



TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, March 14, 2023, at 9:00 AM

MINUTES

**A OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA,
WAS HELD ON MARCH 14TH, 2023, AT 6:00 P.M**

Regular Meeting

Work Session

PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. William Semple; Mr. Paul Mooney; Mr. David McGuire; Mr. Christopher E. Martino, Interim Town Manager; Mr. Tommy Cureton, Deputy Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Olaun Simmons, Town Attorney.

PRESENT VIA ELECTRONIC MEANS

ABSENT

Mr. Brett Hamby

Regular Meeting

PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. William Semple; Mr. Paul Mooney; Mr. David McGuire; Mr. Christopher E. Martino, Interim Town Manager; Mr. Tommy Cureton, Deputy Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Olaun Simmons, Town Attorney.

PRESENT VIA ELECTRONIC MEANS

ABSENT

Mr. Brett Hamby

WORKSESSION - 9:00 AM

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

1. 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 Semple moved to convene a closed session as permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving: Discussion, consideration, or interviews of prospective candidates for employment or appointment; OR assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with Town Manager Recruitment. Councilmen Heroux Seconded. There was no discussion.

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

Upon reconvening at 10:13 AM from the closed session, Councilmen Semple moved to adopt the following Certification of Closed meeting:

CERTIFICATION OF CLOSED MEETING

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

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

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

Councilmen Heroux seconded, there was no discussion, the vote for the motion was unanimous, as follows:

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

2. Lease Franchise Agreements

1. Glo Fiber

Mayor Nevill introduced Mr. Olaun Simmons, town attorney, to introduce the Glo Fiber lease franchise agreement.

Mr. Simmons summarized the requests from Glo Fiber and stated what the following steps would be.

Mayor Nevill and Councilmen Mooney asked for clarification on the bidding process.

2. Water Tower DISH Lease Agreement

Mr. Simmons summarized the request from Dish regarding use of the Town water tower as a transmission station. Additionally, this would require the removal of Sprint's equipment that was already on the water tower and replacing it with Dish's. Mr. Simmons stated the next steps the Town would need to take.

Councilmen Heroux asked for clarification on why Dish was seeking a contract instead of Sprint.

Mr. Simmons clarified that Sprint's contract for the water tower was ending.

Councilmen Hamby asked about the negotiation process for Dish's potential lease.

Mr. Cassidy outlined the rental process of several entities that were using the water tower's space, and why Dish was seeking a lease.

Councilmen Semple asked if this was outside of the planning commission's review.

Mr. Cassidy stated that this was standard practice as outlined by state and local codes.

3. Ordinance Changes-

1. Recorder Appointment Designated the Responsibility of the Town Manager

Acting Town Manager Cureton outlined short-term Town history regarding the resignation of the previous Town Clerk and the appointment of a temporary Town Clerk. Mr. Cureton outlined state and local codes regarding the appointment of a Town Clerk.

Mr. Cureton stated that the goal that evening was to designate appointment power for the Town Recorder to the Town Manager.

Councilmen Semple asked about the Council's role in appointing a Town Recorder. Specifically being appointed by Council but *administered* by the Town Manager.

Mayor Nevill mentioned the hiring process of the Town Clerk, and the purpose of designating appointment power to the Town Manager for efficiency.

Councilmen Mooney voiced an opinion that the Council should appoint the Town Recorder.

Mayor Nevill pointed out the greater oversight that a Town Manager would have over the Town Recorder, rather than the Town Council.

There was discussion and agreement that wording should be changed.

2. Indemnification of Town Employees

Acting Town Manager Cureton stated that Town employees are not protected from legal action; therefore, there was recommendation of a policy that indemnified employees from legal liability of the Town. Mr. Cureton assured that disciplinary actions and performance evaluations were still in place, but the Town would cover employees if they were sued personally for Town actions.

Mr. Simmons stated that this is a standard policy for governments.

Councilmen Heroux asked if police were covered and if insurance premiums would be increased.

Mr. Simmons stated that police would be covered but insurance premiums *may* increase.

Councilmen Mooney commented about the impacts of wording on legal interpretation.

Councilmen Semple agreed with concerns about wording.

Mr. Simmons stated that that night was for receiving public opinions and acting as a jumping-off point.

Mayor Nevill asked whether it should be removed from the agenda. Councilmen McGuire affirmed. Mayor Nevill stated that it would be removed from the agenda for further consideration.

Councilmen Sutphin mentioned her previous experience referencing the need for a policy protecting employees in this manner. Mayor Nevill agreed.

Councilmen Mooney stated that rushing was a bad idea.

Councilmen Sutphin stated that protecting employees was necessary with policies able to be tweaked after or during implementation. Councilmen McGuire agreed.

Vice Mayor Hartman emphasized the importance of acting soon.

Mayor Nevill stated that it would be left on the agenda for the evening.

4. Town / County Liaison Update

Acting Town Attorney Cureton mentioned various topics from the Town/County Liaison meeting, including Dominion Power Lines; relocation of Town utility department to Coral Farm and the transfer of that land to the Town; water filling station project update being completed soon; crosswalk protection at Lee and Ashby streets; housing near route 211; affordable housing; and ADA issues at facilities.

Councilmen Semple asked about funding and timelines for the public works facility. Mr. Simmons stated that the estimated costs for the facility were \$30,000,000. Mr. Cassidy gave tentative time tables for moving forward with the project, and when an official timetable would be given.

Councilmen Mooney asked about the environmental study. Mr. Cassidy and Mayor Nevill stated answered that the current facility would need to be reviewed for future development and the potential site's environmental study was half-complete.

Councilmen Semple mentioned a previous proposal from Habitat for Humanity for Haiti Street.

5. Town Council Handbook

1. Rules of Procedure

2. Ethics Statement

Mr. Cureton stated that the code of ethics was drawn from the Virginia State code of ethics.

3. Boards Committees Commissions

Mr. Cureton provided a brief outline of active and inactive committees the Town operates and that have authority over the Town. Mr. Cureton pointed out that many of the Town's inactive communities had disbanded in 2020, with the COVID-19 pandemic.

Mr. Cureton provided a cost estimate based on salaries, advertising, staffing, etc. necessary for four committees to meet bi-monthly.

Councilmen McGuire recommended increased tasks be delegated to committees for cost and time efficiency with possible consolidation of duties between them.

Councilmen Semple asked why so much money needed to be spent to return to previous functions. Mr. Cureton stated that time management and technological requirements introduce new costs. Mayor Nevill stated that in the past, there had been exploitation of staff to reduce costs without a true cost assessment.

Councilmen Semple stated that the Town did not previously note the consequences of staff being overworked in the past, despite there likely being consequences of individuals working multiple positions. Councilmen Semple stated that a conversation of which committees were most necessary was needed because of this.

Councilmen Sutphin emphasized the importance of costs of the meetings, and a discussion of which committees are most necessary.

4. Work Session Meeting Dates

Mr. Cureton described a brief history of the dates and time in which work sessions were held in different locations for the Town of Warrenton. Mr. Cureton stated that if work sessions were in the evening, they would likely need more of a police presence and staff to rearrange the dais. If work sessions were on a different day, the council could have more time to think about specific issues.

Mayor Nevill recommended that the work sessions remain in the morning, as employees already work during the day. Therefore, if employees were needed, they could be called down without extra pay.

Councilmen Semple outlined the negative effects of having a work session on the same day as the regular meeting.

There was discussion about how the public cannot attend work sessions during work hours.

Councilmen Semple referenced a possible schedule in which the work is after the regular meeting.

6. Agenda Review

Acting Town Manager Cureton stated that the swearing-in ceremony for Chief Carter would be held that evening.

Mr. Cureton stated that they would move forward with public hearings on Glo Fiber, the Dish water tower lease, indemnification for employees, and language changes for the Town Recorder appointment.

Mr. Simmons stated that the Town Attorney Crim had recommended the Town participate and sign all documents related to an opioid settlement in a lawsuit filed against Walmart, CVS, Walgreens, and other retailers. Councilmen Heroux asked for clarification about how the Town was participating. Mr. Simmons stated that it was so the Town could receive money from the settlement. There was discussion about how to use the money.

Councilmen Semple asked if Mr. Cureton could provide an update on the Amazon SUP site during the meeting.

There was discussion about the purpose and clarity of Citizen's Time during the regular meeting.

The Meeting was adjourned at 12:22 PM.

REGULAR MEETING - 6:30 PM

Mayor Nevill called the meeting to order at 6:30 PM, a quorum was present and business could be conducted.

1. Swearing in Ceremony for Chief Carter 6:00 PM

Chief Timmothy Carter was sworn in by Gail Barb, Clerk of the Circuit Court of Fauquier County.

INVOCATION.

Chaplain Wally Smith of the Warrenton Police Department led the invocation.

PLEDGE OF ALLEGIANCE.

Mayor Nevill led the pledge of allegiance.

CITIZEN'S TIME.

Dave Winn, 7960 Wellington Dr, Warrenton spoke regarding lack of permits for the Amazon Data Center.

Dave Gibson, 7548 Foxview Dr, Warrenton, spoke regarding permits for the Amazon Data Center.

Denise Schefer, 6080 Whippoorwill Dr, spoke regarding Amazon Data Center permits.

Melanie Burch, 98 Alexandria Pike, spoke about ARPA funding.

Kevin Ramundo, 9757 Elmwood Rd, spoke about Amazon Data Center permits.

Greg Ashwell, 9476 Foxville Rd, spoke about ARPA funds for Habitat for Humanity.

Barbara Amster, 726 Acorn Ct, spoke regarding zoning for and lobbying against the Amazon Data Center.

Erin O'Donnell, 52 Blue Ridge St, spoke regarding the Amazon Data Center.

Dana Pappas, 7101 Westmoreland Dr, spoke about ARPA funding for Habitat for Humanity.

Josephine Gilbert, Scott Dr, spoke regarding Black Lives Matter and culture wars.

Eric Gagnon, 200 Winchester St, spoke regarding the Amazon Data Center.

Ann Kehoe, 7000 Beaconsfield Ln, spoke regarding the Amazon Data Center.

Bernardine Connely Clark, 71 Menloyh Dr, spoke about Amazon Data Center permits.

Cindy Burbank, 6347 Barn Owl Ct, spoke regarding the Amazon Data Center permits.

Larry Kavolich, 39 Brookshire Dr, spoke regarding Amazon Data Center SUP.

APPROVAL OF THE AGENDA.

PUBLIC HEARINGS.

1. Public Hearing: Lease-Franchise Agreement Glo Fiber

Mr. Simmons summarized Glo Fiber's request for the installation of telecommunication equipment within the Town's right-of-way via a franchise agreement.

Mayor Nevill opened the floor for public hearing at 7:17 PM.

There were no speakers.

The Public Hearing was left open through the conclusion of the bid process.

2. Public Hearing: Lease-Franchise Agreement Water Tower

Mayor Nevill opened the floor for public comment on the Dish Lease-Franchise agreement at 7:18 PM.

There were no speakers.

The Public Hearing was left open through the conclusion of the bid process.

3. Public Hearing: Indemnification of Town Employees

Mr. Cureton answered a question from the worksession regarding insurance premiums. Mr. Cureton had contacted the Town's insurance regarding the earlier questions from Council but had not heard back.

Councilmen McGuire asked if this policy was treating police officers the same as all other employees.

Councilmen Mooney asked for clarification on the insurance policy's indemnification and the adoption of an indemnification policy.

Councilmen Heroux states that this is the codification of the insurance policy so it may take place.

Mayor Nevill opened public hearing for the indemnification of Town employees at 7:23 PM.

Jean Boenish with BASS spoke regarding taxpayer money, the Amazon Data Center, and employee misconduct, and the First Constitutional Amendment. Mayor Nevill notified Ms. Boenish to remain on topic.

The Public hearing was closed at 7:28PM

Councilmen Heroux described the purpose of indemnification and why it is necessary, how it is unrelated to the Amazon SUP, and how many organizations and governments already require such indemnification. Councilmen Sutphin, Councilmen McGuire, Councilmen Semple, and Mayor Nevill contributed examples for clarity.

Councilmen Mooney stated that it should be examined before passing. Councilmen McGuire stated that he felt a sense of urgency, especially for police officers.

Vice Mayor Hartman motioned to approve Ordinance 2023-02 to amend sections number 2-97, 2-98, and 2-99. Councilmen Sutphin seconded. There was no discussion. The vote was as follows:

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

The motion passed unanimously; Indemnification of Town Employees was approved.

4. Public Hearing: Recorder Appointment Designated the Responsibility of the Town Manager

Mayor Nevill read the wording changes prompted from the discussion from the morning worksession. The changes to the language established the Appointment of the Clerk by the Town Council and the management of the clerk and deputies a responsibility of the Town Manager. Mayor Nevill opened the public hearing for the recorder appointment redesignation to the Town Manager at 7:41 PM. Mayor Nevill closed public hearing at 7:42 PM.

Vice Mayor Hartman motioned to approve the Ordinance to amend section 2-96 of the Town Code. Councilmen Sutphin seconded.

Councilmen Semple stated that he investigated how other localities appointed/hired their Town Recorders, and this was how they did it. The vote was as follows:

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

The motion passed unanimously; the ordinance to redesignate hiring/appointment duties of the Town Recorder to the Town Manager and Town Council respectively was approved.

NEW BUSINESS.

1. Opioid Settlement.

Town Attorney Simmons stated that Town Attorney Crim recommended that the Town participate in this opioid settlement.

Councilmen McGuire stated that he wanted to see how much money would be diverted to the police department for Narcane purchase.

Mr. Simmons clarified that this paperwork was necessary for the Town's receipt of money from the settlement. Vice Mayor Hartman stated that purpose of funding could be decided later.

Mayor Nevill called the question of whether to approve the resolution for the Town's participation in the opioid settlement against various retailers. The vote was as follows:

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

Nays:

Abstention:

Absent: Mr. Brett Hamby.

The resolution passed unanimously.

2. Acting Town Manager Extension

Mayor Nevill explained that this resolution was to extend Acting Town Manager Cureton's contract by three days to attend the following Town Council Meeting in which Mr. Cassidy would be appointed Interim Town Manager.

Councilmen Heroux motioned to approve the resolution to extend Mr. Cureton's contract by three days. Vice Mayor Hartman seconded. The vote was as follows:

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

Nays:

Abstention:

Absent: Mr. Brett Hamby.

The motion passed unanimously; Mr. Tommy Cureton's tenure as the Acting Town Manager was extended.

3. Town Recorder Appointment

Mayor Nevill explained that given the passage of the Ordinance to amend section 2-96 of the Town Code, there needed to a resolution to appoint Town Clerk Clough as the Town Recorder.

Vice Mayor Hartman moved to approve Mr. Clough as the Town Recorder. Councilmen Sutphin seconded.

There was discussion commending the service of Mr. Clough.

The vote was as follows:

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

Nays:

Abstention:

Absent: Mr. Brett Hamby.

The motion passed unanimously. Mr. Stephen Clough was appointed as the Town Recorder.

TOWN ATTORNEY'S REPORT.

Mr. Simmons commended Chief Carter on his appointment and thanked him for his service.

TOWN MANAGER'S REPORT.

Mr. Cureton referenced the promotion of Mr. Diggs to the Town's Fire Inspector in Fire in 2023. Mr. Cureton announced that Mr. Diggs had passed necessary inspections and training necessary for this position.

Three employees had graduated the Town CDL program within the Town's Public Works Department.

Mr. Cureton stated that the budget would be submitted by April 1, 2023.

Mr. Cureton stated that there had been communication about violations of the Amazon Data Center SUP to the owner of the site.

Councilmen McGuire asked to see a report about such violations.

COUNCILMEMBERS TIME.

Councilmen Mooney - Commended Town Clerk Clough and Chief Carter for their appointments. Mooney also thanked citizens for speaking to the Council. He stated that he thought someone should be put in charge to make sure the Amazon SUP is not in violation.

Councilmen Sutphin - Commended Chief Carter and spoke about his character. She mentioned the COVID-19 Pandemic and other factors that made the past several years difficult but stated that the Town's police and employees have made it better. Ms. Sutphin acknowledged National Women's Month.

Councilmen Semple - Commended Chief Carter and referenced his own military service. Semple commended citizens for demonstrating their views.

Vice Mayor Hartman - Congratulated the Town's employees for their achievements.

Councilmen Heroux - Congratulated Chief Carter and Town Clerk Clough. Thanked the Public Works crew for helping with infrastructure issues. Mr. Heroux pleaded with citizens to drive slower. He also suggested people participate in charity.

Councilmen McGuire - Referenced his police service and stated that individuals have attacked the council too harshly. McGuire asked citizens to treat the Council with more respect. McGuire congratulated Chief Carter and Town Clerk Clough. Referenced St. Patrick's day.

Mayor Nevill – Referenced the Police Department’s goal of having 30% of officers be women. Congratulated Town Clerk Clough for his work and modernization of the Town’s systems. Congratulated Chief Carter for being confident, compassionate, and having good leadership.

ADJOURNMENT.

With no further business, this meeting was adjourned at 8:13 PM on Tuesday, March 13th, 2023.

I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on March 13th, 2023.

Stephen M. Clough
Town Recorder

Attachments:

- 1) Handouts to Council from Citizen’s time. March 13th, 2023.
- 2) Citizen Comment Emails and form submissions.
- 3) Signed legislation.



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

March 14, 2023. Regular Town Council Meeting
Minutes

Attachment 1: Handouts to Council from Citizen's
time. March 14th, 2023

Draft: Not yet approved by Town Council

Now, on 3/14/23, the Town Council is trying to make the townspeople responsible for all legal expenses in defense of every bit of wrong doing that resulted in the Council's vote to approve the data center SUP. The people will have none of it, but you on the Council can easily fix the whole problem by changing your vote now to a proper denial of that data center SUP.

Instead of the Warrenton Town Council actually following all ethical codes and legal rules, its consideration of passing an ordinance such as this is nothing less than conspiracy to commit self-dealing in order to evade just correction and to further defraud the taxpayers and the town. It is yet another bad ordinance that the Town is being poorly counseled to copy from Manassas. Four Town Council members have an immediate and pervasive conflict of interest in this bottomless re-direction of town funds for their exhaustive defense; the Town Charter prohibits their votes on this issue; the other Council members are expected to see past false claims and not support further cover-up of wrong doing that this ordinance attempts to supply.

Specifically the Town Attorney (from Manassas) and Town Council members who are indefensibly trying to skirt the issue of the invalidity of their 2/15/23 vote want their constituents whom they did not represent to pay for those Council members' wrong-doing, literally even if it bankrupts the town, as this ordinance wording completely allows. It also coerces the effective equivalent of non-disclosure agreements - to get those who receive monetary coverage for their own defense to also supply cover for the Town's defense. This does not make your first data center vote right but tries to intimidate and punish all town residents for recognizing and democratically working to correct the Town Council's habitually authoritarian non-public-servant-like actions.

Since the Town Council's improper and highly questionably vote, townspeople have been voting online by their Virginia Constitutional right to nullify the Town Council's bad administration by a majority of the community vote to deny the data center SUP, as partial redress. The public-service direct link to casting that voting ballot is currently posted on Nextdoor social media and available on flyers around town for sharing and helping elders each cast their vote as well:

<https://www.powr.io/form-builder/i/35132408#page>

The most obvious, reasonable, and practical initial solution for the Town Council is threefold:

Seek honorable legal advice elsewhere.

Refuse to take up the ordinance irresponsibly placed before you.

Rescind and re-vote: The Town Charter conveniently provides that any four Council members can now call for and immediately conduct a special meeting specifically to "rescind the Town Council's improper SUP vote of 2/15/23, and replace it now with a vote properly denying that SUP". That should take 5 minutes and cost nothing. There would be no breach of agreement as the entire 2/15/23 vote was previously identified as conducted in violation of the Town Charter's conflict of interest rule, perjury notwithstanding, so no contract could be made or legally entered as a result of that invalid vote; the SUP applicant's attorney-representative was well aware of the more than questionable legality surrounding any vote to grant the data center SUP. Stop the Town Council's compounding legal violations and really save the Town money by correcting the pivotal mistake: Let's hear a motion and second to call a special meeting now to "rescind the Council's previous Amazon Data Center vote and vote properly now to deny that Special Use Permit application 2022-03.

— Jean Boenish 3/14/23, to the Town Council at the Public Hearing

The community recognizes only as invalid and unrepresentative of the will of the community the Town Council's 2/15/23 vote on Warrenton, VA, Special Use Permit application 2022-03 Amazon Data Center.

The townspeople and Fauquier County community, including every individual thereof, refuse and abjure any and all responsibility and liability for the misdeeds, actions, lack of factually-based decision making, and negligence, individually and as a voting bloc, of the Town Council members, Town staff, and Town employees, whether current or former, who supported, facilitated, or neglected to actively oppose the vote to grant rather than to logically and appropriately deny that SUP. The Town Council was fully forewarned by its constituents either to not vote as they did, contrary to their oaths of office, or to let the townspeople vote directly on the issue of this SUP.

Further, no deadlines or limitations stand on the community's right to reverse any and all effects of said Town Council's vote and maladministration, whether admitted or not, including current and future attempts by the Town to pass culpability and payment for defense of malfeasance, whether proven or not, on to the people of the Town, including inhabitants of future Town boundary line adjusted or annexed areas; neither can any culpability or liability rightfully be passed to the county or to county residents.

Further, all costs of property and incidental damage, claims, value reductions, loss of appropriate natural-quality habitat, or results of failure to properly maintain a residential atmosphere in any granted-SUP-affected area, must be borne individually, together, or separately, only by any and all Town Council members and staff and employees thereof who did not and have not acted to reverse and nullify the Town Council's supposed granting of the SUP on 2/15/23, whether by abuse of legal authority, negligence, ignorance of policy or law, or on bad advice of counsel.

Full Virginia Constitutional protection is afforded to every citizen who has recognized the Town Council's ongoing maladministration surrounding and consequent to this SUP and the Town Council's 2/15/23 vote thereon and who has or will individually vote to correct that maladministration in accordance with their full Virginia Constitutional rights, including all pertinent community manifestations of Article 1, Section 2, and Article 1, Section 3, without limitation on, impedance of, or liability or penalties for full and immediate effective expression and representation of the will of the majority of the community in this regard.

Further, any individual, authority, volunteer, or observer of any governmental branch who fails to uphold and ensure the right of the community to effect these corrections through Article 1, Section 2 and Section 3, is in immediate constitutional violation and fully liable therefor and responsible for every result therefrom. No costs, fees, hikes, liabilities, or penalties of any kind may be passed back down to the people, taxpayers, residents, or representatives who are acting through or supporting Article 1, Section 2 or Section 3, or both, to correct apparent maladministration. No charges need be brought by or on behalf of the community for a public servant's neglect of upholding sworn adherence to Article 1, either Section 2 or Section 3, since the majority of the community's expressed corrective mandate suffices.

— Jean Boenish 3/13/23, as a public service to the community

WARRENTON TOWN COUNCIL

March 14, 2023

Good-evening Mayor, Council Members, community members. My name is Josephine Gilbert and I live in the Scott District.

So here we are, 2 weeks after making the national and possibly international news on the goings of Saturday morning at the courthouse square. What has been accomplished? A community and business leader outed because he took sides and threw his staff under the bus. A parent distraught because their 17th year old is on social media. A political leader who took sides before finding out what happened.

It amazes me how this town and county still has not figured out we're in a cultural war and our town is being used. Look at what's happening with our schools? Where do you think they were organized? You may not want to admit it, but this group represents evil and indoctrination. Why should you continue to spend another penny on them? Don't you know they are fraudulent? Even Amazon stopped their fundraising/charity program with BLM.

Cost to the town so far in excess of \$75,000

I'm meeting with Chief Carter to go over the ordinance.

This is not hard, they need a new place to meet.



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Attachment 2: Citizen Comment Emails and form
submissions.

Draft: Not yet approved by Town Council

From: "noreply@civicplus.com" on behalf of "noreply@civicplus.com"
<noreply@civicplus.com>
Sent: 14 Feb 2023 16:29:34 0600
To: "" <lpaul@warrentonva.gov>
Subject: Online Form Submittal: Public Comment

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

Public Comment

Name	Ellen Zagrobelny
Address	10120 Brown Moore Lane
City	Marshall
State	VA
Zip Code	20115
Email Address	
Phone Number	
Committee, Board, or Commission Type	Town Council
Agenda Item	Amazon Web Services SUP Application
Comment	<p>I write regarding the special use permit application you will be voting on.</p> <p>I'm a Civil Engineer, and I review site construction plans and permit applications. I gave the SUP application in question a read, and I found it to be an incomplete application.</p> <p>In my experience, it is incomplete to an extent that would be unusual for approval in a large-scale project such as this one.</p> <p>Now we know in a special use the burden of proof is really on the applicant to provide a thorough analysis of the downsides and compelling reasons why they should receive an exception.</p>

This is what the Statement of Justification in this permit is for. But this Statement of Justification fails to provide the requested analysis.

There are sixteen criteria here to be addressed. In my judgment, the applicant did adequately discuss and analyze 6 of the 16 criteria. But the remaining 10 either are avoided or the responses have not stood up to closer examination.

Let's take the environmental impact for one example... This is criteria 10 and 16

"10. Whether the proposed Special Use Permit at the specified location will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.

16. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habit and vegetation, water quality, and air quality."

In the initial submittal, the Applicant responds "In 2020, the Applicant became the world's largest purchaser of renewable energy. It's facilities are almost 4 times as energy efficient as other enterprise data centers etc etc" it goes on like that

In my judgment, that response does not adequately address the environmental impact. How could it? Similar comments can be made about the 8 other criteria. What improvements the application has, have essentially been made at the direction and demand of the citizens.

The Planning Commission and the citizens have spent the last few months essentially doing the Applicant's work for them -

providing analysis, addressing the tough questions, quality controlling studies, developing feasibility options, even correcting typos and topographic errors.

This application, even as it stands now, is in my judgment not thorough or complete enough to move forward.

You would be right to vote no.

Email not displaying correctly? [View it in your browser.](#)

Draft: Not yet approved by Town Council

From: "noreply@civicplus.com" on behalf of "noreply@civicplus.com"
<noreply@civicplus.com>
Sent: 14 Feb 2023 17:19:09 0600
To: "" <lpaul@warrentonva.gov>
Subject: Online Form Submittal: Public Comment

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

Public Comment

Name	Taryn Meeks
Address	175 Waterloo St
City	Warrenton
State	VA
Zip Code	20186
Email Address	[REDACTED]
Phone Number	[REDACTED]
Committee, Board, or Commission Type	Town Council
Agenda Item	Amazon
Comment	Hello,

I recently moved to Old Town Warrenton. I'm not able to attend the town council meeting tonight but wanted to make my voice heard. I oppose Amazon and the power towers. I do not want to see Warrenton turn into Arlington or another hub of endless buildings. Please save this lovely town!

Sincerely Taryn Meeks

Email not displaying correctly? [View it in your browser.](#)

From: "noreply@civicplus.com" on behalf of "noreply@civicplus.com"
<noreply@civicplus.com>
Sent: 16 Feb 2023 06:32:19 0600
To: "" <lpaul@warrentonva.gov>
Subject: Online Form Submittal: Public Comment

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

Public Comment

Name	Charlie Keith
Address	140 Morningside Drive
City	Culpeper
State	VA
Zip Code	22701
Email Address	
Phone Number	
Committee, Board, or Commission Type	Town Council
Agenda Item	Thank You
Comment	<p>Regarding the data center permit, thank you for your courageous vote to bring some growth and revenue to Warrenton. Doing what is right is not always popular, and I was truly impressed by your professionalism and courage in the midst of resistance. Many of us who welcome bridled growth, such as this permit, fail to see how a possibly slightly humming data center would bring about noise pollution next to an existing highway--an absurd position to take in my opinion. Again, thank you and keep up the great work in keeping Warrenton unique and thriving at the same time.</p> <p>-Charlie Keith</p>

Email not displaying correctly? [View it in your browser.](#)

Draft: Not yet approved by Town Council

From: "noreply@civicplus.com" on behalf of "noreply@civicplus.com"
<noreply@civicplus.com>
Sent: 17 Feb 2023 11:34:27 0600
To: "" <lpaul@warrentonva.gov>
Subject: Online Form Submittal: Public Comment

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

Public Comment

Name	Jeff Bezos
Address	100 Prime Way
City	Amazonville
State	VA
Zip Code	33221
Email Address	Onthetake@warrenton.gov
Phone Number	000-000-1111
Committee, Board, or Commission Type	Town Council
Agenda Item	Amazon
Comment	There is no doubt in my mind all of you who voted for this data center are on the take. Shame on all of you.

Email not displaying correctly? [View it in your browser.](#)

From: "Tom deButts" <[REDACTED]>
Sent: Tue, 14 Feb 2023 15:17:20 +0000 (UTC)
To: "" <citizencomment@warrentonva.gov>
Subject: Warrenton Data Center

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

I am writing to urge the Council to decline the request to approve the massive data center in town due to the noise and vibration that will be caused by the center. The noise will be a permanent loss of the quiet that is a part of Warrenton and once lost, cannot be regained. Approval of this proposal will permanently change Warrenton's small-town appeal and Fauquier County's rural character, and significant noise and visual impacts will affect citizens and visitors alike. Citizens and visitors arriving from the East will be greeted by a fifty-foot-high building on an elevated site, right at the eastern entry to Warrenton. The data center and power lines will be visible from many parts of both Warrenton itself and the surrounding countryside.

If any members have not physically visited the Ashburn data alley, they may not appreciate the gravity of this decision.

Please don't sell out the town for such a short-term financial gain at the expense of the town, its quiet nature, and its residents.

Thomas M. deButts
1415 Snowden Road
Delaplane, VA 20144
[REDACTED]

□

From: "Mark Head" <[REDACTED]>
Sent: Tue, 14 Feb 2023 13:19:16 0500
To: "" <citizencomment@warrentonva.gov>
Subject: Hi []

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

Too late to submit an email
Comment for tonight's hearing ?

Tks

Mark Head, MD
Airlie

Sent from my iPhone

Draft: Not yet approved by Town Council

From: "Mark Head" <[REDACTED]>
Sent: Tue, 14 Feb 2023 13:44:58 0500
To: "citizencomment" <citizencomment@warrentonva.gov>
Cc: "wm" <[REDACTED]>
Subject: Re: Automatic reply: Hi ☐

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

Tks

The comment comes from an old friend and expert in Electromagnetic Field effects on biological systems: Prof Wilhelm Mosgoeller, currently giving expert testimony in a class action lawsuit at District Superior Ct in D.C.

Willi will write with my blessing directly to you. I've long followed his work & endorse it

Cheers

MMH

Mark Head, MD
Airlie

On Feb 14, 2023, at 1:19 PM, citizencomment
<citizencomment@warrentonva.gov> wrote:

Thank you for your email, while there is no guarantee your comment will be read aloud please know it will be part of the minutes.

Town of Warrenton

Draft: Not yet approved by Town Council

From: "Mark Head" <[REDACTED]>
Sent: Tue, 14 Feb 2023 16:28:57 0500
To: "citizencomment" <citizencomment@warrentonva.gov>
Subject: Re: Automatic reply: Hi ☐

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

Prof Mosgoeller's missive is on its way ! Hope someone is in the office to retrieve it, should it seem a good idea to read aloud tonight.

It will be a general statement only.

MMH

On Feb 14, 2023, at 1:44 PM, Mark Head <tunedoctor@me.com>
wrote:

Tks

The comment comes from an old friend and expert in Electromagnetic Field effects on biological systems: Prof Wilhelm Mosgoeller, currently giving expert testimony in a class action lawsuit at District Superior Ct in D.C.

Willi will write with my blessing directly to you. I've long followed his work & endorse it

Cheers

MMH

Mark Head, MD
Airlie

On Feb 14, 2023, at 1:19 PM, citizencomment
<citizencomment@warrentonva.gov> wrote:

Thank you for your email, while there is no guarantee your
comment will be read aloud please know it will be part of the
minutes.

Town of Warrenton

Draft: Not yet approved by Town Council

From: "Mark Head" <[REDACTED]>
Sent: Tue, 14 Feb 2023 16:46:02 0500
To: "citizencomment" <citizencomment@warrentonva.gov>
Subject: Fwd: Automatic reply: Hi ☐

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

FYI:

From: wm <[REDACTED]>
Date: February 14, 2023 at 4:36:56 PM EST
To: Mark Head <[REDACTED]>
Subject: Re: Automatic reply: Hi ☐

Hi Mark

To write a statement I should know the situation.

Is the situation like the following: A company plans to built a huge sth. which will increase the residents permanent (day and night, 7 days /week) exposure to EMF (electromagnetic fields).

In short:

The project will (or may) increase the risks associated with EMF in the low frequency range (50 60 Hz, powersupply). Possibly EMF in the high frequency range (telecommunication, data exchange)by radiofrequencies) is also on the list.

In the USA the environmental immissions from EMF appliances are limited. Official safety standards are issued by the so called IEEE (I triple E). Typically citizens are concerned because high voltage powerlines can increase the environmental field exposure, while the official safety limits for EMF field exposure do not protect for diseases associated with long term exposure. There are ways to minimize EMF Imissions (from high voltage power lines and reduce associated risks by specific arrangement of the electric wires. I recommend to consider environmental field reduction allready in the planning phase better safe than sorry.

Willy Mosgoeller

Am 14.02.2023 um 19:44 schrieb Mark Head:

Tks

The comment comes from an old friend and expert in Electromagnetic Field effects on biological systems: Prof Wilhelm

Mosgoeller, currently giving expert testimony in a class action lawsuit at District Superior Ct in D.C.

Willi will write with my blessing directly to you. I've long followed his work & endorse it

Cheers

MMH

Mark Head, MD
Airlie

On Feb 14, 2023, at 1:19 PM, citizencomment
[<citizencomment@warrentonva.gov>](mailto:citizencomment@warrentonva.gov) wrote:

Thank you for your email, while there is no guarantee
your comment will be read aloud please know it will be
part of the minutes.

Town of Warrenton

--

SCIgenia Science Support GmbH - International Project-Design & Management

Email: [REDACTED]
Tel.: [REDACTED] -
Web: [REDACTED]

Büro: R[ö]dgergasse 32/18, 1090 Wien Austria
Firmensitz: Hahngasse 16/14, 1090 Wien
CEO: Annelie Engels,
FN 323636 k, HG Wien , VAT-ID: ATU 64857033

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attachments) by mistake, please notify the sender by return e-mail and delete this
message from your system. Any unauthorised use or dissemination of this message
in whole or in part is strictly prohibited.

From: "Ellen Zagrobelny" <[REDACTED]>
Sent: Tue, 14 Feb 2023 17:26:55 0500
To: "" <citizencomment@warrentonva.gov>
Subject: Citizen Comment for 2/14

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

Dear Town Council, It was my intent to speak this evening as part of the public comments. A sudden illness keeps me from doing so. While it is very last-minute, I hope these comments can be included in the record. Below is my prepared comment.

Regards,
Ellen Zagrobelny

I'm going to speak to you about the special use permit application you will be voting on.

I'm a Civil Engineer, and I review site construction plans and permit applications. I gave the SUP application in question a read, and I found it to be an incomplete application. In my experience, it is incomplete to an extent that would be unusual for approval in a large-scale project such as this one.

Now we know in a special use the burden of proof is really on the applicant to provide a thorough analysis of the downsides and compelling reasons why they should receive an exception. This is what the Statement of Justification in this permit is for. But this Statement of Justification fails to provide the requested analysis.

There are sixteen criteria here to be addressed. In my judgment, the applicant did adequately discuss and analyze 6 of the 16 criteria. But the remaining 10 either are avoided or the responses have not stood up to closer examination.

Let's take the environmental impact for one example... This is criteria 10 and 16

"10. Whether the proposed Special Use Permit at the specified location will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.

16. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habit and vegetation, water quality, and air quality."

In the initial submittal, the Applicant responds "In 2020, the Applicant became the world's largest purchaser of renewable energy. It's facilities are almost 4 times as energy efficient as other enterprise data centers etc etc" it goes on like that

In my judgment, that response does not adequately address the environmental impact. How could it? Similar comments can be made about the 8 other criteria. What improvements the application has, have essentially been made at the direction and demand of the citizens.

The Planning Commission and the citizens have spent the last few months essentially doing the Applicant's work for them -

providing analysis, addressing the tough questions, quality controlling studies, developing feasibility options, even correcting typos and topographic errors.

This application, even as it stands now, is in my judgment not thorough or complete enough to move forward.

You would be right to vote no.

Draft: Not yet approved by Town Council

From: "Stephen Clough" <sclough@warrentonva.gov>
Sent: Thu, 16 Feb 2023 18:30:19 +0000
To: "citizencomment" <citizencomment@warrentonva.gov>
Subject: FW: Please Deny the Amazon Data Center Special Use Permit:

Stephen Clough
Town Clerk, FOIA Officer
Town of Warrenton, VA

21 Main Street
Warrenton, VA 20186
M: (540)-714-9270
warrentonva.gov

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

From: Denise Harris <dharris@warrentonva.gov>
Sent: Thursday, February 16, 2023 11:35 AM
To: Stephen Clough <sclough@warrentonva.gov>
Subject: FW: Please Deny the Amazon Data Center Special Use Permit:

FYI - for your records.

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

From: Rob Walton <rwalton@warrentonva.gov>
Sent: Thursday, February 16, 2023 10:03 AM
To: Denise Harris <dharris@warrentonva.gov>
Subject: FW: Please Deny the Amazon Data Center Special Use Permit:

Just an FYI. This was received around midnight this past Wednesday.

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

From: [REDACTED]
Sent: Wednesday, February 15, 2023 12:12 AM
To: Rob Walton <rwalton@warrentonva.gov>
Subject: Please Deny the Amazon Data Center Special Use Permit:

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

Dear Director of Community Development Rob Walton,

THE SPECIAL USE PERMIT SHOULD BE APPROVED. THE COUNCIL SHOULD BE DECIDING THE FUTURE PATH OF WARRENTON AND SINCE IT HAS A NEGLIGIBLE EFFECT ON HISTORIC WARRENTON THE COUNSEL SHOULD OBVIOUSLY APPROVE THE PERMIT ON THE BASES THAT IN ORDER TO HAVE A HISTORY TO PRESERVE, ONE MUST ACCEPT HOW HISTORY IS MADE.

THIS APPROVAL WOULD BE HISTORICAL AND THE LOCATION IS PERFECT.

Sincerely,

Nicholas Allen

10476 Shortcut Rd Catlett, VA 20119-2444 [REDACTED]

Draft: Not yet approved by Town Council

From: "Michael Bruck" <[REDACTED]>
Sent: Tue, 14 Mar 2023 15:09:47 +0000
To: "citizencomment@warrentonva.gov"
<citizencomment@warrentonva.gov>
Subject: SUP 2022 03 data center vote and maladministration liability
Attachments: The community recognizes only as invalid and unrepresentative
of the will of the community the Town Council.docx

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

Draft: Not yet approved by Town Council



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

March 14, 2023. Regular Town Council Meeting
Minutes

Attachment 3: Signed Legislation

Draft: Not yet approved by Town Council

ORDINANCE 2023-02

AN ORDINANCE TO ADD SECTIONS NUMBERED 2-97, 2-98, AND 2-99 TO THE TOWN CODE TO
PROVIDE FOR INDEMNIFICATION OF TOWN STAFF

WHEREAS, Section 15.2-1520 of the Code of Virginia allows the locality to authorize the Employment of counsel to defend localities and political subdivisions, governing bodies, officers or employees in certain proceedings; costs and expenses of such proceeding; and

WHEREAS, the Town Council has determined that it is appropriate and in the public interest to provide for the indemnification of Town Elected Officials, Officers and Employees; and

NOW, THEREFORE, BE IT ORDAINED by the Warrenton Town Council this 14th day of March, 2023, that the Warrenton Town Code be, and is hereby, amended to add sections numbered 2-97, 2-98, and 2-99 as follows:

Sec. 2-97. - Defense and indemnification generally.

(a) Upon compliance by town officers and employees with the provisions of subsection (d) of this section, the town council may employ the town attorney or other counsel to provide for the defense of the town, the council, or any member thereof, or any officer or employee of the town, or of any trustee or member of any board or commission appointed by the town council, in any legal proceeding to which the council, or any member thereof, the town or any of such persons may be a defendant, when such proceeding is initiated against it, or them, by virtue of any actions in the furtherance of their duties in serving the town as its governing body or as members thereof or the duties or service of any officer or employee of the town or any trustee or any member of any board or commission appointed by the town council.

(b) To the extent that such liability is not covered by insurance, the town shall indemnify and save harmless its officers and employees in the amount of any judgment obtained against such officers and employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which judgment or settlement arose occurred while the officer or employee was acting within the scope of his or her public employment or duties. The duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from deliberate wrongdoing, willful or wanton conduct, gross negligence or recklessness on the part of the officer or employee.

(c) To the extent that such costs and expenses are not covered by insurance, all costs and expenses of such proceedings so defended shall be charged against the treasury of the town and shall be paid out of funds provided by the town council. Further, if any settlement is agreed upon with the concurrence of Town Council or judgment is rendered against any of such named persons or the council, the town council shall pay such settlement or judgment from public funds or other funds or in connection therewith may expend public or other funds for insurance or to establish and maintain a self-insurance program to cover such risk or liability.

(d) The duty to defend or indemnify and save harmless provided by this section shall be conditioned upon:

(1) Delivery, to the town attorney or an assistant town attorney, at the attorney's office, by the officer or employee, the original or a copy of any summons, complaint, process, notice, demand or pleading within three calendar days after service with such document; and

(2) The full cooperation of the officer or employee in the defense of such action or proceeding and in defense of any action or proceeding against the town based upon the same act or omission, and in the prosecution of any appeal thereof.

Sec. 2-98. - Reimbursement of legal fees and expenses for criminal investigation and prosecution.

If any elected official, officer or employee of the town shall be investigated, arrested or indicted or otherwise prosecuted on any criminal charge arising out of any act committed in the discharge of official duties, and no charges are brought, or the charge is subsequently dismissed, or upon trial the elected official, officer or employee is found not guilty, the town council may reimburse the elected official, officer or employee for reasonable legal fees and expenses incurred in the defense of the investigation or charge. The reimbursement shall be paid from the treasury of the town.

Sec. 2-99. - Limitations on defense and indemnification.

The benefits of sections 2-97 and 2-98 shall inure only to elected officials, officers and employees and shall not enlarge or diminish the rights of any other party. The provisions of sections 2-97 and 2-98 shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance. The provisions of sections 2-97 and 2-98 shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the town, the town or the town council or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with, or by reason of any other provision of Commonwealth or federal statutory or common law.

ATTACHMENT:

Votes:

Ayes: Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. Paul Mooney, Mr. David McGuire

Nays:

Absent from Meeting: Mr. Brett Hamby

For Information:

Town Manager

Town Attorney

ATTEST:



Town Recorder

March 14, 2023
Town Council
Regular Meeting

ORDINANCE 2023-01

AN ORDINANCE TO AMEND SECTION 2-96 OF THE TOWN CODE TO PROVIDE FOR APPOINTMENT
OF THE TOWN CLERK/RECORDER BY THE TOWN MANAGER

WHEREAS, Section 15.2-1536 of the Code of Virginia requires the appointment or designation of a clerk for every governing body of a locality; and

WHEREAS, Town Charter § 3-8 authorizes the Council to appoint a Recorder whose term of appointment, duties, and compensation shall be prescribed by the Council; and

WHEREAS, Town Charter Article VI creates the office of Town Manager as chief executive officer of the Town with the responsibility for proper administration of the Town government and the power to appoint all officers and employees of the Town and to remove all officers so appointed, as well as such other duties as may be required by the Council; and

WHEREAS, the Town Council has determined that it is appropriate and in the public interest to delegate the authority to appoint the Town Clerk and Recorder to the Town Manager; and

NOW, THEREFORE BE IT ORDAINED by the Warrenton Town Council this 14th day of March 2023, that Section 2-96 of the Warrenton Town Code be, and is hereby, amended as follows:

Sec. 2-96. - Town recorder.

The town council shall appoint, and the town manager shall hire a recorder and may appoint deputy or assistant recorders. The recorder shall attend all meetings of the town council, and keep a record of the council proceedings, and perform such other duties as the Town Code imposes on the recorder. He The recorder shall have such other functions, powers and duties as state law assigns to a clerk of a governing body or as the Town Manager may assign. may be provided by the town council. A deputy recorder shall have all the authority of the recorder in the recorder's absence, and an assistant recorder shall have such authority of the recorder as is delegated by the town manager or recorder.

Votes:

Ayes: Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. Paul Mooney, Mr. David McGuire

Nays:

Absent from Meeting: Mr. Brett Hamby

For Information:

Town Manager

Town Attorney

ATTEST:



Town Recorder

March 14th, 2023
Town Council
Regular Meeting

**A RESOLUTION APOINTING STEPHEN CLOUGH AS THE TOWN RECORDER FOR THE TOWN OF
WARRENTON, VIRGINIA**

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

WHEREAS, pursuant to Town Code Section 2-96 the Town of Warrenton is required to appoint a Town Recorder; and

WHEREAS, Tommy Cureton was appointed as the Town Recorder on February 23rd, 2023, for an indefinite term; and

WHEREAS, the Warrenton Town Council adopted Ordinance 2023-01 updating the code for appointment of the Town Recorder / Town Clerk; and

WHEREAS, The Town Council wishes to appoint a Town Recorder for the position; and

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council is hereby appointing Stephen Clough the Town Recorder for an indefinite period.

ATTACHMENT: None

Votes:

Ayes: Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. Paul Mooney, Mr. David McGuire

Nays:

Absent from Meeting: Mr. Brett Hamby

For Information:

Town Clerk

Town Attorney

ATTEST:



Town Recorder

March 14th, 2023
Town Council
Regular Meeting

A RESOLUTION OF THE WARRENTON TOWN COUNCIL APPROVING OF THE TOWN'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE TOWN ATTORNEY AND/OR TOWN MANAGER TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE TOWN'S PARTICIPATION IN THE SETTLEMENTS

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

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties, cities, and towns, including the Town of Warrenton, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Warrenton's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties, cities, and towns, including Warrenton, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Warrenton; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them and

WHEREAS, the Town Attorney has reviewed the available information about the proposed settlements and has recommended that the Town participate in the settlements; and

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council, this 14th day of March, 2023, approves of the Town's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the Town Attorney and/or Town Manager to execute the documents necessary to effectuate the Town's participation in the settlements, including the required release of claims against settling entities.

ATTACHMENT: Staff Report

Votes:

Ayes: Mr. Paul Mooney, Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. David McGuire

Nays:

Absent from Vote:

Absent from Meeting: Mr. Brett Hamby

For Information:

Town Attorney

ATTEST: _____



Town Recorder

March 14th, 2023
Town Council
Regular Meeting

A RESOLUTION OF THE WARRENTON TOWN COUNCIL APPROVING OF THE TOWN'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE TOWN ATTORNEY AND/OR TOWN MANAGER TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE TOWN'S PARTICIPATION IN THE SETTLEMENTS

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

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties, cities, and towns, including the Town of Warrenton, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Warrenton's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties, cities, and towns, including Warrenton, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Warrenton; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them and

WHEREAS, the Town Attorney has reviewed the available information about the proposed settlements and has recommended that the Town participate in the settlements; and

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council, this 14th day of March, 2023, approves of the Town's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the Town Attorney and/or Town Manager to execute the documents necessary to effectuate the Town's participation in the settlements, including the required release of claims against settling entities.

ATTACHMENT: Staff Report

Votes:

Ayes: Mr. Paul Mooney, Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. David McGuire

Nays:

Absent from Vote:

Absent from Meeting: Mr. Brett Hamby

For Information:

Town Attorney

ATTEST:



Town Recorder

March 14th, 2023
Town Council
Regular Meeting

A RESOLUTION APOINTING THOMAS CURETON AS THE ACTING TOWN MANAGER

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

WHEREAS, pursuant to Town Charter Section 6-1 the Town of Warrenton is required to appoint a Town Manager; and

WHEREAS, Tommy Cureton was appointed as the Acting Town Manager on February 26th, 2023, 2022, for a forty-five day term; and

WHEREAS, the Acting Town Manager's term expires on April 8th, 2023, thus creating a vacancy; and

WHEREAS, an Acting Town Manager is needed to fulfill the position until a new Town Manager is selected; and

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council is hereby appointing Thomas Cureton as the Acting Town Manager for a period of no more than 3 days through April 11th, 2023.

ATTACHMENT: None

Votes:

Ayes: Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. Paul Mooney, Mr. David McGuire

Nays:

Absent from Meeting: Mr. Brett Hamby:

For Information:

Town Clerk

Town Attorney

ATTEST:



Town Recorder

FORM MOTION FOR CONVENING A CLOSED MEETING 03/14/2023

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

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

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

Votes:

Ayes: Ms. Heather Sutphin, Mr. William Semple, Mr. Jay Heroux, Mr. Paul Mooney, Mr. David McGuire

Nays:

Absent from Meeting: Mr. Brett Hamby

Absent from Meeting:

CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:

(requires a recorded roll call vote)

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

Votes:

Ayes: Ms. Heather Sutphin, Mr. William Semple, Mr. James Hartman, Mr. Jay Heroux, Mr. Paul Mooney, Mr. David McGuire

Nays:

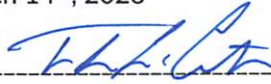
Absent from Meeting: Mr. Brett Hamby

For Information:

Town Clerk

Effective date: March 14th, 2023

Town Recorder



Draft: Not yet approved by Town Council