April 14, 1998

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON HELD ON APRIL 14, 1998

The regular meeting of the Council of the Town of Warrenton was held on Tuesday, April 14, 1998 at 7 p.m. in the Council Chambers of the Municipal Building.

The following Councilmembers were present: J. W. Lineweaver, Mayor; John S. Lewis, Vice Mayor; Councilwoman Sunny Reynolds, Councilmen Frank S. Foley; John E. Mann, Sr., Robert W. Rice; Samuel B. Tarr; and Robert L. Walker, John A. Anzivino, Town Manager; Henry C. Day, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The invocation was given by Councilman Robert L. Walker.

GUESTS AND VISITORS.

Ms. Ann Gutierrez - Presentation of air pollution credits

Mr. Peter Dahlquist and Ms. Ann Gutierrez presented the Town with air pollution credits to allow the Town to be classified an "Air Pollution Free Community" for 1998-1999. Ms. Gutierrez showed slides of their 1400 acre rainforest in Costa Rica.

On a motion by Mr. Foley, seconded by Mr. Mann, Council voted 7-0 to accept the air pollution credits donated by Ms. Gutierrez and Mr. Dahlquist (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

Ms. Sally Murray addressed Council noting that the opening of the Civil War Trails project will be held on May 8.

PUBLIC HEARINGS.

Prior to start of the public hearings, the Mayor indicated that citizen comments should be kept to five minutes in length.

He ascertained from the Town Recorder that all public hearings had been properly advertised.

Proposed budget for fiscal year 1998-99. John A. Anzivino, Town Manager.

The Mayor opened the public hearing at 7:21 p.m. and called upon the Town Manager.

The Manager stated that the budget was developed in coordination with the goals and objectives of the Town Council and the Comprehensive Plan. He explained that the general fund proposed amount was \$5,840,274, for an increase of \$304,126 over the prior fiscal year. He

noted that the operations portion of the budget has increased from \$4,968,843 to a little over \$5, 036,819, an increase over the prior fiscal year of only \$67,976 and indicated that the capital projects budget had increased from \$567,305 to \$803,455. He stated that no tax or fee increases were proposed and that due to reassessment, the real estate rate had been reduced from 18 cents per \$100 valuation to 17 cents per \$!00 per valuation.

He stated that the proposed water and sewer budget was \$3,820,823, an increase of a little over \$320,000, and there is a \$76,343 increase in the operations portion of this budget. He commented that there were no fee increases proposed.

In the cemetery budget, Mr. Anzivino indicated that it was proposed to be funded at \$81,111, an increase over the current year of \$1,518.

He noted a cost of living increase was proposed for employees of 1.75 percent, the Public Works and Public Works Directors' positions would be combined, and the Public Utilities Director position abolished, and an assistant engineer hired to assist the Public Works/Utilities Director.

The Mayor called for citizens to speak in favor of the budget.

Mr. Powell Duggan, attorney, spoke in favor of the budget. He felt that there was a high level of services provided to Town citizens and applauded Council for past efforts in reducing taxes and keeping services at the same level.

Mr. Roy Anderson, Town resident, supported the proposed budget.

Mr. H. Ben Jones, attorney with Walker, Jones, spoke in favor of the budget. He noted that the Town staff had always been fiscally responsible. He expressed appreciation to the Council for taking good care of the Town and noted Town staff over the last few years had been a pleasure to work with.

Mr. Per Bang-Jensen, Chestnut Street resident, noted that the presentation of the budget is so much better than it used to be and, most importantly, the Town had been proactive in dealing with issues.

The Mayor called for others to speak for the budget or against the budget. There being none, the Mayor closed the public hearing at 7:38 p.m.

The Mayor noted that the budget would not be voted upon at that time and set Monday, April 27 at 5 p.m. in Council chambers for a special meeting to consider adoption of the budget.

Proposed revised budget for fiscal year 1997-98. Frances K. Timberlake, Director of Finance and Personnel.

The Mayor opened the public hearing at 7:40 p.m. and called upon Ms. Frances Timberlake, Director of Finance, to give her report.

Ms. Timberlake stated that every year the current year budget was revised for those projects which cannot be completed have to be carried over or because they were budgeted in one year and could not get completed. She briefly explained what was included in both resolutions below and noted Council should consider them.

The Mayor called for citizens to speak for or against the revised budget. There being none, he closed the public hearing at 7:40 p.m.

RESOLUTION

BE IT RESOLVED by the Council of the Town of Warrenton that the following unexpended appropriations or the remaining balance included in the Budget for the Fiscal Year ending June 30, 1998, are hereby authorized to be reserved:

Gen.	4-100-81100-3990	Payment on Contracts	\$ 35,000
Gen.	4-100-81500-3500	Printing	10,000
Gen.	4-100-81500-3990	Payment on Contracts	8,000
С.Р.	4-301-94500-8111	Shirley Avenue Widening	28,000
С.Р.	4-301-94500-8138	Benner Rd/Fishback Ct Drainage	64,634
С.Р.	4-301-94500-8139	SWMM Program Upgrade	15,000
W/S	4-501-45300-3310	Contractual Repair	15,000
W/S	4-501-45500-8835	Sewer Plant Improvements	138,000
W/S	4-501-45500-8906	Building Modifications	<u>12,000</u>
Total		\$	5325,634

RESOLUTION

BE IT RESOLVED by the Council of the Town of Warrenton that the following unbudgeted expenses not included in the Budget for the Fiscal Year ending June 30, 1998, are hereby authorized to be paid out of reserves:

Gen.	100-300-20	Microfilm Records	\$ 1,089
C.P.	301-300-619	Walker Drive Construction	14,571
C.P.	301-300-616	Street Light Conversion	27,535
C.P.	301-300-601	Winchester Street Improvements	265,484
C.P.	301-300-602	Drainage Frazier Road	4,100
C.P.	301-300-605	Warrenton Business Park	48,355
C.P.	301-300-609	Landscaping-Rt. 29 Bypass	21,550
W.S.	501-300-601	Flusher Truck	121,085
Total			\$503,769

Mr. Tarr moved for adoption of both resolutions, Mr. Lewis seconded the motion and Council approved on a 7-0 vote (For: Lewis, Reynolds, Foley, Mann, Walker, Rice and Tarr).

Proposed Fiscal Year 1998-99 tax rates. John A. Anzivino, Town Manager.

The Mayor opened the public hearing at 7:43 p.m. and called upon the Manager, who explained that there were no other changes in tax rates other than the real estate rate being reduced to 17 cents per \$100 assessed valuation.

The Mayor called for citizens to speak for or against the ordinance. There being no citizens wishing to speak, the Mayor closed the public hearing at 7:45 p.m.

Proposed FY 1999-2003 Capital Improvements Program. Raymond P. Ocel, Jr., Director of Planning and Community Development.

The Mayor opened the public hearing at 7:45 p.m. and called upon Mr. Ocel to present his report. Mr. Ocel noted that the capital improvements program covered a five-year period.

He explained that capital projects include upgrading utility systems, acquisition of park land, stormwater projects and park improvements and briefly noted some items that were included in the projects.

The Mayor called for those citizens wishing to speak for or against the Capital Improvements Program. There being no citizens wishing to speak, he closed the public hearing at 7:49 p.m. and noted that it would not be voted upon at that time.

Ordinance 1998-02, an ordinance amending Chapter 15, Article I, Section 15, entitled "Annual Adoption of Rate," of the Code for the Town of Warrenton. Frances K. Timberlake, Director of Finance and Personnel.

The Mayor opened the public hearing at 7:50 p.m. and called upon the Finance Director to deliver her report.

Ms. Timberlake noted that presently the Town Code required adoption of the tax rates by the first meeting in June but since the Town now has semi-annual billing of real estate the date was too late. She noted that by law the tax bills had to be sent out 14 days prior to the due date and the Code should be changed to allow taxes to be collected by June 15.

The Mayor called for those citizens to speak for or against the ordinance. There being no citizens wishing to speak, the Mayor closed the public hearing at 7:51 p.m.

The Mayor noted that Ordinance 1998-2 was included for consideration. Mr. Lewis moved for adoption of Ordinance 1998-2, Mr. Walker seconded the motion and Council adopted the ordinance on a 7-0 vote (For: Lewis, Reynolds, Foley, Mann, Walker, Rice and Tarr).

Ordinance 1998-03, an ordinance amending Chapter 17, Water and Sewers, Article I, in general by adding Sec. 17-3 to establish pro-rata payment for sewer and water conveyance facilities. John A. Anzivino, Town Manager.

The Mayor opened the public hearing at 7:52 p.m. and called upon the Town Manager. Mr. Anzivino noted that there were certain areas of undeveloped property in the Town in need of utilities and development was beginning to occur in those areas. He asked that Council adopt an ordinance that would allow individual actions of Council to set up pro rata cost share plans for particular collection or conveyance areas for water or sewage. He noted that a pro rata share would be paid by the developer at the time of development for the main interceptor line. He explained that the proposal included recovering the design fees as well as interest on the money that is outstanding and that the proposal being considered allowed the staff to prepare a proposal for a second public hearing for Council consideration.

The Mayor asked if there were citizens to speak for or against the ordinance. There being no citizens to speak, the public hearing was closed at 7:55 p.m.

On a motion by Mr. Walker, seconded by Mr. Mann, Ordinance 1998-3 was adopted on a vote of 7-0 (For: Lewis, Reynolds, Foley, Mann, Walker, Rice and Tarr).

Zoning ordinance text amendment ZOTA #98-2, an amendment to add two new Articles to the Town of Warrenton Zoning Ordinance, Article 34, R-1 Residential District, and Article 35, R-E, Residential Estate District. Raymond P. Ocel, Jr., Director of Planning and Community Development.

The Mayor opened the public hearing at 7:57 p.m. and called upon the Planning Director.

Mr. Ocel noted that he had discussed and presented a boundary line map to the Planning Commission at their February meeting which showed the present County zoning for the 1,200 acres. He explained that the amendment proposed would adopt two new zoning categories to accommodate the land that will be boundary adjusted into the Town, and the new zoning districts, R-1 and R-E have been developed utilizing the format of the current zoning districts and the regulations contained in the County's RA and R-1 zoning districts. He stated that the proposed R-1 district limits the density to one unit per acre while the RA district would allow one unit per five acres.

The Planning Director indicated that once the two districts are adopted they will become part of the zoning ordinance but will not apply to any land until the boundary adjustment is completed.

He said that the Planning Commission had voted unanimously for the text amendment and recommended that golf courses, swim and tennis clubs and bed and breakfasts be added as uses permitted by a special use permit and that Commissioners recommended that the R-1 district be renamed R-40 so that the name of the new zoning district would be consistent with the other single family designations. Staff recommended approval of the text amendment.

The Mayor asked if there were citizens to speak for or against the amendment. There being no citizens wishing to speak, he closed the public hearing at 8:02 p.m. and noted that ordinance 1998-5 was included for Council consideration.

On a motion by Mr. Mann, seconded by Mr. Foley, Council voted 7-0 to adopt Ordinance 1998-5. (For: Lewis, Reynolds, Foley, Mann, Walker, Rice and Tarr.)

Zoning ordinance text amendment ZOTA #98-3, an amendment to revise Section 2-13 of the Town of Warrenton Zoning Ordinance. Raymond P. Ocel, Jr., Director of Planning and Community Development.

The Mayor opened the public hearing at 8:03 p.m. and called upon the Planning Director. Mr. Ocel stated that the purpose of the amendment was to modify Section 2-13 which required that all land that is annexed into the Town shall be considered to be in the R-15 district. He noted that the 1200 acres proposed to be boundary adjusted contained several zoning designations in the County. He suggested changing R-15 to the R-40 district or if there is a less dense property in the County coming into town that it would be zoned R-E and the commercial property would be zoned CL, Commercial Limited. He explained that the Planning Commission unanimously recommended approval, as was staff.

Mr. Lewis expressed concern that as far as the County R-4 zoning, the Town zoning category would not be close to the density that would be allowed in the County.

Mr. Rice asked about the land use property designation in the now would affect the Town tax revenues.

The Mayor called for citizens to speak or against the request.

Per Bang-Jensen, Chestnut Street resident, felt it would be a problem with the zoning designation and felt the ordinance should address adoption of industrial property into the Town. He indicated that the property should be brought into the Town at the Town zoning designation closest to what it is in the County. He thought the Town should not offer land use.

The Mayor called for other citizens to speak for or against the request. There being no other citizens wishing to speak, the Mayor closed the public hearing at 8:17 p.m. and noted that Ordinance 1998-6 was included for Council consideration.

On a motion by Mr. Foley, seconded by Mr. Mann, the Council voted 7-0 to adopt Ordinance 1998-6 (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

Ordinance 1998-01, an ordinance amending Section 10-5(a) entitled "Speed Limits on Certain Streets, etc." of the Code for the Town of Warrenton. Edward B. Tucker, Jr., Director of Public Works/Utilities.

The Mayor opened the public hearing at 8:19 p.m. and called upon the Public Works/Utilities Director to give his report.

Mr. Tucker stated that Ordinance 1998-01 would correct an error in Town Code, Section 10-5 (c) which refers to a 45-mile-per hour speed limit for Winchester Street from the north corporate limit to a point 1,000 feet south. He noted it was an error because Winchester Street does not exist at this location and ends with Lee Highway and the street described is actually Broadview Avenue which is specified as 40 miles per hour. He explained all reference to Winchester Street would be deleted. He also noted that with the completion of the Route 17 Spur that that portion of the Spur which is in the Town limits and subject to Town law enforcement is not addressed and the ordinance change adds the Spur to Section 10-5 (d) setting the speed limit at the VDOT posted limit of 55 miles per hour.

The Director stated that there is 500 feet of Lee Highway leading into Town which is set at 55 miles per hour under Section 10-5(d) and that by deleting reference to Lee Highway in this section, the speed limit will be 40 miles per hour and be consistent with the other entrances to town (Shirley Avenue, Lee Street, Route 211 and Route 17).

The Mayor called for citizens to speak for or against the ordinance. There being no citizens wishing to speak, the Mayor closed the public hearing at 8:20 p.m.

Mr. Mann moved for adoption of Ordinance 1998-01, Mr. Tarr seconded the motion and Council voted 7-0 for adoption (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

CONSENT AGENDA.

a. Approval of minutes of the regular meeting of Council held on March 10, 1998.

b. Financial statements and staff reports and Board and Commission minutes.

- 1) March statement of accounts paid.
- 2) Financial statement for period ending March 31, 1998.
- 3) Miscellaneous staff reports.

4) Minutes of the Planning Commission meeting held on March 17, 1998 and the Architectural Review Board held on March 25, 1998.

5) Menlough Section One, Phases C & D bond reduction.

6) Menlough Section One, Phase E, bond reduction.

7) Consideration of request of Partnership for Warrenton to hold annual Father's Day Car Show.

8) Consideration of request of Partnership for Warrenton to hold Independence Day Parade.

9) Consideration of closure of streets for Memorial Day Parade.

On a motion by Mr. Walker, seconded by Mr. Lewis, the consent agenda was approved on a vote of 7-0 (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

NEW BUSINESS.

Consideration of resolution requesting that Virginia Department of Transportation deed to the Town the right of way property for the "Old Bypass" (Shirley Avenue, Broadview Avenue, and Lee Highway), not previously conveyed to the Town. Edward B. Tucker, Jr., Director of Public Works/Utilities.

The Mayor called upon the Public Works/Utilities Director to give his report. Mr. Tucker stated that he had discovered that the right of way for Shirley Avenue, Broadview Avenue and Lee Highway was never conveyed to the Town by Virginia Department of Transportation. He noted that VDOT was willing to convey the right of way to the Town and that the conveyance would allow the Town control over the use of any excess right of way within the Town. He explained that because of some complications with ramps on the 17 Spur, VDOT would like to retain control of that portion of right of way, but maintenance payments would not be affected.

The following resolution was presented for Council consideration:

RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION DEED RIGHT OF WAY TO THE TOWN OF WARRENTON

WHEREAS, the Town of Warrenton performs the maintenance of the streets within the town limits and receives maintenance payments from the Virginia Department of Transportation (VDOT) under Section 33.1-41.1 of the Code of Virginia and;

WHEREAS, VDOT acquired the right of way for the construction of the Old By-pass (Shirley Avenue, Broadview Avenue and Lee Highway) under Project 1073 C M-1 (Old Route 17)

Fauquier County, which at the time was outside the town corporate limits and;

WHEREAS, the Town on December 11, 1959 annexed the project area and it lies entirely within the Town limits and the right of way was not conveyed from VDOT to the Town and;

WHEREAS, VDOT acquired additional right of way to complete the route construction under Project 0015-156-101 RW 201 and Project 0015-156-101 RW 202, Town of Warrenton, and;

WHEREAS, the right of way from Project # 0015-156-101 RW 201 and Project # 0015-156-101 RW 202, Town of Warrenton has not been conveyed to the Town of Warrenton and;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Warrenton requests that the Virginia Department of Transportation deed to the Town of Warrenton the right of way and any residues within the Town of Warrenton acquired under Project 1073 C, M-1 (Old Route 17) Fauquier County, Project 0015-156-101 RW 201 and Project 0015-156-101 RW 202, Town of Warrenton from the southern corporate limits to Blackwell Road.

On a motion by Mr. Foley, seconded by Mr. Lewis, the resolution was adopted on a 7-0 Council vote (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

Consideration of extension of the deadline for usage of 62 out of town water and sewer taps conveyed by the Town to Dr. David Couk. John A. Anzivino, Town Manager.

The Town Manager stated that in 1989 when the Warrenton Training Center sewerline was installed that in exchange for right of way for the new sewage interceptor the Town negotiated 62 water and sewer taps to Dr. Couk. He noted that there was a time limit placed on the use of the taps and was requesting that the time limit be extended for a longer period of time. The Manager proposed, since there was no restriction on any of the other taps along the line, that the agreement be extended indefinitely.

The Mayor noted that the following resolution was presented for consideration:

A RESOLUTION REMOVING TIME LIMITATIONS FOR PURCHASE OF SEWER/WATER TAPS BY DAVID E. COUK

WHEREAS, pursuant to an Agreement dated August 21, 1987, the Town provides sewer services to the Warrenton Training Center and acquired by donation from David E. Couk and others sewer easements for the installation of the line to serve the Warrenton Training Center; and

WHEREAS, David E. Couk's property is located in Fauquier County, not in the Town of Warrenton; and

WHEREAS, the Town Council at its regularly scheduled meeting held on November 15, 1989 authorized the sale of sixty-two (62) water and sewer taps to David E. Couk, to be paid for at the then effective regular out of town rates for such taps at the time applied for and further restricted the sale of such taps by requiring them to be purchased prior to November 15, 1999; and

WHEREAS, the Town Council desires to remove the restriction that the water and sewer taps be purchased by November 15, 1999.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Warrenton that the rights and privileges of David E. Couk to purchase sixty-two (62) out of town water and sewer taps is hereby confirmed; and

BE IT FURTHER RESOLVED that the Town Council does hereby remove any time limitations on such right but continues to require that David E. Couk be restricted to service for taps for sixty-two (62) dwelling units and that he be required to pay therefore the regular out of town taps fees effective on the date of application for any such water and sewer taps.

On a motion by Mr. Foley, seconded by Ms. Reynolds, the resolution was adopted on a vote of 7-0 (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

Request for resolution adoption designating the Town as fiscal agent for a transportation demonstration grant for the Fauquier Family Resource Network. Mr. Dennis Osborn.

Mr. Dennis Osborn, representing Fauquier Family Resource Network, distributed some information concerning the proposal pointing out the way the transportation system would work. He indicated that a grant would be applied for and that the Town's positive response to the resolution designating the Town as fiscal agent was requested. He pointed out that the state provides 95 percent funding and a local 5 percent match would be provided by the Fauquier Family Resource Network so there was no monetary requirement for the Town.

The following resolution was presented for consideration:

FY99 PUBLIC TRANSPORTATION STATE AID APPLICATION

FORM 11.10 STATE AID APPLICATION RESOLUTION

BE IT RESOLVED by the Town of Warrenton that Mark McGregor is authorized, for and on behalf of the Loudoun County Transportation Association, hereafter referred to as PUBLIC BODY, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the DEPARTMENT, for a grant of financial assistance in the amount of \$41,800.00 to defray the costs borne by the PUBLIC BODY for an Experimental Project and to accept from the Department grants in such amounts as may be awarded, and to authorize Mark McGregor to furnish to the Department such documents as may be required for processing the grant request.

The Town of Warrenton certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the PUBLIC BODY will provide funds in the amount of \$2,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the Department and by the State Auditor of Public Accounts, and that funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Manager of the PUBLIC BODY certifies that the foregoing is a true and correct copy, adopted at a legally convened meeting of the Town Council of the Town of Warrenton held the 14th day of April, 1998.

On a motion by Ms. Reynolds, seconded by Mr. Tarr, the resolution was adopted by Council vote of 7-0 (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

Consideration of appointment of member to Planning Commission to fill term expiring December 31, 1998. John A. Anzivino, Town Manager.

The Manager noted that John Nelson, former Planning Commission member, had relocated and had resigned from the Planning Commission and that Mr. Nelson had suggested that Ms. Susan Riley, resident of Old Orchard Lane, be appointed.

Mr. Lewis moved that the appointment be tabled for 30 days and advertised. Mr. Mann seconded the motion and Council voted 7-0 (For: Lewis, Reynolds, Foley, Mann, Walker, Rice, Tarr).

REPORTS AND COMMUNICATIONS.

Report from the Town Attorney.

The Town Attorney stated that he did not have anything to add to his written report.

Report from the Finance Committee.

Mr. Lewis, Chairman, stated there was no report.

Report from the Police Committee.

Mr. Walker, Police Committee Chairman, stated there was no report.

Report from the Public Works Committee.

Mr. Mann, Chairman of the Public Works Committee, did not have a report.

Report from the Water and Sewer Committee.

Mr. Foley, Chairman, noted concerning the Liaison Committee, that the boundary adjustment was proceeding fairly smoothly and the master water and sewer agreement is progressing.

Report from the Town Manager.

The Manager reported that a Town section, sponsored by the Virginia Municipal League, was scheduled for noon on May 29. The Manager distributed a letter of appreciation received concerning the Economic Development Director.

He noted that information was included in the Council package concerning the meals and lodging tax before and after the opening of the Route 17 Spur. He explained that information was being gathered to prepare bylaws for Council.

He indicated that the Turkey Run pump station bid opening was on Thursday, April 16, the Garden Street drainage project begins in three weeks, the Rails to Trails project would be underway in early May, the site plan for Friendly's restaurant had been approved and requests for proposals have been received for audit services for the next fiscal year.

The Mayor stated that a special meeting would be held on April 27 at 5:00 p.m. to consider budget adoption.

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

Weimer

Evelyn J.

Town

Recorder