



**TOWN COUNCIL OF THE TOWN OF WARRENTON
TOWN HALL
21 MAIN STREET
WARRENTON, VIRGINIA 20186**

MINUTES

**A MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON WAS HELD ON
June 14, 2022, AT 6:30 P.M. IN WARRENTON, VIRGINIA**

WORK SESSION

PRESENT

Mr. James Hartman, Vice Mayor; Mr. Kevin Carter; Mr. Brett Hamby; Mr. James Hartman; Mr. William Semple; Mr. Renard Carlos; Ms. Heather Sutphin; Ms. Brandie Schaeffer, Town Manager; Mr. Martin Crim, Town Attorney

Present VIA Zoom

Mr. Carter Nevill, Mayor;

ABSENT

Mr. Sean Polster;

REGULAR MEETING

PRESENT

Mr. James Hartman, Vice Mayor; Mr. Kevin Carter; Mr. Brett Hamby; Mr. James Hartman; Mr. William Semple; Mr. Renard Carlos; Ms. Heather Sutphin; Ms. Brandie Schaeffer, Town Manager; Mr. Martin Crim, Town Attorney

Present VIA Zoom

Mr. Carter Nevill, Mayor;

ABSENT

Mr. Sean Polster;

**CONTINUATION OF
REGULAR MEETING**

JUNE 16, 2022

PRESENT

Mr. James Hartman, Vice Mayor; Mr. Kevin Carter; Mr. Brett Hamby; Mr. James Hartman; Mr. William Semple; Mr. Renard Carlos; Ms. Heather Sutphin; Ms. Brandie Schaeffer, Town Manager; Mr. Olaun Simmons, Town Attorney

Present VIA Zoom

Mr. Carter Nevill, Mayor; Mr. Sean Polster;

ABSENT

The mayor was located at his residence at 159 High Street; he was attending virtually due to recovery from an illness. Councilman Polster stated that he was in Honolulu, Hawaii, to attend to his father's passing.

CALL TO ORDER

The meeting was called to order at 9:00 A.M. Mayor Nevill was present via zoom due to illness. He was located at his residence for the meeting. Councilwoman Sutphin would arrive shortly after the start of the meeting.

Initiation of Emergency Management Ordinance 2022-11 and Request for Authorization for Public Hearing

Michael Potter, Emergency Services and Risk Manager introduced the topic and described its impact for Council. He noted that this was an update to the current Ordinances and Town Codes. This Ordinance brings the Town into compliance with State Code and establishes a Continuity of Operations Plan with an order of succession.

Ms. Schaeffer addressed the needs of the Emergency Operations over the past few years and explained how the state laws had changed, necessitating this change to the local laws. She explained that this Ordinance answers questions and establishes pathways to facilitate responding to any unforeseen emergencies that occur in the future. It would also position the Town to allow it to apply for grants and outside funding opportunities that it cannot seek currently.

Councilman Carlos inquired about the nature of the grants.

Ms. Schaeffer explained that they would be Emergency and Preparedness grants. She noted that other local jurisdictions relied on the use of the WARF during the January storm when they had set up a Power and Shower shelter for the surrounding areas. That could lead to enhancements to the WARF in terms of a generator or other more robust improvements via grant applications.

Councilman Semple requested clarification in the language from the Town Attorney.

Council agreed to proceed with the public hearing advertisement and to place this item on the consent agenda for this evening.

Proposed the Fiscal Year 2023 Budget

Ms. Miller presented a recap of the information from previous budget discussions and meetings. She outlined the changes to the presented budget that have already been made and the unavoidable General Fund Expenditure increases. Ms. Price updated the budget model to include an ARPA funds selection which would remove the selected item from the Fund Balance

calculation.

Councilman Semple addressed the model with all of the options selected. He noted a substantial change from the projected numbers presented to Council. He expressed concern that this might be a trend and asked for an explanation of the difference going forward and how we would address them in real time if the Council did not meet the 50% obligation or if we found out it was not met.

Ms. Miller explained the differences with the projections. She noted that budget amendments for FY22 had not been considered and discussed other sources of change within the presented numbers. She spoke to carryover amounts being fluid within the projection. Staff provides the monthly financial reports to accurately depict this so that Council will know if they're close to hitting that 50%.

Councilman Semple expressed concern with a downward trend in the Fund Balance and that there was insufficient revenue to facilitate the requested new positions. He added that as Councilmembers, they would have to choose whether to fund them or rely on staff to offset the costs with the changing projections.

Ms. Miller noted that the Town Manager proposed a budget that would drop Council below a 50% Fund Balance, which would indicate that Council would need to make changes to the revenue side to compensate. She did propose increasing taxes in the budget. Davenport also suggested revenue increases.

Councilman Semple noted that if the projections dictate that Council needs to raise taxes, then he would consider it. He spoke about the moving target of municipal financing and the confusing nature of the numbers.

Councilman Carter agreed with Councilman Semple and asked staff how the reduction of BPOL and other taxes were calculated.

Ms. Schaeffer reminded Council that as they were working through this process, all of the numbers they were working on were projected numbers. Every number is in flux with constant updates and changes instead of operating off of solid numbers. Staff and Council do their best with the numbers, but they're moving targets. She encouraged Council to look at the bigger picture and referenced the \$400,000 change that Councilman Semple and Carter brought up as only 2% of a \$16,000,000 projected amount of BPOL taxes. To have that number fall within a 2% window is probably exceeding that of most other municipalities. As the numbers come in over the course of the year and carry over projects approach, Council can adapt to lower revenues if needed based on the data from the monthly reports.

Councilman Carter requested further clarification on how the numbers were projected to understand better the numbers staff was working from.

Ms. Miller explained that a few significant businesses that made up the majority of the BPOL revenue had lower than normal gross receipts last year, which lowers the BPOL tax they pay. She stated that one of the slides in the ARPA presentation had shown this to Council earlier.

Council and staff discussed projections for next year and what the impact might be.

Councilman Semple requested more accurate projections and data for future budget discussions.

Councilman Hamby expressed concern with the rising costs that the Town was facing in fuel and contracts. He discussed the deficits in the BPOL projections and suggested that solidifying numbers six months out would not be how to base the budget. He suggested basing the budget on historical data that staff brings forward. He spoke to the staff bringing forward the long game. Council adopted policies that helped the local businesses stay in business and keep running. Now the Town is down to the point of what the Council will do to fill the holes in the budget that need to be filled. In a budget projection for the government, you move forward with the data you have at hand and the historical data you have at hand, and December is where you check to see if you're on track or not. You depend on Staff to come back to the Council with updated projections and suggestions for projects to move forward or not.

Councilman Semple restated his opinion on the exercise. He warned that he believes there will need to be some increase to provide for these changes. He also expressed concern that the projected numbers were not as good as the numbers provided to Council in December. He warned about adopting a tax increase without offsetting it as much as they can, and there will have to be some cuts anyway if Council adopts the meal tax increase. In his view, that would be a conservative posture based on the information before Council. He suggested deferring the COLA and merit increase for staff to potentially have a one-time bonus granted using ARPA funds.

Councilman Carter reminded Council that he was opposed to any tax increase and suggested giving the manager the discretion to move funds within the budget to address issues as they arise. He supports funding the merit and COLA increase for the Town Staff as a one-time bonus. This would have a less compounding effect on the budget, and the team would get a lump sum check. He suggested funding this through ARPA funds.

Ms. Schaeffer pulled up the presentation from earlier in the session, noting possibilities for facilitating that request. She spoke to tax implications that may impact the overall funds to Staff if Council decided to take that suggestion.

Vice Mayor Hartman spoke to Councilman Carter's point and reminded Council that through all of the other budget discussions, the COLA and Merit increases for staff had been said to be nonnegotiable Council. He could not support a budget that would be balanced on the backs of the employees. He suggested leaving the employee package in and working the budget around it.

Councilman Hamby pointed out that the ARPA funds were a one-time fund, suggesting that Council would have to raise taxes next year.

Vice Mayor Hartman said there was never a good time to raise taxes, so instead of passing the buck down the road to the same arguments next year and the year after, he supported passing a budget today and raising taxes.

Councilman Semple suggested utilizing the model to facilitate the discussion better.

Vice Mayor Hartman agreed. He noted his key points were funding the Town Clerk, a Deputy Director, a Junior Engineer, and a Project Coordinator. He further suggested moving the Grants

Officer to the following year's budget and using ARPA funds for Economic Development.

The staff took the Vice Mayor's points and implemented them into the model for discussion.

Ms. Schaeffer reminded Council that the General Fund reserve was the "rainy day fund," noting that there may not be a rainier day than coming through a pandemic and facing the impact of a town so dependent on business revenue. She recommended Council be responsible but noted that there were times to consider violating the policy to utilize the three years after to regrow the fund. She commended Council for being diligent and staying within the policy guidelines but to remember that they could use those funds if needed. This policy was established to help the Town through difficult times and highlighted that currently, the Town was facing those.

Councilman Hamby suggested utilizing the model to discuss the options again.

Councilman Carlos asked Mr. Crim to clarify the timeline Council needed to stay within to pass the budget.

Mr. Crim noted that June 30th was the deadline, but there was no immediate impact if Council did not comply. He added that Council could add a special session if they had to.

Councilman Carter reminded Council that they were considering funding five positions with ARPA that would need to be budgeted for next year once the ARPA funds are used. He suggested utilizing ARPA funds on existing jobs to open up space in the fund balance.

Vice Mayor Hartman asked Council to share their opinion on the increase in meal tax.

Councilman Semple spoke about the impact of \$2 on a \$100 bill not being that visible to patrons but potentially impacting the local businesses and restaurants. He spoke about the difficult periods that may be ahead, but the meals tax to him is negotiable; he is not against it.

Councilman Hamby spoke in favor of moving the 2% increase forward based on matching the County's incoming tax. He was not in favor of increasing 1% this year and the following year.

Councilman Carlos said he was concerned with the revenues and how the Town is paying for things. He suggested looking at rebalancing the entire revenue structure before advocating for a tax increase. After a healthy discussion, he reminded Council that he would support increasing taxes next year. He did not see progress in this meeting and suggested other Councilmembers discuss with their constituents before rerunning this evening with more information on the topic. He reminded Council that Mr. Crim had provided Council with options if the decision was not made this evening. He was uncomfortable with raising taxes, nor the use of ARPA funds to fund the positions that would mandate increasing taxes next year.

Vice Mayor Hartman reminded Councilman Carlos that this was Council's fourth work session on the topic, asking him what additional information he would need.

A back-and-forth discussion ensued about the need for additional information before the vote.

Vice Mayor Hartman said that he felt it irresponsible to come to a stalemate today and request another special session. He wanted to figure out the budget this evening.

Councilman Carlos suggested moving on with the agenda and returning to the budget discussion.

Councilman Carter reminded Council that they have an obligation to bring up ideas, even if unpopular, that they feel will benefit the Town. They must debate them to come to the best solution. He preferred to have the discussion on budget out in the open rather than phone calls in a dark back room.

Councilman Carlos responded that he did not want to have the discussion in a dark smokey room but would have instead had a strategic planning session on the budget rather than dicing up the presented budget at a series of smaller meetings.

Vice Mayor Hartman said it would have been his preference as well, but Council keeps taking trips down memory lane about what should have been and could have been. He reflected on various proposals from Council to balance the budget. He did not support leaving the dais here today, noting that while councilman Carlos may not have meant to suggest the discussion take place in a back smokey room, that was certainly what it sounded like to him. He reiterated his stance that Council needed to sit here and figure out the budget today.

Councilman Semple offered a compromise. He proposed a 1% meals tax increase since it had been proposed by Councilman Polster and could ease into the increase over two years. He reminded Council that Davenport had suggested aligning the revenue sources and balancing them. He also proposed cutting some things and deferring them from the budget this year for reevaluation at a later date.

Councilman Hamby expressed concern about creating holes in the FY24 budget that would be just as shocking as the holes created in this budget. He supported a 2% meal tax and raising the cigarette tax, then worked through the model to see what additional cuts could be made.

Ms. Schaeffer brought up the model to work through each item with Council.

Council worked through the model while exploring options for the FY23 Budget.

Ms. Schaeffer worked through each line item presented in the model with Council. She noted the driving needs of the Town for each request and explained the impact of each item. She answered general questions from Council on the budget process, contracts and renewals, and the carryover process. She responded to questions from Council on the various line items to help them better understand the driving factors of the repairs. She addressed which items would reoccur over a one-time impact on the budget.

After the presentation, Vice Mayor Hartman expressed interest in raising the meals tax and cigarette tax again, noting the concern from businesses. He believes that looking at the numbers before Council that this is necessary. He stated that he was willing to compromise at 1%.

Councilman Hamby said he favored raising the meals tax by 2% and increasing the cigarette tax.

Councilwoman Sutphin supported the 2% meals tax increase and increasing cigarette tax. She voiced approval for keeping the employee package.

Councilman Semple supported the grand compromise of a 1% meal tax increase. He noted that he was also concerned about addressing the budget without addressing the Capital improvement plan.

Councilman Carter stated that his position had not changed and would like to address cap-x spending.

Councilman Semple would like to remove the Falmouth Street project from the CIP or have the budget significantly reduced. He noted that his vote for the 1% tax increase was contingent on removing that project from the CIP.

Council discussed the project in brief.

Councilman Semple noted that if this was removed this year, it could be added back next year. He suggested that the Planning Commission could bring it back to Council with a design that better suits the Town's Comprehensive plan.

Mr. Crim explained the process of adopting the budget with the proposed changes from Councilman Semple.

Council had no objections to Councilman Semple's request.

Councilman Carlos inquired about the total amount of ARPA funds available for use and assigned without having the contracts written.

Ms. Schaeffer reminded Council that they had already assigned some funds from ARPA with projects already undertaken by staff. She gave a history of the assigned funds, including the water and sewer projects that, if changed, would affect the rate study that was recently done. If Council would like to reverse those directions, it would have a ripple effect. She noted that if Council decided to change the allocated funds now, it would be a policy shift that would have to come from the majority of the Council.

Councilman Carlos inquired about the allocated ARPA funds attempting to identify other sources of revenue that could be used to offset the financial impact this year. He expressed a desire to reexamine allocated funds under ARPA to potentially delay projects with which Council had given direction to move forward. Thereby freeing up the funds for us in this budget process.

Councilman Hamby stated in his opinion that the ARPA funds were like a credit card, suitable for one-time projects but not to pay your bills. He supported using the unassigned funds but not the assigned funds.

Councilman Semple said he had been pondering the meals tax of 1% or 2%. He noted that the tax was paid more by those passing through, not those in Town. He stated he would like more discussion on 1% vs. .2%. He expressed a desire to have a larger buffer for the Fund Balance to potentially offset the impact of the possibility of a recession.

Councilwoman Sutphin thanked Ms. Schaeffer, Ms. Miller, and Ms. Price for their hard work in supporting the Council's requests during this budget discussion. She expressed a desire to finalize the budget discussion this evening, noting that it was unfair to ask staff to answer these

questions continually.

Councilman Semple suggested that at this point, Council had enough information to make the decision on the budget. He acknowledged Councilman Carlos's frustration with the process and preferred establishing a different approach for the next budget season. He mentioned that his mind had changed and now supported the 2% meal tax increase.

Councilman Carlos thanked the staff for all of their hard work.

Vice Mayor Hartman reminded Council that when the County raised its meals tax from 0%-6%, not one person spoke at those budget meetings. He was willing to compromise at 1% but thinks that would bring Council back to the same discussion next year.

Councilman Hamby believes the model built today is a good compromise and would like to see the budget move forward.

Councilman Semple suggested allowing for margins for the budget going forward to be able to end the year where Council thinks they will end the year.

Councilman Carter reminded Council that they pushed the \$1,000,000 down the road and asked Council to consider how they were paying for the additions in the future.

Councilman Semple suggested a finance committee for future review.

Agenda Review

Ms. Schaeffer reviewed the agenda with Council.

Public hearing information will be further down in the minutes under the public hearing section.

Ms. Schaeffer explained the items on the consent agenda and added the ad authorization from this morning's work session for the emergency ordinance.

Councilman Carter suggested moving the Councilmember's time to the end of the evening, noting that he believed it was more effective.

Councilman Carter requested that staff provide a list of the funded projects for ARPA funds that had been allocated.

Ms. Schaeffer provided Council reference materials that had been previously presented.

Closed Session under Va. Code §2.2-3711 (A)(7) Consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation specifically the pending cases of Warrenton Oxygen Wellness v. Dialysis Center Warrenton and Carriage Lane v. Dialysis Center Warrenton.

Councilman Hamby moved to convene a closed session pursuant to Code of Virginia Section 2.2-3711(A)(7) and 15.2-2907(D) for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation specifically the pending cases of Warrenton Oxygen Wellness v. Dialysis Center Warrenton and Carriage Lane v. Dialysis Center Warrenton.

Ayes: *Mr. James Hartman; Mr. Brett Hamby; Mr. Kevin Carter; Mr. Renard Carlos; Ms. Heather Sutphin; Mr. William Semple;*

Nays:

Abstention:

Absent: *Mr. Sean Polster;*

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

Councilman Carlos seconded, the vote for the motion was unanimous, as follows:

Ayes: *Mr. James Hartman; Mr. Brett Hamby; Mr. Renard Carlos; Ms. Heather Sutphin; Mr. William Semple; Mr. Kevin Carter*

Nays:

Abstention:

Absent: *Mr. Sean Polster;*

Recess at 12:02 p.m.

The Town Council reconvened in regular session at 6:34 p.m.

INVOCATION

Josh Glick, Journey Up Church, led the invocation.

PLEDGE OF ALLEGIANCE

Vice Mayor Hartman led the Pledge of Allegiance.

CITIZENS TIME

Ralph Crafts, 5691 Enon School Road Marshall, addressed the Council regarding Warrenton Dialysis mold.

Fenwick Gardiner, 6984 Owl Lane Marshall, addressed the Council regarding WDF mold.

Ryan Crafts, Harte Mill Road, addressed the Council regarding WOW moldy neighbor.

Linda Steen, Amissville VA, addressed the Council regarding BLM.

Josephine Gilbert, Scott District, addressed the Council regarding BLM.

Scott Gilbert, Stott District, addressed the Council regarding BLM.

Ann Kehoe, 7000 Beaconsfield Ln, addressed the Council regarding powerlines / Dominion.

Tom Sentz, Main Street, addressed the Council regarding powerlines / Dominion.

Lee Owslee, 54 Winchester Street, addressed the Council regarding closing the road, Main Street.

Anne Marie Walsh, Ridge Court, addresses the Council regarding closing the road, Main Street.

COUNCILMEMBERS TIME

Mr. Carlos- Apologized for his tardiness. He addressed the Vice Mayor's request to respond to citizens outside of Councilmember time and proposed restructuring the response to citizen's time a bit. He wanted to ensure that concerns were being followed up with and noted that he was attempting to put processes in place to enable a response.

Mr. Carter- Contrary to the Vice Mayors' request, he stated that he would be addressing both groups of folks that come in on Saturday morning. He expressed a desire to find ways to unite, to find commonalities, and eliminate what separates us. He recognized that we all have the right to express ourselves, but if citizens look towards the government to solve this matter, they will be disappointed. He stated that the government's job was to protect the right to speak and be heard. He noted that if a group expected the Council to intervene, they would be disappointed. He hopes that the two sides can find ways to find things in common and find ways to agree on those things that we have in common.

Mr. Hamby- Thanked everyone who came to speak tonight. He would like to explore getting more of the vendors and businesses together. He said that the Friday night street closures seem to be going very well, and the Saturday closures seem to be less impactful. He would like to engage with everyone and take a more active role in coming to a better agreement regarding hours of the street closures for Roll Out Warrenton.

Mr. Semple- Shared a personal story about having a sum of cash stolen at the Giant in Town. He stated that the police department response was very rapid and described how he got a call shortly after he had left from the officer involved stating that the individual who had the money returned it. He joked with the Chief that all he had to do to eliminate crime was to have that particular officer go about Town. He spoke about the unique character of the Town and how much the Town cares and cares about each other.

Ms. Sutphin- noted that Councilman Carter summed up what she would say perfectly. We can't as a group solve all these problems. She suggests celebrating our difference and the new need

to understand that not everybody will agree with us and be able to respect each other and respect our differences. June is LGBTQ+ pride month; understanding what each of these means helps her understand each one a little better, but she loves her friends. No matter the color, what they wear, or where they come from. She advocated for respect instead of anger. She encouraged all of those present to come to the upcoming Juneteenth celebration. She thanked the Police department for all of the hard work they do with the hard job that they have.

Vice Mayor Hartman- Nothing to add.

Mayor Nevill- Nothing to add.

APPROVAL OF THE AGENDA

Councilman Carter motioned to approve the agenda as presented. Mr. Hamby seconded the motion. The mayor asked for any discussion on the topic. There was none.

The vote on the approval of the agenda was as follows:

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

Nays:

Abstention:

Absent: *Mr. Sean Polster*

PUBLIC HEARINGS

Amendment to Town Code Chapter 4 Related to Property Code Enforcement

Work Session: Staff noted that this item stands as it was presented in the last work session.

Evening Session: Rob Walton introduced the topic, noting that it was an update to the Town code to update reference materials from those no longer in use and apply new State Code changes that have been adopted.

Vice Mayor Hartman opened the public hearing at 7:13 p.m.

John Albertello, 360 Culpeper Street, addressed the Council regarding the amendment.

Craig Mendoza, 49 Waterloo Street, addressed the Council regarding the amendment.

Vice Mayor Hartman closed the public hearing at 7:19 p.m.

Councilman Carter motioned to approve Amendment to Town Code Chapter 4 Related to Property Code Enforcement as drafted. Councilman Carlos seconded.

Councilman Semple spoke strongly about ensuring the historical integrity of Old Town and thanked the Staff and Town Attorney for this process.

Councilman Carter stated that he considered himself a property rights advocate but was in favor of defining the Town's rules and having them be consistent. He said this is an important move in the right direction.

The vote was unanimous as follows:

Ayes: *Mr. Brett Hamby; Mr. Kevin Carter; Mr. Renard Carlos; Ms. Heather Sutphin; Mr. William Semple; Mr. James Hartman*

Nays:

Abstention:

Absent: *Mr. Sean Polster*

Voting and Polling Locations Ordinance 2022-09

Work Session: Ms. Schaeffer introduced the topic; she noted that no significant changes had been made other than the updated locations that Council had suggested at the last meeting.

Evening Session: Ms. Harris introduced the topic. She reminded the Council of the redistricting due to the U.S. Census and the proposed new polling locations. She noted that the public hearing would be held open through to July 12th, the next Council meeting date.

Vice Mayor Hartman opened the public hearing at 7:25 p.m.,

No one spoke on the topic.

Martin Crim clarified the process and advised Council to leave the public hearing open.

Ordinance 2022-10 Special Events

Work Session: Ms. Schaeffer introduced the topic.

Councilman Carlos asked Mr. Crim about the fee structure for the Ordinance. He asked if there was a differentiation between a fee-generating event or an event that didn't have such an economic impact.

Mr. Crim noted that how it was written was a flat fee across the board.

Councilman Carlos suggested reviewing the Policy after a year.

Evening Session: Chief Michael Kochis refreshed the memory of the Council on the topic. He stated that at Council's request, they had added snow routes to the ordinance other than Main Street because it is a typically protected area to express grievances.

Vice Mayor Hartman opened the public hearing at 7:26 p.m.,

Scott Christian, 4514 Sunny Lane, addressed the Council about Special Events Ordinance.

Jon Trevathan, 9345 Opal Road, addressed the Council about Special Events Ordinance.

Barbara Amster, 726 Acorn Court, addressed the Council about Special Events Ordinance.

Joe Washington, 8685 Shipmadilly Lane, addressed the Council about the BLM vigil.

Anne Burhans, 6061 Captain's Walk, addressed the Council about Special Events Ordinance.

Jean Boenish, 5473 Camella Court, addressed the Council about Special Events Ordinance.

Vice Mayor Hartman closed the public hearing at 7:45 p.m.

Vice Mayor Hartman inquired if there was a way to waive fees in the fee schedule.

Chief Kochis said that Council adopted the fee schedule and could waive fees as desired.

Councilman Carlos asked about the implications of political speech and if other municipalities had waived the fees for those assembling under political speech.

Mr. Crim spoke to the ethos of the topic and that the main goal was protecting the right of individuals to assemble. He pointed out some opportunities for waiving fees if there was no need for it. He spoke about the rationale of the fees deferring some of the cost of staff working to conduct a safe and effective event.

Vice Mayor Hartman confirmed the particulars of the reevaluation of the safety plan.

Councilman Carlos stated that he was in favor of giving the Town Manager the power to waive the fees. He asked Mr. Crim if other municipalities separated events under political speech or other gatherings advocating for waiving the fee for political speech events.

Councilman Carter said he couldn't agree more with the mayor's assessment of the first amendment and protecting freedom of speech. He noted that income generation for these events was not a goal. He reminded citizens that Council would not solve this issue; what they would do is make sure that citizens have the right to free speech.

Councilman Hamby suggested tabling the idea for 30 days to answer the new questions from Councilman Carlos, the feedback from citizens, and the discussion on the dais.

Council decided to hold the public hearing open until the next Town Council meeting.

CONSENT AGENDA

Councilman Carter moved to approve the consent agenda. Councilwoman Sutphin seconded.

The vote was as follows:

Ayes: *Mr. Brett Hamby; Mr. Kevin Carter; Ms. Heather Sutphin; Mr. William Semple; Mr. Renard Carlos; Mr. James Hartman*

Nays:

Abstention:

Absent: *Mr. Sean Polster;*

Resolution to Accept Funds and to Amend the Fiscal Year 2022 Budget by \$9,683

Approved as Presented

Resolution Of the Organizational Meeting

Approved as Presented

Ad Authorization for Public Hearing on Emergency Management Ordinance 2022-11

Approved as Presented

Staff Reports

Approved as Presented

Minutes

Approved as Presented

UNFINISHED BUSINESS

Proposed FY 2023 Budget.

Councilman Hamby moved to accept the FY23 Budget Model that Council had worked on in the morning work session. Councilwoman Sutphin seconded.

Councilman Semple proposed an amendment to the Motion. He would like to amend the motion to change the CIP item as discussed this morning T2801, Falmouth Street roundabout. And reduce the budget from \$6.9 million to \$250,000. Vice Mayor Hartman seconded.

Mr. Semple explained his rationale for the amendment.

Ms. Schaeffer noted that Ms. Price had provided an updated CIP in NOVUS for consideration.

The vote on the proposed amendment to the motion was as follows:

Ayes: *Mr. Brett Hamby; Mr. Kevin Carter; Ms. Heather Sutphin; Mr. William Semple; Mr. Renard Carlos; Mr. James Hartman*

Nays:

Abstention:

Absent: *Mr. Sean Polster*

Councilman Hamby presented the model that Council had worked on at the morning work session. He described the inclusions and additions to the budget and funding of items with ARPA funds.

Councilwoman Sutphin supported the proposed model.

Councilman Semple described the rationale behind the long budget discussions and the process that Council went through to get to this created model. He spoke about the reasoning for the preservation of the General Fund balance being above 50% with the

economic headwinds that the Town will soon be facing. He expressed his feelings on the impact of the meal tax revenue on the Town and its citizens. He supported this budget proposal.

Councilman Carter stated that he believed that increasing taxes was a bad idea. He critiqued the Council for looking at additions to the budget, not at what could be cut. He did not support increasing the meal tax as a result.

Councilman Carlos said that he respected his colleagues' views on the budget. He supported no tax increases currently and rebalancing the revenues in 2024.

Vice Mayor Hartman acknowledged the harsh economic times we're heading into and reluctantly concluded to increase the meals tax. He supports the motion from Councilman Hamby.

Mayor Nevill thanked everyone for their comments and the thoughts and dedication they put into this. He believes that the future of this town is based on the Council setting the foundation with the least number of burdens for the coming years. He has a hard time understanding the arguments against this and deferring our responsibilities towards being sensible about our tax revenues. He spoke passionately in favor of Councilman Hamby's motion.

Councilman Hamby spoke to the other suggestions from the Council about the impact of using ARPA funds for a one-time lump sum to employees. He does not support the use of ARPA funds for the personnel package. He stated that he could not advocate violating the Fund balance. He believes this proposed budget is the best compromise of reducing taxes in some areas and effecting the change that the Council wishes to change. He believes that at a flat rate, there is no way to continue operating the Town without drastically affecting the services that the Town provides.

Councilwoman Sutphin added that Council had received emails from restaurant owners in Town that supported the increase in meals tax. She kept the proposed budget and warned against defunding the Town.

Councilman Semple warned about the human cost of not passing this budget with the onus on the Council and the Town Staff and officers watching the meeting. He advised Council to utilize a strategic retreat and a budget retreat to not end up in this position of passing the budget at the 11th hour again.

Councilman Carter requested the Vice Mayor call for the vote.

The vote on Councilman Hamby's motion to accept the FY23 Budget Model with Councilman Semple's amendment to the motion was as follows:

Ayes: *Mr. Brett Hamby; Ms. Heather Sutphin; Mr. William Semple; Mr. James Hartman*

Nays: *Mr. Renard Carlos; Mr. Kevin Carter;*

Abstention:
Absent: Mr. Sean Polster

Mr. Crim advised that the motion failed because of the lack of 5 affirmative votes to impose the taxes.

Vice Mayor Hartman asked Council if there was a desire to have an additional work session the following week.

Councilman Hamby requested that the budget be moved to the July 12th meeting of the Town Council.

Mr. Crim advised Council that funds could not be spent until they were appropriated, and payroll would fall within the suggested timeframe.

Ms. Schaeffer inquired with counsel if this would meet the standards for an emergency meeting.

Mr. Crim stated that it would meet the standards for an emergency meeting.

Ms. Schaeffer advised Council that due to the potential for missing payroll and the lack of ability to appropriate funds, Council could call an emergency meeting if they desired.

Councilman Carter asked about options for continuing the current fiscal year budget until the Council had the opportunity to pass the budget.

Council discussed options for an additional date for another budget meeting.

Councilwoman Sutphin stated that she believes it's the Council's responsibility to meet every day until a decision has been made.

Council Discussed meeting date options.

Mr. Crim suggested that the Council motion to continue tonight's meeting without adjournment to Thursday night. That would be a continuation meeting.

Vice Mayor Hartman motioned to continue tonight's meeting until Thursday, June 16th, 2022, at 6:30 p.m. Councilman Hamby seconded the motion.

The vote on the motion was as follows:

Ayes: Mr. Brett Hamby; Ms. Heather Sutphin; Mr. William Semple; Mr. James Hartman; Mr. Renard Carlos; Mr. Kevin Carter;

Nays:

Abstention:

Absent: Mr. Sean Polster

A recess was called on June 14th, 2022, at 9:02 p.m.

The meeting was continued on June 16th, 2022, at 6:32 p.m.

Councilman Polster called for a point of parliamentary procedure. He asked to have noted that under the Virginia Code, he believed that this meeting did not meet the definition of an unforeseen circumstance to qualify for an emergency meeting. He stated that this meeting was illegal because it had not been legally noticed. He said that two residents were ready to file lawsuits against the Town because proper notice had not been given because this was a foreseen circumstance, not an unforeseen incident.

Vice Mayor Hartman noted Councilman Polster's point of order and opted to recess to consult with legal counsel to consider the issue.

Vice Mayor Hartman resumed the meeting at 6:41 p.m.

Vice Mayor Hartman asked Ms. Schaeffer if there had been a determination on the legality of the meeting.

Ms. Schaeffer said that staff had spoken with Mr. Crim and Mr. Simmons, and they all believe that this meeting is within State Law and standards for having the meeting here tonight.

Vice Mayor Hartman noted that the meeting would continue tonight. He asked Mr. Polster to state his location for the record.

Councilman Polster stated that he was in Honolulu, Hawaii. His father passed away, and he brought him home to be laid to rest.

UNFINISHED BUSINESS

Proposed FY 2023 Budget.

Ms. Schaeffer reintroduced the topic to Council with a presentation.

Councilman Hamby moved to adopt the proposed FY23 budget that was worked up in the last work session. Seconded My Councilwoman Sutphin.

Councilman Polster called for a point of order; he stated that Council was making a motion at a meeting that had failed to be advertised to pass the budget.

Vice Mayor Hartman reminded Councilman Polster that Council has already ruled on that topic.

Councilman Polster argued that the ruling was on the meeting, not on the motion to pass the budget.

Councilman Hamby suggested a recess for the Town Attorney to investigate the issue.

Vice Mayor Hartman agreed and went into recess at 6:45pm

Olaun Simmons advised that a recess was not necessary, and he could address the issue from the dais. He explained that there was a continuation of the meeting, and as a result, the three-day notice was not needed. Council had notice of the meeting because they were all present; the original meeting had been advertised at the initial point in time; this meeting is continuing a meeting that has already happened, so the notice period that Councilman Polster is referencing does not apply.

Vice Mayor Hartman confirmed that Council was legally in good standing for the meeting tonight.

Mr. Simmons confirmed that they were.

Councilman Polster thanked the Vice Mayor for confirming the legality.

Councilman Hamby moved to adopt the proposed FY23 Budget that was worked up in the last work session—seconded by Councilwoman Sutphin.

Councilman Semple asked to ensure his amendment to the motion was included.

Council clarified the procedure with Mr. Simmons; since it had been voted on already, it did not need to be voted on again.

Councilman Polster asked if this was the same motion made at the earlier meeting on Tuesday.

Vice Mayor Hartman confirmed that it was.

Councilman Polster challenged the legality of the motion under Robert's rules.

Mr. Simmons clarified that since the motion failed, it could be brought back up to Council for another consideration. He elaborated on the legality and the process it had to follow.

Councilwoman Sutphin shared that she talked with her constituents daily and that they support the 2% meals tax increase.

Councilman Semple reiterated his stance of approval on the proposed budget.

Councilman Hamby expressed his approval of the budget and the compromises that went into this proposal.

Councilman Carter noted his continued concerns about the looming economic headwinds that he feels we will be facing in the coming years. He expressed concern with the budget adding positions without exploring the opportunities for service cuts to lower the overall budget.

Councilman Carlos talked about his frustrations with the lack of strategic retreat. He spoke of the opportunity for leadership and putting the needs of the Town and constituents first. He believes there is an opportunity to create a finance committee and

work with the local chamber of commerce to implement new policies to benefit the local businesses. He stated that he would support the 2% meals tax increase to get this budget passed to be able to move on.

Mayor Nevill thanked everyone for their expression of the stances that they take and the effort put forth by all to get us to this point.

Councilman Hartman stated that the increase in meal tax and the budget would be prudent, responsible, and sound to pass.

The vote on Councilman Hamby's motion to accept the FY23 Budget Model with Councilman Semple's amendment to the motion was as follows:

Councilman Polster had texted that his vote on the matter was No. The Town attorney was consulted to see about the legality of that vote submission.

Ms. Schaeffer Advised Council that a new motion with the included model would be preferred for clarity going forward.

Councilman Hamby withdrew his motion.

Council and Staff confirmed the additions and changes to the model proposed by Council since the meeting on Tuesday.

Councilman Hamby motioned that the Town Council accept the displayed budget model scenario for FY2023 with its changes and the attached CIP resolution. Councilwoman Sutphin happily seconded the motion.

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

Nays: *Mr. Kevin Carter;*

Abstention:

Absent: *Mr. Sean Polster*

The motion carries, and the FY23 Budget is adopted.

TOWN ATTORNEY'S REPORT

No report

TOWN MANAGER'S REPORT

No report

ADJOURN

With no further business, this meeting was adjourned at 7:11 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 June 14, 2022, and June 16, 2022.

Christopher E. Martino
Town Recorder

From: [Suzan Fultz](#)
To: [citizencomment](#)
Subject: Citizen Comment for June 14 Town Council Meeting
Date: Monday, June 13, 2022 9:43:09 AM

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

Dear Council Members,

I am a Fauquier resident and Town business patron. There is a growing voice throughout the community to ask that Amazon's Blackwell Rd. Data Center SUP, if approved, be contingent upon their agreement to pay in full for the under grounding of any and all transmission lines that will provide power to Dominion's Blackwell substation, which is an accompanying part of the project. Dominion has stated in several meetings that for every new Data Center, Dominion requires a new substation and transmission lines, so although Amazon's *Data Center* SUP does not address the impact of the *substation*, the two are one in the same project.

The Community Development Monthly Report in the Town Council's online agenda for June 14, notes an administrative line item "...to discuss current SUP's". When the Amazon SUP is brought before the Town Council, please consider the community's voice as mentioned above. Because cost is a known driving factor in the SCC's decision on transmission line routes, Amazon's funding of the under grounding, will assist all of us in preserving the Town, County, and our private citizens' homes.

Thank you for your time and for hearing our concerns. We are on Protect Fauquier facebook.

Thank you,
Suzan Fultz



Sent from my iPad

From: [Gary Cohen](#)
To: [citizencomment](#); [Brandie Schaeffer](#); [Carter Nevill](#)
Cc: [Eric Terry](#); alec.burnett@yahoo.com; DelMWebert@house.virginia.gov; [Bob Garner](#); [Jeff Newman](#); [Richard Danker](#)
Subject: Opposition to the proposed increased Warrenton Meals Tax
Date: Saturday, June 11, 2022 12:00:34 PM
Attachments: [Warrenton Meals Tax.pdf](#)

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

Ladies and Gentlemen:

While I am unable to appear in person for your upcoming council meeting this coming week, I wanted to share my concerns over the pending meals tax increase.

Please see my letter enclosed

Thank you for your consideration

Gary M. Cohen
Executive Vice President
Glory Days Grill

[REDACTED]
[REDACTED]

From: [Lindsay](#)
To: [citizencomment](#)
Subject: Voting locations
Date: Monday, June 13, 2022 9:58:14 PM

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

I'd prefer that our voting location stay the same.

Lindsay Sheldon





June 10, 2022

Warrenton Town Council
21 Main Street
Warrenton, VA 20186

Mayor Nevill, and Members of the Town Council:

It was a pleasure to meet many of you during the opening recently of the Glory Days Grill Restaurant in Warrenton.

I am happy to report that our business is very robust, and we have been welcomed to the community with open arms.

I am writing you today to share my extreme concern, along with the Three Founders of Glory Days Grill, over the proposed 2% increase in meals tax. I must be honest with you all; we were very seriously considering NOT opening in Warrenton because of the 4% meals tax. In every jurisdiction, when a meals tax is imposed, we see a negative impact on our guest counts and our sales. We have documented this repeatedly for any town or county that is thinking of imposing one. When all was said and done, we made a leap of faith and thought the positives of doing business in this community outweighed the negatives of the meals tax so, we made a leap of faith and signed the lease. We did not at that time, however, know that an increase of another 2% was in the works.

It is my opinion that a meals tax, by its very nature, is an unfair tax imposed on restaurants. Our industry should not be singled out every time a jurisdiction needs to raise funds. Why not impose a dry-cleaning tax or a nail salon tax? Why does it always have to be restaurants? Every industry and retail business has been affected by the pandemic, but none have been hit as hard as full-service restaurants. The State of Virginia witnessed over nine thousand restaurants permanently close since 2020. Nine thousand restaurants! The ones that were fortunate to survive (like Glory Days Grill) have been bombarded with increased costs effecting every one of our margins. Increases in food cost, supplies and services, gas prices, utilities, paper goods and of course the devastating impact of increasing labor costs have done nothing but erode our already very thin profit margins. To offset these cost increases we have no option but to take price increases. We are extremely sensitive to peoples spending thresholds and we do not ever like to take price increases unless it is ABSOLUTELY necessary. So just when we think we are crawling out of the devastation created by all the above, here we now have to face another 2% increase in our cost at the worst possible time for our industry.

Granted, we fully understand this is a pass-through cost to the guest. But my point is that this will surely push many people over the edge and makes dining in a full-service restaurant simply unaffordable. There are limits on what folks will pay for a beer and a burger before they simply say they cannot afford it and opt to eat out less often or worse case scenario, not at all. You should not look at this at a 2% tax. You should look at for what it really is. This will now be a 11.3% tax on meals. 5.3% state, 4% existing meals tax and now another 2% on top of that.

THE OFFICIAL FOOD OF HOMETOWN SPORTS.®

GARY M. COHEN, VICE PRESIDENT OF OPERATIONS

11124 POPES HEAD RD. | FAIRFAX, VA 22030 | 703-981-5441

★ ★ ★ GLORYDAYSGRILL.COM ★ ★ ★

Candidly I am incredibly surprised that the Town Council would even consider a tax increase on meals at this moment in time. Record inflation and record gas prices are killing any chance of your community having extra disposable income to dine out, and this additional 2% tax may just be the nail in the coffin for many more restaurants.

For the record, I am the Immediate Past President of VRLTA (Virginia Restaurant Lodging and Travel Association) I tell you this because I have spent the last 7 years of my life on this board lobbying throughout the State, on behalf of all restaurants, hotels, and Tourist attractions. Our position throughout the state has always been that meals taxes are simply unfair to our industry. We spend a lot of time educating politicians all around the state about our business. Full-service restaurants are a very labor intensive, low profit business. Most restaurants make less than 5% profit. The pandemic and economic impacts we face have eroded most of that and we are all struggling to survive.

We just brought about eighty-five jobs to the Warrenton community, and you are smart enough to know what happens when our sales go down.... we simply must cut jobs. We have seen this repeatedly in other jurisdictions.... when taxes go up and prices go up, sales go down. It is that simple.

On behalf of Glory Days Grill and every restaurant in this town I urge you to reconsider your position on imposing this tax on meals.

I welcome the opportunity to engage with you on this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'G. Cohen', with a long, sweeping horizontal line extending to the right.

Gary M. Cohen
Executive Vice President
Glory Days Grill

Cc: Brandie Schaeffer, Warrenton Town Manager
Cc: Founders of Glory Days Grill
Cc: Alec Burnett, President Fauquier Chamber of Commerce
Cc: Eric Terry, President of VRLTA