely means a significant reduction in expected tax revenue for our community from this initiative.

WTC (Warrenton Town Council) does not get to decide where the high-tension power lines will be placed to service the Amazon Data Center. The SCC (State Corporation Commission) will determine that. Approval of Amazon's SUP would place a great burden and battle on your

constituents to contend with Dominion about the power line routing location, and above ground vs. below ground lines.

Amazon's SUP is lacking significant required information and detail per the established Special Use Permit Requirements. WTC should not even entertain this application until a complete and detailed application has been submitted for approval.

The SUP cites that "significant tax revenue" will be generated for the community, but provides absolutely no details or specifics on amounts.

No details have been given on the environmental impacts, and no Environmental Impact Assessment has been completed as part of the application (to include the source and usage of water for cooling needs, as well as the disposal plan for the water)
It does not include a Load Letter, and therefore we cannot verify power need of the Data Center and are unwilling to accept Dominion's calculations (as that is a conflict of interest, given they are the sole source provider of the electricity). The Load Letter should be provided from an independent party.

Noise calculations are lacking in the document.

Includes a height precedent, which if approved, gives Amazon an open door to build vertically-- is that truly acceptable to our community?

The SUP states that "the applicant [Amazon] will bear the cost of new infrastructure that will be needed and any upgrades to existing facilities" and yet, there is absolutely no analysis provided to determine what those infrastructure costs might be.

Thank you for your consideration,
Joe Lowe

From: [REDACTED]
Sent: Tue, 11 Oct 2022 09:28:59 0400
To: "" <citizencomment@warrentonva.gov>
Subject: Comment on Harris Teeter's Proposed Gas Station
Attachments: Comments on HT Gas Station Town Council 10 11 2022.pdf

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

See attachment.

Joseph Volpe III
94 North View Circle
Warrenton, Virginia 20186
[REDACTED]

From: "[REDACTED]"
Sent: Tue, 11 Oct 2022 11:49:43 0400
To: "" <citizencomment@warrentonva.gov>
Subject: ZMA 2021 01/Special Use Permit (SUP) 2021 01 Harris Teeter Fuel Station

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

I'm writing to ask the Town Council to **not approve this special use permit per above.** There is more than enough congestion at Harris Teeter already and there are more than enough gas stations nearby on Rt. 29 to enable citizens to get gas. This is strictly a ploy for Harris Teeter to make money and the citizens of Warrenton will suffer for it.

Mary Judkins
Warrenton VA

Brittany Latack

From: Jeff B [REDACTED]
Sent: Monday, September 19, 2022 10:02 AM
To: Planning Department
Subject: Comments Zoning Map Amendment (ZMA) 2021-01/Special Use Permit (SUP) 2021-01 Harris Teeter Fuel Station

Follow Up Flag: Follow up
Flag Status: Completed

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

Planning Commission Members,

My name is Jeff Barthelman and I live at 200 North View Circle.

As of Monday morning, the Town has not posted the meeting agenda or materials for the Planning Commission meeting scheduled for September 19th. Residents of Northrock will have less than 1 day to review and prepare comments for any changes that the applicant may have made. During the July Zoom meeting between the community and Harris Teeter representatives, I requested up-to-date presentation materials and the applicant's attorney agreed to share any changes to the presentation with us before the July Planning Commission meeting. To date, I have received nothing.

Has the applicant performed a new traffic study as requested by Commissioners? Driving patterns have changed and as Commissioners noted, Fletcher Drive handles a significant amount of cut-thru traffic.

The application relies on "Economic Development" to justify compliance with the Comprehensive Plan. Has the Town done an independent analysis to verify these claims? Does the Town have an insufficient number of gas stations? Economic development at the expense of current businesses may be "economic development" for the applicant, but the Comprehensive Plan is about raising tax revenue for the community. It has even been reported that locally owned small businesses add economic development by keeping more of their revenue within the community. Full compliance with the Comprehensive Plan is more than relying on this one data point. I was pleased to see your request to compare this project's compliance with the Comprehensive Plan and look forward to hearing your comments tomorrow night.

Thank you for your time and consideration of this matter.

Jeff Barthelman



VitpJsv{evh\$