



TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, October 10, 2023 at 9:00 AM

MINUTES

**AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA, WAS
HELD ON OCTOBER 10th, 2023, AT 9:00 AM**

Work Session

PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Interim Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Martin Crim, Town Attorney.

ABSENT

Regular Meeting

PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Jay Heroux; Mr. Paul Mooney; Mr. David McGuire; Mr. Frank Cassidy, Interim Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Martin Crim, Town Attorney.

ABSENT

WORK SESSION - 9:00 AM

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

A. A Report from the Center District School Board Member

Susan Pauling, Center District School Board Member for Fauquier County Public Schools, introduced the topic. She provided a report to Council.

Dr. Major R. Warner Jr., Superintendent of Fauquier County Public Schools, said that he could answer any further questions of Council.

Vice Mayor Hartman clarified that there had been unfounded rumors in the community regarding the future of the 244 Waterloo Street property. He expressed his appreciation for the school representatives confirming that those rumors were untrue and that there had been no discussions between the Town and the School Board regarding the development of the property.

Councilmember McGuire asked if the Council could assist the school division in installing crosswalks or any other collaborative initiatives.

Dr. Warner said that the school division had a new safety council this year that included representatives of the Town's Police and Sheriff departments, so he could share Mr. McGuire's question with them and continue the conversation.

Councilmember Heroux requested the school division representatives communicate as much as possible with the Ward 5 constituents who were concerned about the future of the former middle school building.

Councilmember Hamby stated that he was glad the school division representatives were able to clarify the processes regarding the ownership and development of their property.

Dr. Warner stated that the school division currently owned the building and would continue to do so until the 2027-2028 school year, after which they would need to decide the future use of the building. He said that he was always glad to provide information at the request of Council.

B. Finance Department Overview

Stephanie Miller, Director of Finance, introduced the topic. She provided an overview of the Finance Department, including recent accomplishments and current initiatives.

Mayor Nevill noted that it was a significant achievement that there were no restaurants on tax payment plans. This was a good indicator that the Council and Town had helped their businesses to succeed.

Vice Mayor Hartman asked if the businesses operating without BPOL were being brought into compliance.

Ms. Miller answered yes; this was partially why they sought to consolidate the form for new businesses.

Councilmember Heroux clarified that there were governing policies and controls that limited the way the Town took on debt as well as the amount of debt. He noted that the Town's current debt ratios were managed well within their expenditures and thresholds for debt policy. He asked how future debt service was determined with regard to their ratios.

Ms. Miller said that regarding the rate study, a model was run to ensure that future debt service complied with cash balance policy and debt service coverage ratios.

Councilmember Heroux added that regarding the CIP, the debt amounts were potential and subject to change based on the allocations voted on during their annual budget process.

Ms. Miller confirmed that the budget is a legal appropriation from July 1 through June 30, meaning that year one of the CIP would be funded in the budget.

Mayor Nevill noted that some projects in the CIP may remain unfunded for multiple years in order to identify and secure the most effective funding sources for the specific projects.

Ms. Miller said that it also helped in terms of their five-year planning process.

Mr. Crim noted that proffer monies could only be accepted for projects that were listed in the CIP.

Councilmember Heroux encouraged staff to communicate the specific sources of funding in order to give context to how the total numbers were arrived at.

Councilmember Semple asked if Ms. Miller could explain the 1.2x debt service ratio.

Ms. Miller said that the net operating revenues, which was income minus expenses, must be 1.2x higher in order to cover the debt service expense.

Councilmember Semple asked if it was a statutory requirement.

Ms. Miller replied that no, it was a policy established by staff in collaboration with the Davenport Group. She noted that Davenport would likely lead them through the credit rating process as a best practice; the Town did not currently have a credit rating.

C. Budget Strategic Goals and Policy Updates

Stephanie Miller, Director of Finance, introduced the topic. She provided an update on financial policies to Council.

Councilmember Heroux made suggestions to staff regarding finer detail and clarifying data to contextualize their financial policies and planning.

Councilmember Semple requested that staff include supplemental information about how the Town compared to other localities regarding their financial policies and goals.

Ms. Miller said that staff typically did not do that comprehensively, but when analyzing a specific area, they may pull data from the state comparative report for their benchmarks. All of that data was available on the Virginia Auditor of Public Accounts' website and could be elucidating.

Mayor Nevill stated that these policies were critical to ensuring consistency, efficiency, and predictability. They had established very important guardrails that allowed for comfort with their responsible use of local taxpayers' funds.

Ms. Miller provided an update on the Town's budget strategic goals.

Councilmember Heroux suggested that their vision of the future of work and life in the Town be acknowledged in their strategic goals.

Ms. Miller stated that staff could review the existing information in the Warrenton 2040 plan to align with that or enhance it.

Mayor Nevill stated that their planning should ensure that a diversity of economy was maintained in the Town so they did not rely on one specific sector as the landscape changed over time.

D. Information and Technology Department Overview

Jonathan Stewart, Director of Information and Technology, introduced the topic. He provided an overview of the Information Technology Department and its operations and future strategic goals.

Councilmember Hamby asked if staff had spoken with Fauquier County about collaboratively updating the accounting software.

Mr. Cassidy said yes, they were exploring those options as they moved forward in order to maximize cost savings and benefits for both entities.

Councilmember Hamby asked if there was an estimate for the cost.

Mr. Cassidy replied that the estimate was \$300,000 for the software in this fiscal year, not including future costs to complete the modernization process. He clarified that this was an estimate.

Councilmember Mooney clarified that the funding for the software was already allocated in the budget.

Councilmember Heroux acknowledged the difficulties faced by the IT department and expressed his appreciation for staff's handling of many arduous yet essential tasks.

Councilmember Semple asked if they had any feedback or experience from their peers as to how to implement such a system.

Mr. Cassidy replied that yes, staff was conferring with neighboring localities as part of this complex system update.

Councilmember Hamby asked if they could get a firm commitment from the County that they would work on this together.

Mr. Cassidy said that he could confirm that.

Councilmember Heroux stated that it was a complicated process, but it was achievable so long as they managed their expectations.

Mayor Nevill noted the importance of having an integrated system for all department processes.

E. Strategic Goals Overview

Frank Cassidy, Interim Town Manager, introduced the topic. He provided an overview of the strategic goals laid out from the September 2022 strategic retreat. Staff recommended Council discuss Council and staff priorities for the upcoming year.

Stephen Clough, Town Clerk, stated that the Virginia Institute of Government currently has a hold placed on their calendar for January 26 through 18, 2024. If the Council has no issues with this date, staff will begin the meeting preparations and bring forward a resolution setting the date for the retreat at a future meeting.

Mayor Nevill confirmed that January 26, 2024 was a date for which all Councilmembers could be in attendance. He asked if Mr. Clough could confirm that date with Ms. Jane Dittmar and then confirm it with Council.

Mr. Clough said that he would get that scheduled.

F. Agenda Review

Mr. Cassidy reviewed the agenda.

With no further business, this meeting was adjourned at 10:29 AM on Tuesday, October 10th, 2023.

REGULAR MEETING - 6:30 PM

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

A. INVOCATION.

Father Charles Smith of St. John the Evangelist Catholic Church led the invocation.

B. PLEDGE OF ALLEGIANCE.

Mayor Carter Nevill led the Pledge of Allegiance.

C. PROCLAMATIONS, RECOGNITIONS, AND PROMOTIONS.

Town Manager Frank Cassidy said there were several staff members they would recognize this evening.

Mr. Cassidy announced the Town's new hires: In the Parks and Recreation Department, Customer Service Specialists Billy Wilson and Ashley Halbrook, Manager on Duty Joel Friedman, Water Safety Instructor Hannah Schoonenberg, and Lifeguards Alberto Brando, Isaac Shepherd, Jerry Pickford, and Fred Gordon.

Mr. Cassidy announced the Town's staff promotion: In the Town Manager Department, Executive Assistant and Communications Manager Lyndie Paul.

Mr. Cassidy announced the following Town's staff achievements: In the Human Capital Department, Emergency Services and Risk Manager Christopher Melmer successfully completed the Homeland Security Exercise and Evaluation Program (HSEEP) Training Course. In the Finance Department, the Town of Warrenton was presented with the Certificate of Achievement for Excellence in Financial Reporting for their Fiscal Year 2022 Annual Comprehensive Financial Report (ACFR). In the Public Works Department, Assistant Director of Public Works John Ward celebrated his 40 years of service and dedication to the Town.

D. CITIZEN'S TIME.

Citizen's time Sign in Town Council Regular Meeting: October 10, 2023		
Name	Address	Topic
Richard Fisher		Heroes Bridge project
Greg Schumacher		Heroes Bridge project
Molly Brooks		Heroes Bridge project
Carl Chapman	340 Church Street, Warrenton, VA 20186	Heroes Bridge project

Richard Fisher spoke regarding the Heroes Bridge project.

Greg Schumacher spoke regarding the Heroes Bridge project.

Molly Brooks, CEO and Founder of Heroes Bridge, spoke regarding the Heroes Bridge project.

Carl Chapman, Pastor of Warrenton United Methodist Church, spoke regarding the Heroes Bridge project.

E. APPROVAL OF THE AGENDA.

Mayor Nevill sought a motion to approve the agenda.

Motion put forth by Vice Mayor Hartman was to approve the agenda.

Seconded by Councilmember Mooney.

The vote was as follows:

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

Nays:

Abstention:

Absent:

The motion passed unanimously; the agenda was approved.

F. PUBLIC HEARINGS.

There were none.

G. CONSENT AGENDA.

- 1. DEFERRAL REQUEST: Special Use Permit (CUP) 2023-01 St. John the Evangelist Catholic Church** – the Applicant, St. John the Evangelist Catholic Church, and the Owner, the Catholic Diocese of Arlington, seeks to amend a June 3, 1986 SUP approval to allow for the demolition of an existing building and the construction of a new 13,000 square foot office building. The subject parcel is located in the Residential (R-10) District of the Town of Warrenton Zoning Ordinance and is designated as Live/Work on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres. *The Applicant is requesting a deferral to the November Town Council meeting.*

- 2. Approval of Council Minutes: April 11th, 2023**

Mayor Nevill sought a motion on the item.

Motion put forth by Vice Mayor Hartman was to approve the Consent Agenda as presented.

Seconded by Councilmember Hamby.

The vote was as follows:

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

Nays:

Abstention:

Absent:

The motion passed unanimously; the Consent Agenda was approved.

H. DEPARTMENT REPORTS.

1. Utilities Project Update

Frank Cassidy, Interim Town Manager, introduced the topic. He provided an update to Council.

Councilmember Semple requested staff provide the total cost for these projects along with their funding sources.

Mayor Nevill requested staff provide the associated costs of emergency repairs and other unplanned maintenance due to the Town's aging utility systems.

Mr. Cassidy provided information regarding the infrastructure projects that were part of the CIP and included in the quarterly report for the Utilities Department.

Councilmember Heroux asked if Ms. Miller could discuss the water rates.

Ms. Miller indicated the change in median water and sewer rates for residential Warrenton customers was \$36.19 in FY2023 to \$44.56 in FY2024.

Councilmember Heroux asked how many of their project investments were due to the need to change aging equipment versus the need due to population growth.

Mr. Cassidy stated that all of them were due to end of life or need for replacement. He clarified that growth was not solely tied to population but also due to growth in use, meaning that people may use the facilities more over time. He noted that the planning of these projects was affected by changes in use and the failing of equipment at different rates.

Councilmember Mooney stated that his constituents' concerns focused on how necessary the expansion of the water treatment plant is and how much they needed to plan for.

Mr. Cassidy stated that based on the completed studies, 2.5 Million Gallons per Day (MGD) was the appropriate amount for the expansion. Staff had determined that upgrading their permit to eventually accommodate 2.5 MGD was the best approach and it was certainly a worthwhile project.

Councilmember Hamby emphasized that the user fees for the water and sewer system were paying back into the system itself, which was an essential infrastructural component of the Town.

Ms. Miller provided information regarding the water and sewer funding, increasing costs, and the rate study of 2022.

Councilmember Heroux stated that there was a strong basis for the outlined projects. He noted that this plan was reviewed every year and future projects would be funded as deemed necessary during each budget season. He clarified that these projects were due to maintenance

needs, ensuring water treatment plant capacity, and supporting the observed growth in committed projects and service accounts.

2. Public Works, Road Conditions and Project Updates

Frank Cassidy, Interim Town Manager, introduced the topic. He provided an update to Council.

Councilmember Semple asked if there was a preliminary estimate for the Public Works facility.

Mr. Cassidy said that about one year ago, the preliminary estimate without any formal design was approximately \$30 million for a two-story structure.

Mr. Cassidy continued providing the update to Council.

Vice Mayor Hartman asked if there was an update on the last connection for the Timber Fence Trail.

Mr. Cassidy said that they were still working with VDOT to establish that final connection.

Michael Wharton, Project Coordinator, stated that staff was waiting for VDOT to close the scoping process. Advertisement was expected between January and March and would take five to six months to complete.

Councilmember Heroux asked who designated an Urban Development Area (UDA) for the roundabout.

Denise Harris, Planning Manager, said that UDAs were designated by the state's Office of Intermodal Planning and Transportation. The Town identified and established a number of UDAs to enable them to apply for Smart Scale funding from the state, which were translated into the character districts created by the Town's steering committees.

Councilmember Heroux clarified that due to the Smart Scale funding from the state, there would be no funding provided from the Town for construction of the roundabouts. He asked if they were included as CIP items.

Ms. Harris said that they were shown in the CIP, but their specific funding source was noted in that list.

Councilmember Heroux noted that state income taxes paid by their constituents were returned to the Town in the form of some of the infrastructure projects. He asked if there were safety concerns that spurred the need for the proposed roundabout.

Ms. Harris said yes; the local VDOT Office analyzed the area for hotspots of accidents and congestion, and this intersection scored very highly for needing further review. VDOT developed a number of scenarios and conducted public outreach and surveys, along with a number of Town Council work sessions and updates. The preferred option was determined to be these roundabouts and was meant to be the best way to achieve Smart Scale funding.

3. Zoning Update

Rob Walton, Director of Community Development, introduced the topic. He provided an update to Council.

Councilmember Heroux asked how citizen input would be incorporated into this process.

Mr. Walton explained that the Zoning Ordinance Text Amendment required public hearings before the Planning Commission and Town Council. Because this is a large project, staff would likely hold public input sessions prior to the public hearings.

Councilmember McGuire requested staff to analyze best practices of other localities in this process.

4. Town Attorney Report: Nondisclosure Agreements

Martin Crim, Town Attorney, introduced the topic. He provided a report on nondisclosure agreements (NDAs) to Council.

Councilmember Semple asked if Mr. Crim could provide information regarding how NDAs encompass more than the individual who signed it.

Mr. Crim said that an NDA signed by a single individual member of Town staff purports to bind the entire Town. He suggested that if someone was to propose a similar NDA in the future, they should narrow that unless the Council authorized an individual staff member to bind the entire Town staff and elected officials. They must consider the effect of one signed in the past, but he would advise against testing whether the binding was effective or not.

Vice Mayor Hartman asked if NDAs were a standard practice for local governments.

Mr. Crim said that generally, yes, they were not an unusual practice.

Vice Mayor Hartman asked if it would be prudent to not allow any local government staff to participate in an NDA.

Mr. Crim said that he did not believe it would be prudent nor was that type of general prohibition appropriate. The decision should be made at the top management level when a particular circumstance deemed it an appropriate tool to be used.

Mayor Nevill asked if it was typical for staff to receive legal advice from counsel before signing an NDA.

Mr. Crim replied that he would hope so.

Mayor Nevill asked who the legal counsel was that approved the prior NDAs.

Mr. Crim answered that it was their prior legal counsel.

Councilmember Heroux asked if a locality could establish a policy that they would not sign nondisclosure agreements.

Mr. Crim said that acknowledgement of proprietary information was enforced by state code, so they would have to carefully analyze what they were trying to prevent and draft a policy that addresses that rather than a broad statement that they would not sign nondisclosure agreements. He emphasized that they should avoid a policy indicating they would not acknowledge or honor a statement that included proprietary information; they should avoid violating property rights in proprietary information due to a loosely worded policy.

Councilmember Heroux noted that they must strike a balance between information protected by an NDA during a negotiation and the public record made available after the negotiation was complete.

Mr. Crim confirmed that while tax information, trade secrets, and other matters may remain confidential, much of that information would become public.

I. NEW BUSINESS.

1. A Report from Dominion Energy

Stan Blackwell from Dominion Energy introduced the topic. He provided a report on data centers to Council.

Mayor Nevill asked for clarification regarding the statement that indoor farming power needs are the equivalent of a standard-sized data center.

Mr. Blackwell stated that both uses required about 30 megawatts (MW). He clarified that indoor farming likely would not need transmission extension, assuming there was available substation capacity in the area.

Councilmember Hamby asked if Dominion lines would own the transmission lines for Vint Hill Farms even though NOVEC is the service provider.

Mr. Blackwell said that the customer and NOVEC would discuss the project, after which NOVEC would contact Dominion and request a certain amount of megawatt load. Dominion would respond by determining if there was substation capacity in the area, and if not, they would build a substation either on site or near the site. Dominion would build the substation and transmission extension to serve NOVEC. NOVEC in turn built infrastructure to take it from the substation to the customer.

Councilmember Hamby asked if NOVEC would own the lines overhead or in the ground.

Mr. Blackwell said that they would not own the transmission lines, but did offer distribution-type services.

Councilmember Hamby clarified that the transmission lines were owned by Dominion.

Mr. Blackwell stated that was correct; the transmission was regulated by the Federal Energy Regulatory Commission (FERC) and the State Corporation Commission (SCC).

Councilmember Hamby asked if Mr. Blackwell knew about the other projects with Dominion numbers on them.

Mr. Blackwell said no.

Councilmember McGuire clarified that there no other data centers being proposed in the Town.

Mr. Blackwell said that there were no other projects within the Town, but there were multiple in the vicinity. If there were questions regarding those projects, they could bring in staff to address those.

J. UNFINISHED BUSINESS.

There was none.

K. TOWN ATTORNEY'S REPORT.

Mr. Crim reported that in the case *Cross et al. v. Town Council et al.*, there would be a hearing on October 31, 2023 on five related matters all pertaining to creating the legislative record the judge would need to consider as part of the case, as well as a related matter of production of documents. This was being handled by the Town's insurance counsel and the judge would make a ruling on the five motions at the October 31, 2023 hearing.

Mr. Crim reported that he met with the Town Board of Zoning Appeals (BZA) regarding some bylaw questions, and the BZA requested Freedom of Information Act (FOIA) and Conflicts of Interest Act (COIA) training. Staff would coordinate that and set up that training for the BZA.

L. TOWN MANAGER'S REPORT.

1. Drought Conditions

Frank Cassidy, Interim Town Manager, reported on drought conditions. The October 9, 2023 report put their precipitation and groundwater in the emergency level, so they remained in the watch. Operations at the water plant remained consistent despite lowering levels, and they were anticipating multiple storm events that should help replenish some of their water.

2. Affordable Housing Update

Mr. Cassidy reported on the Affordable Housing Update. They were still working through the Request for Information in order to determine how to best distribute the funds. He also was

communicating with the Rappahannock-Rapidan Regional Commission (RRRC) to identify the process of how they could become more active partners in affordable housing initiatives.

3. Additional Items

Mr. Cassidy reported on additional items including the Virginia Municipal League (VML) Conference, Town Talks, fall cleanup and leaf collection, the Halloween parade, and the flashlight candy.

M. COUNCILMEMBERS TIME.

Mr. Mooney: Thanked Mr. Ward for his 40 years of service to the Town. Thanked everyone involved in Fall Fest. Expressed his appreciation for their Emergency Manager and his leadership and preparedness. Reminded everyone to slow down, respect the stop signs, and stay off their phones.

Ms. Sutphin: Thanked everyone for attending tonight's meeting. Welcomed the fall season. Thanked the guest speaker from Dominion Energy for providing such clarifying information to Council. Thanked the Warrenton Volunteer Fire Company for their open house. Thanked Public Works for all of their work on the roads. Emphasized that drivers must acknowledge pedestrians in the crosswalk. Announced that it was Spirit Week this week at Fauquier High School. Expressed her condolences for the loss of Mr. Kraig Kelican, the Principal of Fauquier High School, who passed away due to injuries sustained in a car accident. She noted that Mr. Kelican had a few sayings, and she requested that everyone keep them in mind as they give their peers the respect they deserve as fellow community members and human beings.

Mr. Hamby: Thanked Dominion Power for taking the time to come before the Council tonight. Thanked the School Board representative and Superintendent who came to Council's work session this morning. Congratulated Ms. Miller and the Finance Department on their award, which had been awarded to Warrenton for the 30th year. Reminded the public that November is pickup time for parklets. Noted that their pilot program for signage had worked out well.

Vice Mayor Hartman: Stated that he had a comment regarding last month's meeting and questions about emails currently subject to lawsuit and appeal. During February's meeting, three members of the Council expressed interest in accessing these emails, and the Council voted and agreed to release those emails of Town Council under certain conditions. Individual Councilmembers had no more authority than other citizens unless Council had granted them that authority, they took that position with one Councilmember, which resulted in the vote in the absence of formal action by the Council. All documents exempt from Virginia FOIA would be withheld from Council review unless and until the Council votes to authorize the disclosure to those members. They were no different from the public in that they could not look at the emails without proper authorization. Provided clarifying information regarding the emails reviewed, the Amazon data center plans submitted and the redactions as allowed under state law, as well as staff's review of the confidentiality request and analysis of redacted information. Expressed his concern that there had been many insinuations and untrue statements regarding the information available and the process of review of this application in the Town. Asked that statements made

be educated and well-thought out, and to not fan the flames of government conspiracy that were wholly untrue. Stated that he would not take part in any conspiracy or illegal activity, and expressed his doubt that his colleagues would either. Reiterated that he would always do the right thing regardless of opinions of himself. Clarified that the Town had not redacted any information; Amazon had redacted information in their application to the Town, and the Town had the ability to accept the redactions as well as scrutinize them as part of their process. Expressed his gratitude for the Council's successful work session this morning. Noted that during the work session, there was corrected information provided from the School Board and Superintendent regarding 244 Waterloo Street, the former Warrenton Middle School site, which dispelled rumors about the site's future. Congratulated Mr. John Ward on his 40 years of service and dedication to the Town. Thanked staff for the new task team.

Councilmember McGuire: Thanked everyone for attending today's meeting. Reiterated that it was great to receive the true information regarding the 244 Waterloo Street school building. Stated that regarding the violence in Gaza, Fresta Valley had some students there who were safely out of harm's way, which showed how world events could impact them locally. Noted that their national politics were majorly messed up; there was no Speaker of the House and there was no ambassador to Israel, which was a bipartisan fault. Emphasized that they should avoid that at the local level, so citizen involvement and truth was essential. Stated that he was passionate about defending veterans, police, fire, and the military, but he would also defend people's right to dissent and ask questions. Stated he understood the concerns voiced by the community regarding potential development, and promised that no project before Council would receive less scrutiny and consideration from him. Requested that they all treat each other civilly and talk with each other rather to achieve solutions. Expressed his appreciation and respect for Councilmember Heroux despite their differing political views. Emphasized that it was essential for politics to be about working together and being open to each other's insight on all topics.

Councilmember Semple: Stated that he recently underwent surgery for pancreatic cancer, and his prognosis was promising enough for his return to the chamber. Stated that he would like to share a few things he reflected on during his time in the hospital. Stated that regarding his responsibilities as an elected official, he tried to honorably discharge those responsibilities in the role of zoning and granting rights to developers while providing protections to residents whose personal and property rights may be affected, of which Heroes Bridge was a practical example. Stated that even before the applicant had been submitted, he did not believe the current public debate helped to resolve it. Expressed his belief that the central word guiding their responsibilities as elected public officials is the word "elected." Stated that governing bodies had their powers to protect the health, safety, and welfare of their citizens, and those were his primary concerns regarding his constituents. Stated that he offered a shared vision for their Town, which had sometimes been framed as a special interest, but was truly a vision of the public interest and the reason why so many of his constituents spoke out against the Amazon Data Center. Expressed his support for the staff's response to Amazon's second submission. Stated that he communicated regularly with his constituents regarding new information available. Stated that regarding zoning, exclusionary zoning did not mean that zonings or rezonings were not possible, and in terms of Heroes Bridge, the issue did not lay with its purpose but with its location. Stated that it would be determined during review whether or not the use was appropriate for the proposed location. Requested Councilmembers wait until that review to give the application the due diligence and careful inquiry the applicant and their citizens deserve.

Emphasized that any support for the application would be premature and endorsement of the application due to its mission may be construed as arbitrary or capricious, which were ill-advised and potentially invalid. Emphasized that the issue be addressed one step at a time through the Town's process.

Mr. Heroux: Congratulated all the Town's new hires, promotions, and accolades. Expressed his appreciation for Mr. Semple's return and wished him the best. Thanked the constituents who came out to voice their opinions at this meeting. Stated that regarding the redactions, he spent six hours reviewing each page of the submitted site plan, and congratulated staff on their detailed review and comments of the submitted information. Emphasized that all processes regarding redactions were outlined in legal code, and if changes were desired, they must take it up with state legislature. Noted that some areas of redaction in Amazon's application were commented on by Town staff in terms of whether they were truly necessary for redaction. Stated that he agreed with Councilmember Hamby that their morning session was very productive. Expressed his gratitude for working with everyone on the Council. Stated that it was an honor to work with staff despite their ups and downs. Thanked everyone present. Thanked his wife for her support, input, and patience during his tenure on Council. Stated that after living in Warrenton for 30 years, he was certainly better informed about Town operations and relationships by serving on Council. Stated that regarding local democracy, it was essential to be engaged, receptive, and willing to participate. Expressed his appreciation for all his fellow Councilmembers. Expressed his optimism about the success of Warrenton in the future.

N. ADJOURNMENT.

With no further business, this meeting was adjourned at 9:42 PM on Tuesday, October 10th, 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 October 10th, 2023.



Stephen M. Clough
Town Recorder

Attachments:

- 1) Handouts to Council from Citizen's time. October 10th, 2023.
- 2) Citizen Comment Emails and form submissions.



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

October 10th, 2023 Regular Town Council Meeting **Minutes**

Attachment 1: Handouts to Council from Citizen's **time. October 10th, 2023**



**FAUQUIER COUNTY
OFFICE OF THE COUNTY ATTORNEY**

TRACY A. GALLEHR, COUNTY ATTORNEY


MARIANNE NOVAK PRIMEAU
Senior Assistant County Attorney

10 Hotel Street, Suite 206
Warrenton, Virginia 20186
(540) 422-8010

CAROLYN P. DESAI
Senior Assistant County Attorney

October 10, 2023

Councilman John B. Heroux
21 Main Street
Warrenton, VA 20186

Dear Councilman Heroux: 

You asked questions concerning Fauquier County's prior experiences with executing non-disclosure agreements in the economic development context in conjunction with a Virginia Freedom of Information Act (FOIA) request. FOIA does not require that the County provide information or answers to questions, it only requires the County provide access to or copies of existing responsive documents. However, having fully complied in response to your FOIA request, the County is also willing to clarify and provide the following additional information.

The County, typically through employees of the Economic Development and Community Development Departments, are occasionally presented with requests to execute non-disclosure agreements (NDAs) for development project prospects interested in locating within the County. Those employees whose responsibilities involve working with economic development prospects have executed NDAs upon request. Occasionally, if the discussions with the potential business entity involves meetings or dissemination of information with Board of Supervisors members, individual members involved in those discussions, typically the Supervisor of the magisterial district in which the project is proposed, have also been asked to execute NDAs.

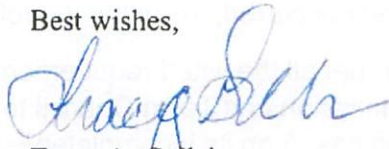
The Commonwealth of Virginia recognizes that public bodies may need to keep confidential information concerning the development or expansion of business and/or industry in the locality. The discussions by the public body concerning those prospective development prospects where a public announcement of their intent to locate in the County have not yet been made may be exempt from open meeting requirements of FOIA pursuant to *Code of Virginia* § 2.2-3711.A(5) and records prepared for any such meeting are exempt from mandatory disclosure pursuant to § 2.2-3705.1(5). Although this confidentiality is discretionary pursuant to FOIA, the County will often keep the identity and potential situs of the business confidential until a public announcement of their intent to locate in the County is made. The filing of a land development application with our Department of Community Development is considered such a public announcement. It is the potential disclosure due to the discretionary nature of FOIA that many prospects seek to avoid by requesting NDAs.

The County's Economic Development Department also works in conjunction with the Virginia Economic Development Partnership Authority (VEDP) on projects where the

Page 2
October 10, 2023
Councilman John B. Heroux

Commonwealth is competing with other states for economic development projects. Although working with prospects referred to the County by VEDP may involve NDAs, often these projects are of such a confidential nature that they are only disclosed to us as project "code names," where the County does not even know the actual name of the business entity.

Best wishes,



Tracy A. Gallehr
County Attorney

cc: Councilman Heroux via email: jheroux@warrentonva.gov
Martin R. Crim, Town of Warrenton Attorney via email: mcrim@sandsanderson.com

Comment on Warrenton, Virginia, Amazon Data Center SUP application 2022-03 site plan development - denial requested in accordance with the majority of the community

No Town of Warrenton's Amazon Data Center SUP site plan should be approved by Town Staff. Despite receiving illegitimate pressure from inside the Town structure to push forward for the plan applicant, each Staff member is obliged to act responsibly in accordance with logical reasoning for true and effective governmental investigation and regulation. Staff has been buffered from the call of the majority of the community to now cite all points at which requirements have already been bypassed and SUP-cancelling violations have already occurred, including the following points on this partial list:

The SUP plan never met all the listed requirements before it was passed through the Town Planning Commission and Town Council to be voted upon instead of already being denied by Staff based on its incompleteness.

The SUP has always been out of compliance with the Comprehensive Plan.

Since prior requirements were never met, the point was never achieved for reasonable consideration of SUP Conditions.

SUP Conditions put forth have always been and continue to be unenforceable and are therefore void. Because Town law enforcement and Fauquier county law enforcement have both expressed unwillingness to state the fact of unenforceability to voting bodies in advance of their passing votes does not mean there is any basis for stating that those conditions can or would be attempted to be enforced.

Felling of the trees on the site in the absence of an approved site plan is further proof of the SUP applicant's willful intent to continually equivocate and get away with violating the SUP with impunity. The Staff is obliged to use all its power to both investigate and halt this willing intent to violate, to tolerate violations, and to appease irresponsibility instead of taking appropriate corrective measures absent willingness by others in the Town's corporate structure.

Staff is responsible by primary law, the Virginia Constitution (Article 1, Section 2) to act as the community majority's "trustees and servants, and at all times amenable to them." The community majority has continually expressed repeatedly throughout this entire SUP process their logical objections to this SUP and required its denial but has been bypassed by poor guidance of key Town employees and Staff to violate that constitutional protection and instead proceed through maladministration to promote approval and continuance of this SUP.

It is now again the Staff's obligation and place to halt the process of maladministration promoted internally by employees and Staff and elected officials who have so failed to act either to "secure against maladministration" or to produce "the greatest degree of happiness and safety" as expressed by the majority of the community. The night of the Town Council's vote on the SUP, February 14 and 15, 2023, provided ultimate evidence

of the will of the majority of the community that the SUP be denied. The motion and vote itself to approve the SUP was unauthorized by the Town Charter since the appointed member of the Town Council, who made the motion and voted on it, has two known conflicts of interest that disallowed him from voting. He and two other council members voting to approve that SUP had months earlier willfully voted against the proven will of the majority of the community on a prior matter and thereby also removed their rights to vote with authority on this SUP; the Town was made aware of that fact but proceeded to illegitimately ignore it, thereby also violating Virginia Constitution, Article 1, Section 3.

It is illegal and unethical for the Staff to further be a party to this continuing Town criminal anarchy (both corporate and through elected officials' misrepresentation) by taking any steps to approve rather than deny and cancel this SUP and all its attachments. Since the Town has no effective criminal policy to address the procedures that have been maladministered with regard to this SUP, no site plan can be reasonably considered for approval at this time under the doubtful auspices of the current Town Council majority and its selective legal guidance.

Respectfully submitted,

Jean Boenish

10/6/23

5168 Sandy Stone Lane
Broad Run, VA 20137-2131
October 1, 2023

To the Warrenton Town Council,

As a relatively long-time resident of Fauquier County (21 years and counting), and a frequent visitor to Old Town Warrenton, I feel obligated to pass along my thoughts on something.

My family and I are very regular visitors to the Town on Saturday evenings for a night out. Whenever the weather cooperates, we walk Main Street and the surrounding neighborhoods before or after dinner as part of our evening. We thoroughly enjoy seeing people on Main Street, and exploring the side streets which each have a unique character.

One thing that confuses me is the weekly blocking off of an entire block, right in the center of Old Town Main Street, for a ruckus with radio-controlled cars every Saturday evening during peak hours. While there are a few people there enjoying the demolition derby spectacle, it seems to be very much out of character with what one would expect from an Old Town Warrenton experience. The radio-controlled cars are loudly whizzing by and crashing and rolling over, making me wonder if one is going to come flying my way and clip me on my leg as I am walking by on the sidewalk.

I had been shrugging this off every week for some time, but the situation seems to have escalated with whoever is the organizer now loudly calling out the action like a carnival barker. I cannot speak for others but, in my case, his voice, along with the whizzing and crashing of the cars, detracts from the Old Town experience (in particular when dining outside), and it is clearly competing with whatever music is being played.

Again, I may be the only one concerned about this, but I thought I would share my thoughts as a regular Saturday night visitor to Main Street.

Sincerely,



Bill Milano

State of New York
County of Westchester
City of New York

IN SENATE

January 12, 1906

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
JANUARY 10, 1905

ALBANY: J.B. LEECH, STATE PRINTER, 1906.

THE COMMISSIONERS OF THE LAND OFFICE HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF THE SENATE'S RESOLUTION PASSED JANUARY 10, 1905, AND TO STATE THAT THE SAME HAS BEEN COMPLIED WITH TO THE BEST OF THEIR ABILITY.

Very respectfully,
COMMISSIONERS OF THE LAND OFFICE.

ALBANY, N.Y.

JAN 12 1906

RECEIVED

THE SENATE



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

October 10th, 2023 Regular Town Council Meeting
Minutes

Attachment 2: Citizen Comment Emails and form
submissions.

From: "noreply@civicplus.com" on behalf of "noreply@civicplus.com"
<noreply@civicplus.com>
Sent: 12 Sep 2023 18:15:44 -0500
To: "" <citizencomment@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	Erin Lynne McLaughlin
Address	132 Moser Road
City	Warrenton
State	VA
Zip Code	20186
Email Address	readingcamper77@gmail.com
Phone Number	7035860527
Committee, Board, or Commission Type	Town Council
Agenda Item	Hero's Bridge/Warrenton United Methodist
Comment	<p>I don't know if this is the right committee or if this is even on the agenda yet, but I am a town resident who is against the plan of Hero's Bridge and Warrenton UMC to build what is essentially a campground on the church's land. Our neighborhood has beautiful homes and the idea that these organizations are presenting will cheapen and devalue our area. I am not against helping our most vulnerable populations, but I feel that it can be done in a way that is more in line with the neighborhood aesthetic. A few large homes in line with what is already built around the neighborhood where several veterans can live together, supporting each other and where they can more easily receive care (medically, mentally, etc...). This would keep the current vibe of the neighborhood and still help those</p>

in need. Please don't let them build this campground shack city
in this beautiful part of town.

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

From: "Kristen Hylton" <kristenhylton@aol.com>
Sent: Wed, 13 Sep 2023 10:49:10 +0000 (UTC)
To: "citizencomment@warrentonva.gov"
<citizencomment@warrentonva.gov>
Subject: Reminder of Dog Owners of Cemetery Rules

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

Good morning –

I'm not sure if this is the proper forum to have this noted for the council but I live near the cemetery and sitting in my yard I see people daily walking dogs in the cemetery. There are signs clearly visible stating No Dogs Allowed but people continue to do so. I'm not sure how enforcement of this rule can take place, if at all, but if it is going to be posted, maybe a reminder to all should be noted via social media, etc, perhaps new signs or remove them if it's not a concern.

Being able to see the lovely wildlife that enjoys the cemetery daily (deer, squirrels, a fat groundhog and all the birds) is such a lovely thing and I believe that dogs in and out of there, besides the possibility of owners not picking up their waste, may also discourage some of these animals from roaming around the area. I'd also think that the Town staff who does such an amazing job of maintaining this beautiful place in town, would prefer to not have the potential of having to dodge dog waste either.

Thanks for your time – not trying to be a 'tattletale' but I think folks need to remember that the signs were posted for a reason, and they should not be walking dogs there with all the other available locations to walk dogs around our beautiful town.

Kristen Hylton
Old Town Warrenton Resident

From: "Ragan-Ott"
Sent: Fri, 29 Sep 2023 12:41:38 +0000
To: "citizencomment@warrentonva.gov"
<citizencomment@warrentonva.gov>
Subject: Light at Wawa intersection

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

Good Morning,

I work at Central Complex for FCPS. To go home, I drive to the Wawa and make a left onto 211. In the last couple of weeks, this light has become incredibly difficult to get through in a reasonable amount of time. I am sitting through up to 4 light rotations. It seems the amount of time the green LEFT arrow is lit has decreased to about 5 seconds. Traffic is backed up past the hospital and people trying to exit Wawa or turn into the shops on the corner are becoming aggressive in an attempt to get through or back into traffic.

Is there a reason for this change or a faulty system?

Thank you for your time.

Kristen Ott
(I live in Culpeper Co)

From: "towntraffic" <towntraffic@warrentonva.gov>
Sent: Wed, 4 Oct 2023 22:42:59 +0000
To: "citizencomment" <citizencomment@warrentonva.gov>
Subject: Re: Light at Wawa intersection

Good afternoon,

Thank you for forwarding this email.

We received a duplicate of this issue from the citizen through the town traffic email account, and have responded to their questions.

Thanks,

Johnny Switzer

Get [Outlook for iOS](#)

From: citizencomment <citizencomment@warrentonva.gov>
Sent: Wednesday, October 4, 2023 11:25:01 AM
To: towntraffic <towntraffic@warrentonva.gov>
Subject: FW: Light at Wawa intersection

FYSA. This came into citizen Comment.

Stephen Clough

Town Clerk, FOIA Officer
Town of Warrenton, VA



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

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without the permission of the sender. If the reader of this message is not the intended recipient, or if you have received this communication in error, please notify the sender immediately by return e-mail and delete the original message and any copies of it from your computer system.

From: Ragan-Ott, Kristen <kott@FCPS1.ORG>
Sent: Friday, September 29, 2023 8:42 AM
To: citizencomment <citizencomment@warrentonva.gov>
Subject: Light at Wawa intersection

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

Good Morning,
I work at Central Complex for FCPS. To go home, I drive to the Wawa and make a left onto 211. In the last couple of weeks, this light has become incredibly difficult to get through in a reasonable amount of time. I am sitting through up to 4 light rotations. It seems the amount of time the green LEFT arrow is lit has decreased to about 5 seconds. Traffic is backed up past the hospital and people trying to exit Wawa or turn into the shops on the corner are becoming aggressive in an attempt to get through or back into traffic.

Is there a reason for this change or a faulty system?

Thank you for your time.

Kristen Ott
(I live in Culpeper Co)