



TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, November 12, 2024 at 9:00 AM

MINUTES

AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA, WAS
HELD ON NOVEMBER 12th, 2024, 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. Eric Gagnon; Mr. Paul Mooney; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Martin Crim, Town Attorney.

ABSENT

Mr. David McGuire

Regular Meeting

PRESENT

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

ABSENT

I. WORKSESSION - 9:00 AM

1. Planning Commission Update From the October 15, 2024 Regular Meeting

Ms. Denise Harris gave an overview of the October 2024 Planning Commission meeting. The Planning Commission continued its public hearing on October 15, 2024, regarding Zoning Map Amendment 2023-01 for Warrenton United Methodist Church and Hero's Bridge. This application sought to rezone R10 and RO parcels to a Residential Planned Unit Development (RPUD). Eleven members of the public spoke, and the Planning Commission voted three to one (with Commissioner Ainsworth against and Commissioner Lasher absent) to recommend denial to the Town Council. This application is the subject of a Town Council work session later this morning. Draft Planning Commission meeting minutes are in the Town Council packet and will be approved by the Planning Commission this month. The meeting video is available on the Town website, and all rezoning materials are found under the work session item on the Town Council agenda. No questions were asked regarding this update at this time.

2. Community Development Department Overview

Mr. Frank Cassidy, Town Manager, presented the overview in place of Mr. Rob Walton, who was unwell. The Community Development Department is responsible for long-term planning, zoning, building

(permitting, plan review, inspections, enforcement), and property maintenance and zoning enforcement. Mr. Cassidy noted the department is fully staffed with Mr. Hunter Diggs serving as the Building Official, Fire Official, and Property Maintenance Official. The department is actively working with the County and Fire Marshal on both active emergency scenes (like the recent fire on Waterloo Street) and proactive inspections. They have conducted over ninety property maintenance inspections in the last year, making progress on challenging, visible properties. Legal costs are increasing due to appeals and court processes, but carryover funds will offset these costs. Community Development also focuses on education and outreach to help the public understand complex processes. The department has streamlined permitting and inspections.

Mr. Semple mentioned OpenGov and the ability to review application materials.

Mr. Cassidy confirmed a link has been added to the Community Development webpage for OpenGov, allowing access to information on current pre-applications and existing applications.

Mayor Nevill asked about the fire on Waterloo Street.

Mr. Cassidy stated the investigation is ongoing, appearing accidental, and they are awaiting test results. The property was a single-family residence converted into apartments without proper permits on record. One person was injured while alerting others. The property appears to be a total loss, and has been posted as unsafe. Mr. Cassidy emphasized the department's proactive mission to address life safety issues in multi-family residences.

Mr. Mooney asked about the actual revenue for permits and fees dropping.

Mr. Cassidy explained it's a product of the current economy, with more smaller permits (for remodels, change-outs) and fewer larger development permits, which generate more revenue. Mr. Mooney asked about the "lease of equipment" expenditure, confirming it was for the printer. He also asked about "professional services" for expenditure and planning.

Mr. Cassidy stated this line item covers third-party contractors, engineers, and attorney fees for court documentations, appeals, and complicated commercial site inspections.

Mr. Mooney asked about the "Planning District Contribution" line item. Ms. Harris explained it's the yearly membership fee for the Town's participation in Planning District 9.

3. Planning Commission Appointments

Ms. Harris explained that three Commissioner's terms are expiring on December 31st. All three members, Chair Ryan Stewart, James Lawrence, and Steve Ainsworth, have expressed interest in continuing to serve. Their letters were included in the packet. Mayor Nevill asked if there was a desire to replace any members. No one spoke, and the re-appointment of the three members was added to the consent agenda.

4. Code of Conduct Committee Update

Mr. Mooney provided an update. He stated that they have received feedback and are working with members to update the document, expecting it to be finalized in the next couple of weeks. They are also seeking input from new council members.

Mayor Nevill expressed a desire for the document to be adopted in December 2024.

Mr. Semple suggested adopting the document in January 2025 to allow new council members to review it and provide input.

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- 5. ORDINANCE 2024-16 – Application for vacation of an existing Utility Easement pursuant to Virginia Code Section 15.2-2272 (2). The request is to vacate an existing utility easement on site to allow a new, corrected utility easement associated with easement plat application number ESMT-24-4 to be granted on the property. The lot is approximately 22,738.32 square feet, and zoned Commercial (C). The Comprehensive Plan identifies the property as Broadview Commercial District on the Future Land Use Plan. The owner of the property is PM PLUS LLC. GPIN 6984-16-2823-000.**

Ms. Amber Heflin, Zoning Official, gave an overview and a power point presentation. The request is to vacate an existing utility easement on the Valvoline Instant Oil Change property (approximately 22,738.32 square feet, zoned Commercial, identified as Broadview Commercial District in the Comprehensive Plan) and establish a new, corrected utility easement. This is due to the incorrect placement of a water meter during construction, requiring its relocation. The site plan was approved in 2023, the building permit issued in September 2023, and the certificate of occupancy in April 2024. The existing easement (red on the diagram) did not include the installed water meter, while the new proposed easement (green) will. A similar request for a utility easement vacation was approved in 2022 for the CrossFit building. The easement must be corrected before the final approval of the property's as-built plan and bond release request.

Mr. Mooney confirmed the purpose is to correct an incorrectly placed utility.

6. RolloutWarrenton! Transition

Mr. Cassidy gave an overview of the transition from the "Rollout Warrenton!" program to the existing Town Code's "sidewalk cafe" provisions. He explained that the "Rollout Warrenton!" program was developed during COVID-19 to facilitate outdoor seating when inside seating was restricted, leading to the creation of parklets.

Mr. Cassidy noted concerns about the parklets becoming a separate issue and challenges with ADA accessibility, fire safety, chairs, tables, and maintenance under an annual contract. He believes the existing "sidewalk cafe" provisions will allow for better enforcement, year-round outdoor seating, and eliminate the need for new ordinances. The "Rollout Warrenton!" program and parklets would cease at the end of the week. The sidewalk cafe program would provide a consistent method for Main Street businesses to set up outdoor tables quickly based on weather. The current improvements on First Street are intended to create a public gathering space, and

Mr. Cassidy recommended removing the gate and fencing from Denim and Pearls' outdoor seating area to make it public space again, enforcing this through sidewalk cafe provisions. He also suggested expanding sidewalks between Culpeper and First Street to create a "pinch point" for traffic calming and address ADA accessibility.

Mayor Nevill noted that traffic speeds need to slow down along Main Street for a pedestrian-friendly environment.

Mr. Semple had long-term questions about how to plan if the use of a space changes from a restaurant that needs seating to a different type of vendor.

Mr. Cassidy noted that Strong Towns advocates for "sittable" environments where people enjoy public spaces for gathering, regardless of the business type, citing Great Harvest as an example.

Mr. Semple added that he liked the idea of creating seating on Main Street and suggested some restaurants could heat outdoor areas for year-round use.

Ms. Sutphin appreciated staff's efforts and observed other restaurants taking advantage of outdoor seating.

Mr. Semple inquired if widening the sidewalk altogether to create a "boulevard idea" would be advisable.

Mr. Cassidy replied that would affect parking more holistically but noted the Leesburg sidewalk cafe ordinance provides a consistent model to prevent one business from having an unfair advantage over another due to location. He also mentioned considering seasons (e.g., snow in winter, holiday parades) when planning for permanent outdoor structures.

7. Oliver City Flooding

Mr. Semple explained that a resident of Oliver City experienced flooding, and highlighted that the underlying zoning for the 136-home Warrenton Crossing subdivision was approved in the 1980s. He explained that during construction, a catch basin was installed near Oliver City, which is a low-lying area.

Mr. Semple expressed concern about the addition of impervious surface and the design of the stormwater management (SWM) basins, and the future liability if an SWM basin fails. He noted that a temporary third basin overflowed from a 10-inch pipe into a 6-inch pipe, submerging the neighbor's yard. The staff responded capably, but Mr. Semple remains concerned about the adequacy of stormwater management once the development is built out.

Mr. Cassidy explained that the problem occurred because the site is under active construction, and the temporary SWM measures failed during a heavy rainfall event (5 inches in a couple of hours) because the construction was not ready to accept that amount of rain. He noted that the engineers design to mitigate these issues, and the Town's inspection process works closely with DEQ.

Ms. Kerry Wharton, SWM Administrator, stated that the site plan was approved in 2014.

Ms. Heather Jenkins, Zoning Administrator, noted an amendment was approved in 2020, and the SWM plan was approved to 2014 state requirements, which control 2-year and 10-year storm events.

Mr. Hamby asked about the staff report's confusion regarding SWM capacity.

Mr. Cassidy clarified that temporary measures failed due to the site being incomplete.

Ms. Wharton noted the developer has a pump on-site to help with SWM issues.

Mr. Crim explained that the liability issue is complicated, citing common law and case law that suggests liability if a known situation is not remedied (e.g., VDOT case where unmaintained stream remediation led to flooding). He stated that temporary stormwater controls are designed for a 2-year flood, based on historical data which may no longer be accurate given changing weather patterns.

Mr. Semple expressed concern that future SWM may be inadequate once the project is built out and that remediation could be extensive and expensive. He also raised concerns about the massive change to topography and the existing water flow in Oliver City.

Mr. Hamby noted that low-lying areas in town frequently flood during heavy rain.

Ms. Wharton stated the structure did what it was supposed to do for a 25-year storm, but it was an extreme event. She confirmed the overflow went into the existing channel and then to the backyard, and that stabilization efforts are ongoing to prevent sedimentation runoff.

8. Arrington Project: Voluntary Settlement Agreement Update

Mr. Crim gave an update on the Arrington Voluntary Settlement Agreement (VSA). He stated that the paperwork is ready and a public hearing is scheduled for December 2024. The Commission on Local Government (COLG) issued its report, which did not recommend any changes to the VSA language. A draft ordinance and legal advertisement for the VSA were received for staff review, and it is expected to be on the December agenda for potential Council action

9. Agenda Review

Mr. Cassidy gave an overview of the agenda.

Mr. Semple asked if the applicant for 71 S. Fifth Street was in attendance. Mr. Cassidy answered no.

Mr. Semple wanted to ensure the conditions for this application were in place.

Ms. Jenkins stated that three conditions were added to the SUP since the last work session: prohibiting semi-trailer trucks for delivery (requiring mid-sized trailers or rollbacks) and prohibiting stopping or parking on Fifth Street for unloading; requiring ARB approval for any new lighting, following zoning requirements (fully shielded, cut off at close of business or reduced intensity by 50% after 11 PM); and requiring ARB approval for any new signage.

Mr. Semple asked about the maximum number of vehicles allowed on-site for the car dealership; Ms. Jenkins stated a maximum of twelve vehicles are requested.

Mr. Semple asked if the site was previously used as an auto dealership; Ms. Jenkins answered yes.

Mr. Gagnon asked if there were prior complaints on the use; Ms. Jenkins answered there were no complaints in the town records.

Ms. Brooke Campbell provided an introduction to the FY 2024-2025 carryover budget. She explained the timeline: department requests in November 2023, proposed budget delivered April 1, 2024, adopted in June, and FY25 began July 1. Carryover requests are submitted after FY24 invoices are processed, and the Town Manager reviews and approves them. Carryover rolls into the fund balance calculation for the annual audit report. Funding for ongoing projects spanning fiscal years is reappropriated to ensure uninterrupted operations. Since carryover exceeds 1% of the total adopted budget, a public hearing is required. Carryover is categorized into capital, grants, and operating. Capital (largest category) includes water/sewer projects (primary clarifier, clear well), General Fund (Broadview Avenue improvements), and Stormwater Fund (stream restoration, public workshop and yard project, pond C improvements for MS4 permit). Grants include ARPA funding (primary clarifier, Wharf walkway, ADA parks improvements, zoning ordinance update, Haiti Street sidewalks, town parking lot survey), Septic Remediation grant (program started Nov 1), and VDOT street/highway maintenance funds. Operating carryover covers ongoing projects not capital related, spanning many departments (e.g., Planning professional services, insurance funds for cemetery/Wharf damages, Public Works sidewalk/curb/gutter work, FY24 audit, speed alert sign, lamp posts, meter registers, HVAC repairs, wastewater lab shipping costs, tank maintenance).

Mr. Semple asked about reliance on carryovers for cash and reserves. Ms. Miller confirmed they are absolutely relied upon and roll into the unassigned fund balance. Mayor Nevill asked about the Timberfence Trail project status. Mr. Cassidy explained that VDOT is requesting an additional \$200,000 to \$400,000 in funds, which the Town currently does not have. He added that the project may not be financially feasible to continue if funds cannot be secured from VDOT or the County.

Mr. Hamby asked about the cost increases, and Mr. Cassidy explained they were due to inflation. The original Town share was \$58,000. Around \$100,000 has been spent on legal and engineering fees, with no shovels in the ground yet. The additional VDOT request is for construction costs alike asphalt, gravel and tree removal.

10. Closed Session

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: regarding a claim for property damage due to a sewer backup; and

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 legal problems that may arise from discussing and drafting conditions for a Special Use Permit.

Vice Mayor Hartman moved to convene a closed session as permitted by Virginia Code § 2.2-3711 (A)(7) & § 2.2-3711 (A)(8).

Councilmember Mooney Seconded. There was no discussion on the motion.

Ayes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney

Nays:

Abstention:

Absent: Mr. David McGuire

Upon reconvening at from the closed session, Vice Mayor Hartman 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.

Councilmember Mooney seconded. There was no discussion on the motion.

The vote for the motion was unanimous, as follows:

Ayes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney

Nays:

Abstention:

Absent: Mr. David McGuire

- 11. ZMA 2023-01 Warrenton United Methodist Church/Hero's Bridge – The Owner, Trustees of Warrenton United Methodist Church, and the Applicants, Warrenton United Methodist Church and Hero's Bridge, seek a Zoning Map Amendment of approximately 9.8640 acres from R-10 (Residential) and RO (Residential Office) to R-PUD (Residential Planned Unit Development) located on and adjacent to the existing church located at 341 Church Street. The proposal requests approval to develop 22-two-family residential dwelling units for a total of 44 units to provide affordable senior housing to ages 65 and older. The application includes a Small Office/Community Center. The Applicant is requesting waivers and modifications. The Future Land Use Map designates the parcels as Medium Density Residential. The GPINS are 6984-16-5101 portion (approximately 5.22 acres of the approximately 6.31 acre parcel), 6984-16-7013, 6984-15-1823 and 6984-15-1930.**

Ms. Denise Harris gave a high-level overview of the project. She explained that the application is for a rezoning of approximately 9.8640 acres from R-10 (Residential) and RO (Residential Office) to R-PUD (Residential Planned Unit Development) at 341 Church Street. The proposal is to develop 22 two-family residential dwelling units (total 44 units) to provide affordable senior housing to ages 65 and older, including a small office/community center. The Future Land Use Map designates the parcels as Medium Density Residential.

Ms. Harris explained that the Planning Commission began its review in July and August with two work sessions, involving subject matter experts. A public hearing was held in September, where the applicant indicated updates would be made to remove the "veterans preference" and "phase two," necessitating a second public hearing in October. The Planning Commission stated that the application did not meet the legislative intent of PUD, lacked compatible infill for density/lot size/placement, had inadequately addressed physical improvements (creating adverse impacts by not meeting PUD minimums), and contained vague/unenforceable voluntary proffer language, leading to a recommendation of denial. On November 1st, the applicant resubmitted the application with several modifications that the Planning Commission did not vote on. Updated voluntary proffers include adding language for veterans preference, reciprocal parking, fitness trail facilities, concurrent construction of sidewalks with residential dwellings, and striking language that would have excluded preference for Warrenton/Fauquier County residents. The concept development plan was revised from the Planning Commission's version to clean up site tabulations and add an internal sidewalk for emergency access vehicles at Mosier Road. She explained that the next steps are this Town Council work session and then scheduling a public hearing for December 10, 2024, unless the applicant defers. She noted that the decision deadline is December 20, 2024.

Mr. Semple asked what has changed since the Planning Commission's decision.

Ms. Harris highlighted several changes: adding back the veteran's preference into Proffer 2.a.4, adding language for reciprocal parking in 2.d, striking language that removed preference for Warrenton/Fauquier County residents from Proffer 4.e, adding language on dwelling unit materials in 5.c, adding Proffer 9 regarding fitness trail facilities, and adding Proffer 11 stating transportation improvements (sidewalks) shall be concurrent with residential unit construction.

Mr. Mooney asked if the Veteran's preference is acceptable.

Mr. Crim noted the proffers are voluntary and this topic has been debated. He felt it does not violate Fair Housing Act regulations.

Mr. Hamby stated that he reviewed Planning Commission meetings and asked how Over 55 Communities are permitted to operate; Mr. Crim explained the Fair Housing Act specifically permits these restrictions.

Ms. Jessica Pfeiffer with Walsh Collucci, representing the applicant and owner, introduced the project. She was joined by Molly Brooks (Hero's Bridge), Sarah Newton (Warrenton United Methodist Church), Jeremy Carls (civil engineer), and John Foote.

Ms. Molly Brooks presented on project need and community support. She emphasized that while it's a veterans project, veterans are victims of a larger affordable housing crisis, with a severe shortage of rentals and lack of housing diversity for people undergoing life changes. She cited studies (Regional Commission housing study, Town RFI, media) highlighting the need for affordable, accessible, single-story senior housing, particularly apartments. The Regional Commission study noted 90% single-family homes and only 3% duplex/quad types. She warned that if housing stock isn't increased, warming shelters will be needed. She stated the Town's RFI for ARPA Funds called for innovative, partnership-based projects, recognizing income-challenged seniors, disabled, and veterans, and seeking meaningful contributions to housing stock, not just 1-2 unit renovations. She noted that almost every zoning ordinance requires matching surrounding neighborhoods, which conflicts with diversification. She explained that current rental vacancy is zero across all seven communities in Warrenton, hindering healthy rotation in housing. She spoke of critical life changes (marriage, babies, aging, divorce) requiring housing adjustments, leading citizens to beg for rentals on Facebook and unpermitted basement rooms. She stated 30 veterans (age 67-93, 83% non-drivers, 73% from Planning District 9, 67% low income, 57% socially isolated, 53% living in substandard conditions, some having died waiting) are on a waitlist. She reported petition support with over 1300 signatures in favor versus 85 against. Zero preservation groups have opposed the project, which she attributes to it being a small, gentle infill project in a service district, addressing a critical need. The project also has cross-sectional financial support from federal, state, county, and two private foundations, without asking the town for money.

Ms. Pfeiffer continued with background information on zoning and land use. The property is ~9.864 acres. The existing zoning is RO (Residential Office, orange) and R10 (Residential, yellow). Proposed zoning is RPUD (Residential Planned Unit Development). The existing church (permitted by SUP in 1989 with no restrictions) is located within areas designated Public/Semi-Public Intensive and Medium Density Residential in the Comprehensive Plan. A significant portion of the property has no existing vegetation, which the proposal will increase.

They explained that the proposal is for 44 residential units (22 two-family units), all ADA accessible, for rent, one story, and with one occupant each. Proposed residential density is 4.46 dwelling units per acre (calculated on 9.864 acres). A ~6,000 sq ft small office/community building will include a movie viewing area, senior technology library, arts/crafts, music area, pet therapy, and fitness room, to be constructed concurrently with units. It is anticipated to have four staff members. Outdoor amenities include walking trails with senior-appropriate fitness trail signage, a wildlife sanctuary, gazebos, and a flagstone garden for meditation. These on-site amenities and trails can be used by nearby residents. Access will be from Church Street at two

existing locations; Moser Road access was removed for emergency access only (mountable curb), in response to community input. The project is an extremely low traffic generating use: 44 senior homes generate 37 vehicles/day and 4 vehicles/hour. The community center generates 31 vehicles/day and 8 vehicles/hour, totaling 68 vehicles/day and 12 vehicles/hour, based on ITE manual.

For parking, the existing church is over-parked by ~88 spaces. The concept plan uses the parking requirement for homes for the elderly (44 spaces for units, providing 47) and adds parking for the community center (12 required, providing 12). Regardless of calculation method, the property meets required parking, and Proffer 2.d addresses reciprocal agreements for shared parking. The landscape plan provides significant screening: minimum 20-foot wide buffer with double row of large evergreen trees along Church and Mosier Roads (~150 large evergreen trees total), and a minimum 15-foot buffer with a row of large evergreen trees, a fence, and shrubs adjacent to residential homes. Over 65% open space (6.4 acres) is proposed, significantly more than the 25% required (2.466 acres). The proposal includes on-site pedestrian connectivity (proposed sidewalks on Church Street and internal trails in purple, with existing sidewalks in yellow), including a "missing link" of sidewalk between the church and Sullivan Street, significantly improving safety and connectivity to Broadview Avenue. Proffered elevations commit to building materials compatible with surrounding architecture. Fitness trail facilities were detailed, consistent with Proffer 9.

Ms. Pfeiffer addressed Planning Commission Resolution items. Item 1 noted infill compatibility, pedestrian-friendly streets, and consistency with neighboring properties. "Infill" appears 18 times in the Comp Plan without a definition, but references emphasize preserving existing neighborhoods, promoting context-sensitive infill, and respecting existing character. Item 2 and 3 regarding infill, lot size, and placement were similar. The project proposes a single large lot as units are rentals. Home sizes (duplexes at 1,152 sq ft) are comparable to surrounding homes (average 1,703 sq ft, ranging from 936-2,515 sq ft). Item 4 suggested inadequate physical feature addressing; Ms. Pfeiffer stated the project commits to sidewalks (including missing link), and outdoor lighting designed to avoid spillover, following zoning ordinance requirements (fully shielded, cut off/reduced after 11 PM) and requiring ARB approval for new lighting. Item 5 concerned active recreation facilities; the project provides walking trails with fitness stations, a wildlife sanctuary, gazebos, and a meditation garden, with significant open space (65% vs 25% required). Item 6 concerned shuttle bus service; Proffer 14 requires applicant to provide shuttle bus or similar transportation, and Hero's Bridge has a 12-seat passenger van. The "succession planning" comment (Item 7) referred to concerns if Hero's Bridge were to cease operation. Proffer 15 states the church and/or future owner would be responsible for continued maintenance, requiring a proffer amendment for any different use. Water usage is anticipated to be extremely low (5,460 gallons/day vs. 12,660 gallons/day capacity), accounting for existing church usage.

Ms. Pfeiffer detailed community outreach, noting many meetings were held prior to submission (December 2023) at the church and Hero's Bridge office. Changes were made in response to feedback: decreasing density from 56 to 44 units (before ZMA submission), removing additional units where the multipurpose recreational facility was planned, removing the multipurpose recreational facility itself, and adding three parcels between the church and Sullivan Street to reduce density further. Sidewalks along Church Street and internal to the project were committed, including the missing link. Access off Moser Road was made emergency-only with

mountable curb in response to concerns about additional vehicle trips. Proffered commitments include residents being 65+ years old, US military veterans, single occupancy, and screening for barrier crimes. Stormwater management has been addressed with pre- and post-development drainage maps, and initial designs from the civil engineer.

The timeline of the ZMA application was presented, showing pre-application meetings, submission, official acceptance for review, and multiple Planning Commission work sessions where feedback led to changes and resubmissions, leading to the current work session and a proposed hearing on December 10, 2024. In conclusion, Ms. Pfeiffer stated the proposal meets the need for housing, is consistent with the church, improves the property (pedestrian connectivity, vegetation, drainage, stormwater), and has minimal transportation impacts.

Mr. John Foote (Walsh Collucci) addressed the Fair Housing Act and veteran restriction, as requested. He explained that violations would likely be "complaint originated" and that Hero's Bridge would not intentionally allow non-veterans to reside there. He stated that his initial opinion on veteran preference was challenged by Mr. Crim, leading him to research disparate impact. He cited *Personnel Administrator of Massachusetts v. Feeney*, a 1979 Supreme Court case, which upheld a veteran's preference in state employment despite disparate impact on non-veteran women, as it was not intended to discriminate. He stated that Virginia's Fair Housing Act's "veteran status" clause protects veterans, not discriminates. The current proffer involves a restrictive covenant on the property, enforceable by the church and/or the Town, to limit residency to veterans. Mr. Foote views this as a constitutional compromise.

Mr. Semple noted Ms. Brooks' earlier statement indicating the project would be available to seniors 65 and older and veterans "underneath it," implying an option beyond veterans-only. He questioned how the covenant resolves this, given conflicting legal opinions, and its impact on public perception.

Mr. Foote stated he did not change his opinion and that his research on disparate impact confirmed a veteran's preference is constitutional and lawful. He offered to put it back in as "veterans only."

Ms. Sutphin asked about other by-right options for the property; Ms. Pfeiffer explained R-10 zoning permits group homes. A rough layout of 12 group homes was shown, potentially housing 96 residents (8 or less per home by right), requiring a public street. This would be by-right development, not requiring SUP or Council approval.

Ms. Sutphin asked if Hero's Bridge receives government assistance.

Ms. Brooks confirmed significant contributions from County (\$250k, \$75k dispersed), State (\$250k dispersed), Federal (\$1M committed via community project funds, expected Jan access), and private foundations (\$2.2M softly committed).

Mr. Gagnon asked about estimated construction costs. Ms. Brooks answered approximately \$13.7 million.

Mr. Semple asked about density and Floor Area Ratio (FAR). Ms. Pfeiffer explained density is calculated on 9.864 acres, including green space, as it's a joint application with the church. She offered to have density calculated for only the 3.9-acre portion where units are located, though

she considers the entire 9.864 acres appropriate given the "substantial conformance" proffer. Mr. Jeremy Karls (civil engineer) explained that visually, the proposed development (11 groupings of 2,000-2,500 sq ft homes) could look similar to a by-right cluster development of 12 larger homes (3,000-4,000 sq ft), which would also have open space but with smaller lots and setbacks.

Mr. Gagnon questioned the density calculation compared to the surrounding community. Ms. Pfeiffer spoke of a townhouse proposal off Church Street discussed at Planning Commission.

Mr. Gagnon asked about the veteran vs. non-veteran status of residents if the property is sold. Mr. Foote explained the proffers run with the land and restrict residents, requiring Council change to alter them.

Mayor Nevill asked Mr. Crim the advantage/disadvantage of the Town signing the veteran covenant. Mr. Crim responded the disadvantage would be adding a layer of enforcement for Town staff.

Mr. Semple asked about the rezoning to a PUD versus Ordinance regulations.

Mr. Foote explained the legal background. Ms. Pfeiffer clarified that no existing zoning district would permit the mix of uses, necessitating a PUD.

Mr. Semple argued that this approach of modifying zoning via proffer instead of ordinance amendment would set a precedent, making underlying regulations irrelevant and bypassing safeguards.

Ms. Pfeiffer stated that the ability to modify zoning via proffer has been decided by a court case and that the Council still retains the decision-making authority, evaluating the proposal (including reduction from 25 to 9 acres, open space, sidewalks, community outreach) and deciding if the change is appropriate.

Mr. Foote confirmed that underlying regulations remain law if an application or proffer is rejected. He explained the Supreme Court's stance that every property is different, allowing for flexible solutions.

With no further business, this meeting was adjourned at 1:03 PM on Tuesday, November 12th, 2024.

II. REGULAR MEETING - 6:30 PM

Mayor Nevill called the Town Council meeting to order at 6:30 PM. All members were present, a quorum existed, and business could be conducted.

INVOCATION.

Pastor John Kuvakas from Warrenton Bible Fellowship led the invocation.

PLEDGE OF ALLEGIANCE.

Mayor Nevill Led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITIONS.

Warrenton Volunteer Fire Department- Recognition of 100 Years of Service

Ms. Sutphin presented a Proclamation to Warrenton Volunteer Fire Department recognizing 100 years of service. Mayor Nevill read the Proclamation. Ms. Sutphin spoke (inaudible).

Warrenton Arts Commission: Horner Street Mural Contest Finalists

Mr. Cassidy introduced Ms. Jessica Beach to recognize the contest winners. 26 finalists were chosen out of approximately 700 entries.

Mr. Cassidy then presented "Excellence in Action" slideshow. New hires included Pooja Varani (fitness instructor, Parks & Rec), Anthony McGurk (new hire, lifeguard), and Jonathan Poff (new lifeguard). Luke Taylor was recognized as a new facilities maintenance worker. Promotions included Beth Chamberlain to Fitness Supervisor for Parks & Rec. Several certifications were recognized in Fleet and Facilities: Johnny Powers for Hazardous Materials Fundamentals of Emergency Management (part of realigning emergency management efforts with Johnny Switzer), Richard Benavides for American Public Works Association (APWA) Public Fleet Management Program and Bio-Based Certified Facilities and Property Professional, Michael Fisher for APWA Mid-Atlantic Public Works Institute and Bio-Based Certified Facilities and Property Professional, and Michael Fisher again for Traffic Incident Management training. Johnny Switzer was recognized as an instructor for the APWA Mid-Atlantic Public Works Academy and as a panelist for the National Association of Fleet Administrators on small budgets and green roads. Staff also attended a NASA crash test and learn event, aligning with traffic safety and Vision Zero efforts. Finally, kudos were given to all staff, especially Parks & Rec, for successful Halloween events.

CITIZEN'S TIME.

Citizen's time Sign in Town Council Regular Meeting: November 12 th , 2024		
Name	Address	Topic
Nancy Evert	249 Sapphire Ct.	Hero's Bridge

Terri Church	306 Stuyvesant St.	Hero's Bridge
Charles Robinson	7812 Trafalgar Pl.	Hero's Bridge
Darine Barbour	717 Acorn Ct.	Thank you
Don Patrick	165 Topaz Ct.	Hero's Bridge

Nancy Evert (249 Sapphire Ct.) questioned why trash pickup was not done on Veterans Day. She expressed excitement about the Hero's Bridge project, stating its positive impact on veterans who need housing. She praised the project's design (single-story, beautiful landscaping), minimal traffic impact (many residents don't drive, less parking needed than typical multifamily), and efficient volunteer visits. She urged the Council to help it succeed.

Terri Church (306 Stuyvesant St.) spoke as a Ward 5 resident, Lutheran pastor, and neighbor, encouraging full support for Hero's Bridge Village and Warrenton United Methodist Church. She shared a personal experience working at a homeless shelter, living among and learning from residents, many of whom were veterans. She highlighted community needs: two-year waiting lists for senior supportive housing, lack of affordable rentals for veterans, and need for public transportation. She encouraged the Council to approve the project in her "backyard" to keep Warrenton strong.

Charles Robinson (7812 Trafalgar Pl.) identified himself as a 29-year resident of Fauquier County and a veteran. He spoke about the military principle of "not leaving our own behind" and how Hero's Bridge aims to help veterans who struggled after service. He noted that the residents are older (65-90 years old) and unlikely to cause damage. As Chairman of the Fauquier Rappahannock Habitat for Humanity Board, he emphasized the importance of housing and implored the Council to "do the right thing" and override the Planning Commission's denial. He referenced the Book of Matthew, stating he believes Jesus would support Hero's Bridge.

Darine Barbour (717 Acorn Ct.) thanked Ms. Sutphin, Mr. Hamby, and Mr. Hartman for their service and dedication to the Town. She challenged returning council members to be positive examples, honest, fair, patient, accountable, and aware of the people they serve. She urged them to put personal agendas aside and make decisions based on merit and governing laws. She emphasized that Warrenton is a great town and urged respectful disagreement among the governing body.

Don Patrick (165 Topaz Ct., Ward 2) expressed strong support for Hero's Bridge with United Methodist Church, noting the scarcity of land for affordable housing. He highlighted the partnership of a church with strong community outreach and Hero's Bridge with a strong track record supporting veterans as an opportunity to help veterans and advance affordable housing. He found the project renderings attractive and workable. He stated that while change is hard and doesn't please everyone, it is inevitable, and he believes Hero's Bridge will be a good change.

APPROVAL OF THE AGENDA.

Mayor Nevill indicate that an email from staff indicated a typo in the legal advertisement for tonight's public hearings. With unanimous consent, the Town Code Amendment to revise sections 4-1, 4-33, 4-61, and 4-62 Property Maintenance was moved to the December Town Council meeting for proper advertisement

Vice Mayor Hartman moved to approve the agenda, as amended. Councilman Mooney seconded.

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

Nays:

Abstention:

Absent:

The modified agenda was approved unanimously.

PUBLIC HEARINGS.

ORDINANCE 2024-16 – Application for vacation of an existing Utility Easement pursuant to Virginia Code Section 15.2-2272 (2). The request is to vacate an existing utility easement on site to allow a new, corrected utility easement associated with easement plat application number ESMT-24-4 to be granted on the property. The lot is approximately 22,738.32 square feet, and zoned Commercial (C). The Comprehensive Plan identifies the property as Broadview Commercial District on the Future Land Use Plan. The owner of the property is PM PLUS LLC. GPIN 6984-16-2823-000.

Ms. Amber Heflin provided an overview, explaining the need to correct the easement to encompass an existing water meter installed during construction (site plan approved 2023, CO in April 2024). The correction is needed before the as-built plan is submitted and the bond release requested. Council had no questions for Ms. Heflin.

At 7:07pm, the public hearing was opened. The public hearing was closed at 7:07pm.

Public Hearing: ORDINANCE 2024-16		
Name	Address	Organization or Individual

Councilman Mooney moved to approve Ordinance 2024-16, seconded by Councilman Hamby

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

Nays:

Abstention:

Absent:

Ordinance 2024-16 was approved unanimously.

A Town Code Amendment to Revise Sections 4-1, 4-33, 4-61, and 4-62 Property Maintenance was moved to December.

SUP 2024-01: 71 S. 5th Street. The Owner/Applicant, Mr. Robert Samia, seeks a Special Use Permit for the reinstatement of a pre-existing use as a car dealership at 71 S. 5th Street (+/- 0.2869 acres). The Applicant is requesting permission for the use of the parcel as an auto dealership in an existing building with no physical changes, under Article 3-4.11.1 of the Zoning Ordinance, as the non-conforming use as an auto-dealership lapsed in the last few years. The property is a zoned C (Commercial) and designated Old Town Character District in Plan Warrenton 2040 (GPIN 6984-42-4640-000).

Ms. Jenkins introduced the application. The property was a car dealership for decades but the use lapsed during COVID-19 (~2020) for over two years, requiring a new SUP to reestablish the use. The property is zoned Commercial, in the Old Town Historic District and Old Town Character District (calling for mixed-use development and reuse of historic structures). Surrounding properties include commercial, office, retail, restaurant, personal service, and auto repair uses.

The applicant proposes 12 spaces for auto inventory (marked in blue), 4 spaces for employees (red, to the rear), and 2 spaces for customers (yellow, along one side). On-site parking is not a requirement since the site is within 300 feet of a municipal parking lot, but spaces are provided to help the business. Access is off Fifth Street, with traffic circulating around the building. All unloading/loading must be strictly on-site, with no public street use. The adjoining property is also owned by Mr. Samia and used for auto repair/service.

Ms. Jenkins explained that the Planning Commission held a work session in August and a public hearing in September, voting unanimously (4-0) to recommend approval as written. Town Council held a work session on October 8th, resulting in several added conditions:

- **Traffic (Condition 6.c):** No semi-trailer trucks for vehicle delivery; only mid-sized trailers or rollback vehicles allowed. No unloading/loading in the public street.
- **Lighting (Condition 12.c):** Any new lighting requires ARB Certificate of Appropriateness (COA) approval and must follow zoning requirements (fully shielded, cut-off, pointed downwards; turned off at close of business or 50% intensity reduction after 11 PM).
- **Signs (Condition 13.d):** Any new signage requires ARB COA approval.

Existing conditions carried over include hours of operation (9 AM to 7 PM) and vehicle display only in marked spaces (max 12 vehicles). Any exterior changes to the building or property in the historic district (including lighting/signage) require ARB COA approval.

Mr. Semple asked about the number of vehicles stored on the property historically; Ms. Jenkins was unsure but noted it included spaces in the building.

Mr. Samia indicated he typically doesn't anticipate more than 10-12 cars, and has operated with no traffic or parking problems for 40 years, often using an accommodating lower lot. He intends to operate it as a "hobby" in retirement.

Mr. Semple also inquired about prior complaints; Ms. Jenkins stated she found none in Town records.

Mr. Semple asked if there was an idea how many vehicles were stored on the property in the past.

Ms. Jenkins stated she wasn't sure.

The Public Hearing opened at 7:15 PM

Public Hearing: SUP 2024-01: 71 S. 5th Street.		
Name	Address	Organization or Individual
Walter Hitchcock	127 Culpeper St.	Individual
Josephine Hitchcock	127 Culpeper St.	Individual

Walter Hitchcock (127 Culpeper St.) spoke about the property across the street he owns. He asserted that the property was not a car dealership for "several decades," but maybe "a couple of years." He found it a dangerous location due to increased pedestrian traffic (dog park, shortcut to bypass) on a narrow street with no sidewalks. He did not want the Town to be responsible for potential incidents due to adding another business without adequate pedestrian infrastructure.

Josephine Hitchcock (127 Culpeper St.) reiterated concerns about increased traffic on Fifth Street due to it being a shortcut. She noted parking issues and poor lighting when her business was there. She urged a traffic study and reconsideration of traffic flow, stating adding a car dealership would cause trouble and impact street safety.

The Public Hearing was closed at 7:22pm.

Vice Mayor Hartman moved to approve SUP 2024-01, seconded by Ms. Sutphin.

Vice Mayor Hartman stated he did not believe a significant public safety issue for pedestrians had been demonstrated, and saw no reason not to allow the business to reopen given its past operation without issues and the small scale (12 cars).

Mr. Mooney agreed with being business-friendly and commended staff and the Planning Commission for the conditions.

Mr. Semple acknowledged the Hitchcocks' concerns but noted other areas with more traffic and no sidewalks, stating he didn't envision a danger from 12 cars with 2 parking spots.

Mr. Gagnon asked Mr. Samia if he anticipated parking problems or difficulty complying with conditions.

Mr. Samia stated he doesn't anticipate problems, has operated there for 40 years, and believes his lower lot provides ample room.

Ms. Sutphin was happy to see the business thrive.

Mr. Hamby supported reopening the dealership, viewing it as a "casualty of the COVID mess" and noting its prior operation without issues. He hoped it would get back on the tax rolls.

Mr. Semple noted the Town's program for sidewalks and that their justification emerges over time.

Mr. Gagnon suggested that pedestrian safety and sidewalks on Fifth Street and other side streets, highlighted by Mr. Hitchcock, are safety issues that need to be looked at moving forward, especially with more attractions in the town core.

Motion to approve by Mr. Hartman

Seconded by Ms. Sutphin

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

Nays:

Abstention:

Absent:

SUP 2024-01: 71 S. 5th Street was approved unanimously.

ORDINANCE 2024-15 - This ordinance is proposed to amend Section 9.6 of the Town Code of the Town of Warrenton to modify the due date to apply for a renewal of a business license from March 1st to April 15th.

Ms. Stephanie Miller gave an overview. The ordinance will amend Section 9.6 of the Town Code to move the business license renewal application date from March 1st to April 15th. This change is allowable under state code and will align the renewal date with Fauquier County, offering more flexibility to businesses. Council held a work session on this topic on October 8th.

The Public Hearing opened at 7:33 PM. No speakers were signed up or wished to address the Council. The Public Hearing closed at 7:33 PM..

Councilman Hamby moved to adopt Ordinance 2024-15 as presented, seconded by Councilman McGuire.

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

Nays:

Abstention:

Absent:

Ordinance 2024-15 was passed unanimously.

A Resolution to Amend the Fiscal Year 2025 Adopted Budget by \$25,292,548.31 to Appropriate the Fiscal Year 2024 Carryover

Ms. Brooke Campbell provided an overview. She explained that this resolution proposes to amend the FY25 budget by \$25,292,548.31 to appropriate funds for the FY24 carryover. The carryover consists of ongoing capital and operating projects, as well as grant funding. Reappropriation of these funds allows Town operations to remain uninterrupted. Council had no questions for Ms. Campbell.

The Public Hearing opened at 7:35 PM. No speakers were signed up or wished to address the Council. The Public Hearing closed at 7:36 PM.

Vice Mayor Hartman moved to adopt the Resolution as presented, seconded by Councilman McGuire. Discussion ensued to clarify that this is not an increase to the budget but rather the reappropriation of previously allocated funds from ongoing projects.

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

Nays:

Abstention:

Absent:

The motion passed unanimously, Resolution to Amend the Fiscal Year 2025 Adopted Budget by \$25,292,548.31 to Appropriate the Fiscal Year 2024 Carryover was adopted.

CONSENT AGENDA.

Approval of Town Council Meeting Minutes

November 14th, 2024, Regular Town Council meeting

December 12th, 2024, Regular Town Council meeting V3

January 9th, 2024, Town Council Regular Meeting

January 26th, 2024, Town Council Special Meeting

February 13, 2024, Regular Town Council Meeting

March 12th, 2024, Regular Town Council Meeting

April 9th, 2024, Regular Town Council Meeting

April 24th, 2024, Special Town Council Meeting

May 14th, 2024, Regular Town Council Meeting

June 11th, 2204, Regular Town Council Meeting

Departmental Quarterly Reports

Police Department Report

Finance Department Report

Community Development Department Report

Parks and Recreation Department Report

Public Works and Utilities Department Report

Capital Improvement Program

Street Maintenance Report

Human Capital

Emergency Management

Fleet and Facilities Department Report

Information and Technology Department Report

BOND-24-3- Bond Release Request O'Reilly Auto Parts

Planning Commission Reappointments- Mr. Steven Ainsworth, Mr. James Lawrence, Mr. Ryan Stewart.

Councilman Mooney moved to approve the Consent Agenda as presented, seconded by Vice Mayor Hartman. Discussion clarified that members may review minutes later and suggest changes if necessary.

The vote was as follows:

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

Nays: Mr. Brett Hamby

Abstention:
Absent:

The motion passed 6-1; the Consent Agenda was approved.

NEW BUSINESS.

There was no New Business.

UNFINISHED BUSINESS.

There was no unfinished business.

TOWN ATTORNEY'S REPORT.

Mr. Crim provided updates on ongoing litigation:

- **Cross (Amazon Data Center):** In discovery phase; received a second set of document production requests; a protective order was recently entered.
- **FOIA Case (Citizens for Fauquier County):** Appeal filed by outside insurance counsel; CFFC filed an opposition; pending before the Virginia Supreme Court.
- **Voluntary Settlement Agreement (VSA):** Will eventually be handled by a three-judge panel; the Commission on Local Government (COLG) issued a report not recommending changes to VSA language. A draft ordinance and legal advertisement for potential Council action are expected on the December agenda.

Mr. Crim also reported involvement in the Septic Assistance Local Partners Program, with meetings occurring to acquire a contractor for federal funding to connect properties to the public sewer system. Finally, he is involved in the Zoning Ordinance update, which he expects to be beneficial to citizens and businesses. No questions were asked

TOWN MANAGER'S REPORT.

Mr. Cassidy announced the start of Fall Cleanup this week, with crews picking up curbside items. Public Works is hosting a "cookies and craft" event this Thursday at 1 PM for children. Parks and Rec is holding Halloween activities on October 26th, starting with a parade on Main Street at 9:45 AM, then "trunk or treat" in the parking lot, and a flashlight candy hunt at Rady Park at 7:15 PM. He reminded that Monday is a holiday and Town Hall will be closed. He introduced the "Your Town Academy," a citizens academy starting in January with 14 registered participants so far, to

be posted online and in the Town Crier next week. Thanksgiving decorations will start appearing in Town soon.

COUNCILMEMBERS TIME.

Mr. McGuire- Expressed profound sadness over the murder of a Chicago Police Department officer in the line of duty, emphasizing that politics should not question loyalty. He spoke against violence and racist rhetoric, drawing on his experience in Bosnia, urging civility and caution in speech. He sent thoughts and prayers to Jimmy Hartman for his surgery. He suggested building a parking garage in town to boost the economy and emphasized the importance of infrastructure.

Mr. Gagnon- Spoke of a major house fire on Waterloo Street that destroyed the back portion and caused extensive smoke damage, displacing three families. One gentleman was injured but his injuries are not life-threatening. He appealed for donations (coats, clothing, household items, cash) to help these families.

Mr. Hartman- Noted the contentious nature of the past few weeks due to elections, citing instances of campaign signs being pulled up. He urged focusing on family, friends, and community. He commended the Warrenton Volunteer Fire Department for 100 years of incredible volunteer service. He also thanked the Warrenton Arts Commission for involving youth in the art community. He wished everyone a Happy Thanksgiving

Mr. Hamby- Thanked everyone who spoke and wished everyone a Happy Thanksgiving. He reiterated the need for a more detailed map of sewer and stormwater infrastructure in the Legion Drive/Shirley Avenue area due to outdated maps. He suggested making Main Street parklets permanent and placing this on the November work session agenda, citing costs for businesses from temporary setups. He also mentioned the negative impact of business closures and remodels (Chick-fil-A, Sheetz) on meals tax revenue.

Mr. Semple- Echoed Mr. McGuire's concerns about national temperament becoming local. He praised the cordial election night at the wellness center, showing American democracy at work, and appreciated the Registrar's Office and volunteers..

Ms. Sutphin- Wished the WVFD a Happy 100th Anniversary. She mentioned a tragic hit-and-run accident in Fauquier County where two vehicles struck and killed a pedestrian, and urged anyone with information to contact police, noting a \$10,000 reward. She emphasized moving past election nastiness for community unity. She thanked Council for four years of service, describing it as painful, growing, and rewarding, and praised Town employees as top-notch. She expressed pride in her service and commitment to continuing to help the community.

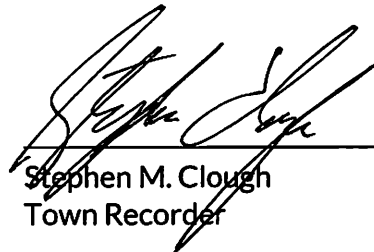
Mr. Mooney- Thanked everyone who spoke and reiterated congratulations to the WVFD. He commended Town staff for continuous certifications, showing dedication to improvement. He congratulated Fauquier Health's cardiac rehab team on their renewed certification. He reminded residents about the open Septic Remediation Assistance Program and encouraged eligible applicants to apply at Town Hall. He thanked all veterans and wished a Happy Birthday to the Marine Corps.

Mayor Nevill- Congratulated candidates on their campaigns. He stated that election cycles driven by fear and misinformation run contrary to the values of Warrenton as a supportive, community-building small town that values differences of opinion. He asserted that when these values are abandoned, the town loses its special character. He stated his service is motivated by seeking prosperity for all residents, keeping Warrenton vibrant and accessible, and adapting for the future. He expressed optimism despite anticipated criticism. He wished everyone a Happy Thanksgiving and hoped for unity to tackle future challenges: rising costs, infrastructure demands (sidewalks, traffic calming, wastewater treatment), and driving in revenue through economic development to avoid burdening taxpayers. He stressed that Warrenton is the economic engine of the county, impacting schools and county residents, and must remain forward-facing. He thanked all veterans for their service and freedoms

ADJOURNMENT.

With no further business, this meeting was adjourned at 8:00 PM on Tuesday, November 12th, 2024.

I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on November 12th, 2024.



Stephen M. Clough
Town Recorder

Attachments:

- 1) Handouts to Council from Citizen's time. November 12th, 2024.
- 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

November 12th, 2024, Regular Town Council Meeting Minutes

Attachment 1: Handouts to Council.



128 Broadview Avenue, Warrenton, VA 20186

OAK VIEW
NATIONAL BANK

November 6, 2024

Warrenton Town Council
Attn: Mayor Carter Nevill
21 Main Street
Warrenton, Virginia 20186

Re: Continued Dialogue on Heros Bridge Village Project

Dear Town Council:

I hope this message finds you well. We have been informed through Fauquier Now and Heros Bridge that the Planning Commission has declined the Heros Bridge Village project. It is our understanding that several changes were made to the project based on feedback from the Town staff and recommendations from the Planning Commission.

As we are all aware, this country is facing an affordable housing crisis that has implications on the national, state and local levels. Our community is feeling the impact, and we must prioritize housing for our town's workforce and veterans.

While our bank does not take a political stance, we respectfully request that all parties involved in this approval process keep communication lines open and continue the discussion. If this project does not align with the Town's Comprehensive Plan at its proposed location, we believe there is an opportunity to collaborate on a site that meets the needs of Heros Bridge and the community.

Change can often be polarizing but let us work together for the betterment of our community.

Thank you for your attention to this matter.

Sincerely,

Michael Ewing
Chief Executive Officer
Oak View National Bank

cc: Heroes Bridge
Molly Brooks, Executive Director

**BENEFIT ANALYSIS
FAUQUIER COUNTY/TOWN OF WARRENTON BLA**

	ARRINGTON DEVELOPMENT		
	COUNTY	TOWN	BLA COMMUNITY BENEFIT
Infrastructure			
Sanitary Sewer System	Private Onsite System	Connect to Existing Town System	Environmental Betterment - Reduces Any Potential Impacts to Turkey Run and the Occoquan Watershed
Taylor Pump Station	Not Required	Construct new pump station and force main improvements	\$ 5.4 Million
Sanitary Sewer Availability Fees			
Residential	None	\$2,916,000	\$ 2,916,000 Plus \$ 300,000 to \$ 800,000 to Town W/S Budget
Commercial	None	\$ 300,000 to \$ 500,000 - Use Based	
Alwington Boulevard	Maintain & Extend as 2-lane	Upgrade 2-lane Portion to 4-lanes and extend 4-lanes northward	\$ 2 Million Betterment - Reduce Traffic Congestion Associated with Relocation of Taylor Parent Drop-Off to Access From Alwington Blvd
Proffers			
School			
Brumfield Elementary	Construct Access Improvements	Construct Access Improvements	Separate Parent Drop Off from Bus Loop
Capital Contribution	\$ 723,612 to County	\$ 846,993 to County	\$ 123,381 Increase Funding
Parks & Recreation	\$ 174,605 to County	\$ 204,376 to Town	\$ 204,376 Direct Benefit to Town Recreational Programs
Emergency Services			
Fire & Rescue Training Facility	\$ 19,068 to County	\$ 22,319 to County	\$ 306,376 Increase in Funding to Support County Emergency Services
New Fire & Rescue Station	\$ 687,874 to County	\$ 781,517 to County	
Public Safety Building	\$ 211,896 to County	\$ 248,026 to County	
TOTAL	\$ 1,796,855 to County	\$ 2,103,232 to County	
Housing Units			
Market-Rate			Net Increase of Only 37 Units with Diversification of Housing Options to Meet Changing Community Demographics
Single Family Detached	217	161	
Townhomes	0	93	
Total	217	254	
Affordable Housing	NONE	16	16 Units of Affordable Housing
Commercial Development	NONE	Restaurant, Hotel, + 25 Acres Zoned Commercial (C)	Significantly Increase Town Revenue - In 2023, \$9M+ of Total Local Revenue (70% +) Derived From Businesses. Additional Real Estate Tax Base for County at Minimal Costs.



The Town of Warrenton
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Warrenton, VA 20188
P (540) 347-1101
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November 12th 2024, Regular Town Council Meeting

Minutes

Attachment 2: Citizen Comment Emails and form submissions.

From: "Ellen Phipps" <[REDACTED]>
Sent: Sat, 12 Oct 2024 10:52:25 -0400
To: "" <citizencomment@warrentonva.gov>
Subject: HEROS BRIDGE PROJECT

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

You don't often get email from [REDACTED] [Learn why this is important](#)

Today, there are over 32,000 people over the age of 65 in our region and this number is expected to double by 2050. Older adults are challenged with finding affordable rentals in the area and this need will only increase with time. At Aging Together, we receive calls from older adults in Warrenton and the surrounding area asking where they can get help with finding affordable housing. Most people, regardless of age, want to remain independent in their own homes for as long as possible. This may become more of a challenge as we age. However, with the proper supports in place - such as access to transportation, nutritional support and social engagement this dream can be a reality. We are all aging - we are not talking about some alien group. We will all, hopefully, find ourselves aging in our communities. There will come a time when we retire and, may need support. Aging Together has always endorsed "LIVABLE COMMUNITIES".

Livable communities include essential features that allow residents of all ages and backgrounds to thrive. These include mixed-use zoning, safe and varied transportation options, and diversity of housing types. Livable communities also have public spaces that benefit everyone. Communities that are LIVABLE and "age friendly" are communities that benefit all ages.

On behalf of Aging Together, we fully support the Heros Bridge housing project - as it represents an innovative approach to addressing the needs of older adults through a model that supports community.

Ellen Phipps, CTRS, MS
Executive Director
Aging Together
PO Box 367
1835 Industry Drive
Culpeper, VA 22701
[REDACTED]
[REDACTED]

<https://www.agingtogether.org/>



December 5 in Culpeper: The Annual Dementia Education Conference for anyone interested in learning more about dementia research and care!

Check info here: <https://www.agingtogether.org/annual-dementia-conference.html>



From: "noreply@civicplus.com" on behalf of "noreply@civicplus.com"
<noreply@civicplus.com>
Sent: 14 Oct 2024 15:12:47 -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	Bruce A Campbell
Address	156 Menlough Drive
City	Warrenton
State	VA
Zip Code	20186
Email Address	
Phone Number	7038968960
Committee, Board, or Commission Type	Planning Commission
Agenda Item	Hero's Bridge Veterans Village
Comment	<p>My name is Bruce Campbell and I reside at 156 Menlough Drive in Warrenton. I regret I am unable to deliver these remarks in person as I am out of Town on October 15th. I am a retired Navy officer who continues to serve veterans in our community as the Post Service Officer and Life Member of VFW Post 9835, a Life Member of American Legion Post 72 and Chair of the regional Veterans Task Force for Mental Health.</p> <p>The Hero's Bridge Veterans Village is an inspired initiative to address the pressing need for affordable housing among our older veterans.</p> <p>Our aging veteran population faces unique challenges, including limited income, health issues, and a lack of family</p>

support. Having served our country with dedication, in their later years, they deserve a secure and affordable place to call home.

Three Key Points:

1. **Financial Stability:** Older veterans often rely on fixed incomes, such as Social Security or pensions, which may not be sufficient to cover rising housing costs. Affordable housing ensures they can live with dignity and financial stability.
2. **Health and Well-being:** Many older veterans face chronic health conditions that require accessible, supportive living environments. Affordable housing communities can provide the necessary facilities and services to maintain their health and well-being.
3. **Community and Support:** Veterans villages offer more than just housing—they foster a sense of community and provide access to essential support services. This sense of belonging can significantly improve mental health and overall quality of life.

Benefits to the Community:

1. **Improved Health Outcomes:** Affordable housing can lead to better mental and physical health for veterans, reducing strain on local healthcare systems.
2. **Reduced Homelessness:** By offering affordable housing, we can significantly reduce the number of veterans experiencing homelessness, alleviating pressure on local shelters and social services.
3. **Economic Benefits:** Stable housing increases the likelihood of veterans contributing to the local economy and reducing reliance on public assistance programs.
4. **Community Integration:** Affordable housing fosters a sense of belonging and connection, leading to stronger community ties and a more inclusive society.
5. **Support Services:** These projects provide access to vital support services, helping veterans live healthier, more productive lives.

Call to Action: By approving the Hero's Bridge Veterans Village, you are not only providing affordable housing but also honoring the sacrifices made by our veterans. This project will ensure that our aging heroes receive the respect and care they so rightfully deserve, while also benefiting the broader community. Thank you for your consideration and support.

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

From: "Keith B. Ellis" <[REDACTED]>
Sent: Tue, 15 Oct 2024 00:18:44 +0000
To: "citizencomment@warrentonva.gov"
<citizencomment@warrentonva.gov>
Subject: RE: Hero's Village support

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

You don't often get email from [REDACTED] [Learn why this is important](#)

My wife and I attended the September Town Hall discussing the Hero's Village project. We continue to support this project including the modifications to the proposal mentioned during the Town Hall by Hero's Bridge and Warrenton UMC.

Thank you,

Keith B. Ellis
Cynthia M. Ellis
Thomas M. Ellis

560 Solgrove Road
Warrenton Va, 20186.

From: Keith B. Ellis
Sent: Tuesday, September 17, 2024 11:51 AM
To: citizencomment@warrentonva.gov
Subject: Hero's Village support

To whom it may concern,

My family and I have researched, discussed and have a good deal of knowledge regarding the proposed Hero's Village project.

We have studied the design of the low density community as well as the positive impact it can provide for members of our community.

This small community would benefit that area greatly in providing much needed affordable housing to those in need. Some of the reason we are in support is our town has a severe lack of rentals for our seniors and with the shortage, the cost for rent is unaffordable for those needing it the most. The location provides easy transportation to needed services for the community including personal services like haircuts, shopping, restaurants, grocery stores, but also doctor, dentist, specialist appointments, the hospital, and pharmacies.

With numerous discussions over time and our questions and concerns being answered directly from the sponsors of this project we fully support the Hero's Village initiative for Warrenton, VA.

Thank you,

Keith B. Ellis
Cynthia M. Ellis
Thomas M. Ellis

560 Solgrove Road
Warrenton Va, 20186.

Keith B. Ellis *Associate Director Operations & Event Services*
Student Centers - George Mason University



From: "Richard Fisher" <[REDACTED]>
Sent: Mon, 14 Oct 2024 19:23:34 -0500
To: "" <citizencomment@warrentonva.gov>
Subject: ZMA 2023-01 Comments Against

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

You don't often get email from [REDACTED] [Learn why this is important](#)

To the Warrenton Zoning Commission:

I am writing to oppose the rezoning request ZMA 20023-01, known as the Hero's Bridge project. As a 29-year Marine Corps veteran and resident of 120 Frazier Rd, Warrenton, my home will be directly impacted by this proposal. My opposition is not anti-veteran, but based on the following concerns:

1.

Not a Veteran Charity: Despite its name, Hero's Bridge is a commercial interest, not a veteran charity. The project involves building affordable senior housing in a medium-density residential area, with rent paid to both the Warrenton United Methodist Church and Hero's Bridge.

2.

Legal Issues: Hero's Bridge's own attorney, Mr. Foote, stated it is illegal in Virginia to prioritize veterans for this type of housing. Yet, Hero's Bridge plans to preference veterans, which is against the law and exposes both the organization and the town to liability.

3.

Financial Instability: Hero's Bridge has no proven financial backing or clear succession plan. They have not shown how they will fund or sustain the project over their proposed 75-year lease with the church, relying on unproven donations.

This project will also lower my property value by bordering commercial zoning and increase traffic in our neighborhood, affecting the safety of my family and neighbors. I urge the commission to reject this proposal due to its legal, financial, and community impact concerns.

Sincerely,
Richard Fisher
Rich Fisher
[REDACTED]

From: "Melissa Hunt" <[REDACTED]>
Sent: Tue, 15 Oct 2024 10:58:31 -0400
To: "citizencomment" <citizencomment@warrentonva.gov>
Subject: Public Comment - Planning Commission Public Hearing
10/15/24 - Hero's Bridge/Warrenton UMC Proposed Project

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good morning Chair Stewart & Planning Commissioners,

My name is Melissa Hunt; I live at 336 Stuyvesant Street, and I am an adjacent property owner of the proposed Hero's Bridge/Warrenton United Methodist Church project.

There are so many ways that an affordable housing project for seniors could be achieved and successful at this site that would complement the existing R-10 zoning district and implement aspects of the 2040 Plan. However, the proposals that have come before the Town from Warrenton United Methodist Church have been disorganized, distracting to adjacent zoning, disregard existing zoning regulations; and create substandard conditions for a vulnerable population.

I would support a project that shows respect for the adjacent property owners and the future residents of the proposed project. As a Town, we should be mindful that where we create Affordable Housing, we do not lower the standards that compromise the Health, Safety & Welfare of all our residents, especially our senior population. The proposed plan lowers those standards.

Now that we know Veterans' preference is off the table and quite frankly illegal when it comes to housing, we can view this plan the way it should have been from the beginning. A land use application that violates multiple ordinances and will set a new standard for this location, as asserted by the applicant exercising Rowland v. Town of Warrenton. Since this project will now be open to ALL qualifying citizens over 65, Hero's Bridge could be gone the next day. The staff raises this concern multiple times throughout the Staff Analysis of the proffers. There is nothing that makes Hero's Bridge the permanent property manager. In fact, since the project cannot legally deny a non-veteran, the entire site could be without veterans at any given time. In this case, there is a strong likelihood Hero's Bridge will not continue operations. What is the plan for this probable scenario?

Town staff comments "it will function like an assisted living facility with residents having limited use and/or ability to drive cars, yet the design of the site indicates these residents will be "independent" in that no on-site dining is provided." Are we to believe that a

65-year-old person won't drive a car? Or, if they have been homeless, won't have the desire to eventually obtain a car now that they have an aspect of stability in their life? Are we to believe that seniors over the age of 65 will not need a caregiver at any time as they age and need for care/assistance increases? Will this project, as proposed, preclude the ability for seniors to age in place if circumstances change? Or leave them displaced once again?

Are we to believe the applicants statement "many, if not most, of the residents do not have family to support them". This plan creates isolation for this vulnerable population. Shouldn't we encourage these vulnerable residents to reconnect with their family and friends now that they have stable housing? Yet this plan discourages visits from family, friends, and overnight guests. It's concerning that Warrenton United Methodist Church would create a senior affordable housing plan that could be detrimental to future residents based on restrictions.

Let's do this the right way, give the adjacent property owners the required setbacks; give the future residents the appropriate parking and open space they deserve; provide the appropriate connectivity to services and shopping; provide safe internal turnarounds for fire trucks and other emergency equipment. Just because these folks were homeless or struggling financially doesn't mean they deserve less than other areas of development within the Town. This has all the appearances of taking advantage of a vulnerable population by waiving multiple standard zoning provisions that are in place to improve the public health, safety, and convenience of ALL their citizens.

Housing conditions for our seniors should not be substandard. Nor should the Town approve a major rezoning from R-10 to R-PUD for a Senior Affordable Housing development stuffed into an older, well established community that has not been well vetted to ensure its original intent, continued viability and longevity.

Thank you for considering my comments regarding this project.

Respectfully,

Melissa Hunt

From: "towntraffic" <towntraffic@warrentonva.gov>
Sent: Sun, 3 Nov 2024 14:07:04 +0000
To: "Bridget Bradshaw" <[REDACTED]>
Cc: "citizencomment" <citizencomment@warrentonva.gov>; "Frank Cassidy" <fcassidy@warrentonva.gov>; "Lyndie Paul" <lpaul@warrentonva.gov>
Subject: Re: Cyclist and Pedestrian pro-stop sign!

Hi Bridget,

Thanks for reaching out again. We appreciate the feedback on courthouse square!

Thank you,

Johnny Switzer, FMP

540-680-9538
18 Court Street. Warrenton, VA 20186
jswitzer@warrentonva.gov
www.warrentonva.gov

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From: Bridget Bradshaw <[REDACTED]>
Sent: Friday, November 1, 2024 6:17:19 PM
To: towntraffic <towntraffic@warrentonva.gov>
Subject: Re: Cyclist and Pedestrian pro-stop sign!

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

Just affirming that I appreciate y'all putting in a 3-way stop at the court house! I imagine you get lots of blowback because change is hard. But an anecdote so you know it will make a difference:

I'm starting to lead town nature walks for kids and families from the Warrenton branch of the library. I want to be able to take them over to main street and then to the PEC gardens to avoid

the really steep hills. 2 weeks ago I was out with the kids and decided against crossing that intersection as I had walked to the library that way and almost got hit by someone turning left down the hill from Waterloo. I was talking to the parents about the plan to cross the intersection and they all agreed we shouldn't try to do it--too dangerous-- and said they would be so excited to be able to walk more safely in and around the library/courthouse/frozen yogurt spot. So I can at least speak for our library families that they'll be happy for it! I imagine you get a lot of complaints so hopefully this anti-complaint helps. It may literally save my life while biking!! It's a leap of faith to take that left turn onto main most days when my legs are jelly from the big hill. I think if people want to go fast, the Main street of any town is not the place.

Thanks for what you do,
Bridget Bradshaw

On Fri, Jan 26, 2024, 5:04 PM Bridget Bradshaw <[REDACTED]> wrote:
Hello!

I live in town and regularly bike, walk, and drive through the main street intersection. I applaud the town for making it safer, as there have been a number of instances when I've almost been hit or hit someone else. I think a 3 way stop would be perfect there, if for no other reason than to slow down the traffic that is turning right onto Blackwell from main which is a scary place to be a pedestrian or biker.

While I'm at it, anything to make town more walkable and bikeable I am 1000% behind! I live on the other side of Shirley (between Taylor and the horse grounds) and I wish we had a crosswalk at Wilson St w/ some flashing lights. Kind of a scary blind hill right there, but we love walking and biking into town.

Thank you for all you do!
Bridget Bradshaw
205 Jefferson St.



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

November 12th, 2024, Regular Town Council Meeting Minutes

Attachment 3: Signed legislation



Motion for Convening a Closed Session

Council Meeting Date: November 12th, 2024.

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

- ☐ 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 _____ [Give department, job title(s), or job category].
- ☐ 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 : regarding a claim for property damage due to a sewer backup
☐ 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 legal problems that may arise from discussing and drafting conditions for a Special Use Permit.
- ☐ 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 § _____, 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. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire

Nays:

Absent from Vote: None

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. Brett Hamby; Mr. James Hartman,
Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire**

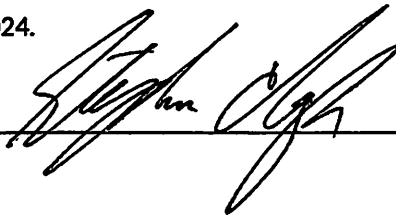
Nays:

Absent from Vote: None

For Information:
Town Clerk

Effective date: November 12th, 2024.

Stephen Clough, Town Recorder



ORDINANCE 2024-15

**November 12, 2024
Town Council
Public Hearing
Ordinance 2024-15**

**AN ORDINANCE TO AMEND SECTION 9.6 OF THE TOWN CODE TO MODIFY THE DUE DATE TO APPLY
FOR A BUSINESS LICENSE EFFECTIVE NOVEMBER 12, 2024**

WHEREAS, Chapter 9 of the Code of the Town of Warrenton levies a license tax upon business conducted within town limits; and

WHEREAS, Section 9.6.b prescribes that "Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year."; and

WHEREAS, Code of Virginia Section 58.1-3703 provides that any locality is authorized to adopt a later application date that is on or before May 1 of the license year; and

WHEREAS, the Town Council has deemed it advisable to move the due date from March 1 to April 15 to allow businesses additional time to complete their renewal applications; now, therefore, be it

ORDAINED, by the Warrenton Town Council this 12th day of November 2024, that Town Code Section 9.6.b is amended to read as follows:

(b) Each person subject to a license tax shall annually apply for a license on or before April 15. Each person beginning a business shall obtain a license prior to beginning the business in the town. The application shall be on forms prescribed by the finance director.

Votes:

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

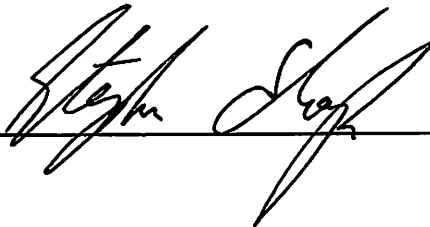
Nays:

Absent from Meeting:

For Information:

Finance Director

ATTEST: _____



ORDINANCE 2024-16

**November 12, 2024
Town Council
Public Hearing
Ordinance 2024-16**

**AN ORDINANCE TO ALLOW THE VACATION OF A PORTION OF A PLAT SHOWING A UTILITY
EASEMENT AND ESTABLISHING A NEW UTILITY EASEMENT ON TAX PARCEL NUMBER 6984-16-2823-
000**

WHEREAS, PM Plus, LLC is the owner of certain real property located in the Town of Warrenton, Virginia, identified as Tax Map Parcel 6984-16-2823-000 containing 0.5220 acres, (the "Property") as the same is shown on a plat attached to a Deed of Waterline Easement recorded in Deed Book 1738 at Page 1218 among the Fauquier County, Virginia land records (the "Land Records"); and

WHEREAS, it is the desire of the Owner and the Town to vacate a portion of a utility easement created in said deed, as permitted by Code of Virginia Section 15.2-2272 (2); and

WHEREAS, the Town Council held a public hearing on November 12, 2024, upon advertisement notice, properly and duly given; and

WHEREAS, the Town Council desires to adopt this ordinance to vacate the aforementioned portion of a utility easement as set forth on the aforesaid plat of survey; now, therefore, be it

ORDAINED, by the Town Council of the Town of Warrenton, that the council vacates a portion of a Utility Easement created by that Deed of Waterline Easement recorded in Deed Book 1738 at Page 1218 as shown on the proposed Deed of Vacation of Easement and to Establish Waterline Easement and Conveyance, prepared by Chap Petersen & Associates, PLC, dated May 10, 2024, and attached hereto.

Votes:

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

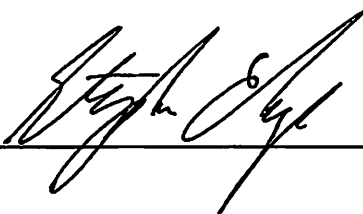
Nays:

Absent from Meeting:

For Information:

Community Development Director

ATTEST: _____



Tax Map Pin Number:
6984-16-2823

Prepared without benefit of title examination by:

Chap Petersen, Esq.
CHAP PETERSEN & ASSOCIATES, PLC
3970 Chain Bridge Rd
Fairfax, VA 22030
(571) 459-2512
jas@petersenfirm.com

This deed is exempt from the recordation taxes imposed by §58.1-801, §58.1-802 and §58.1-807 of the Code of Virginia, 1950, pursuant to §58.1-811(A)(3) & (C)(4).

**DEED OF VACATION OF EASEMENT AND TO ESTABLISH WATERLINE
EASEMENT AND CONVEYANCE**

THIS DEED OF VACATION OF WATERLINE EASEMENT AND TO ESTABLISH WATERLINE EASEMENT AND CONVEYANCE (the "Deed"), made this ____ day of _____, 2024, by PM Plus, LLC ("PM PLUS"), a Virginia limited liability company ("Owner"), Grantor, and the TOWN OF WARRENTON, VIRGINIA, a municipal corporation ("Town"), Grantee, and Bank of America, N.A. ("Lender"), party of this third part.

WITNESSETH

That PM Plus is the owner of certain real property located in the Town of Warrenton, Virginia, known as the Lot containing 0.5220 acres, more or less (the "Property") as same is shown on plat attached to Deed of Waterline Easement recorded in D.B. 1738, at Page 1218 among the land records of Fauquier County ("Land Records"). That it is the desire of the Owner and the Town to vacate the waterline easement created in D.B. 1738, Page 1218 among the Land Records in the location as shown on the Plat and as hereinafter provided. That for and in consideration for the interests granted and for damages to the residue, including any damages to trees, bushes and improvements damaged or destroyed in the course of constructing, operating, maintaining (including replacement and repair), adding to, and/or altering any Town improvements of which is hereby acknowledged, Grantor does hereby vacate, pursuant to § 15.2-2272 (2) of the Code of Virginia, as amended, all of its right, title, and interest in and to that waterline easement created in D.B. 1738, at Page 1218 among the Land Records in the location being more particularly bounded and described on the plat showing Easement Vacation and Dedication dated July 24, 2024 by Kevin W. Blake, Licensed Land Surveyor with IMEG (the "Plat"), which is attached hereto and made a part hereof labeled thereon as "EX. WATERLINE ESMT D.B. 1738 PG. 1218 HEREBY VACATED".

This DEED is made in accordance with the statutes made and provided in such cases, with the approval of the proper authorities of the Town of Warrenton, Virginia as shown by the signatures on this deed and on the Plat. The vacation for the waterline easement is with free consent and in

accordance with the desire of the owner of the land embraced within the bounds of said vacation, proprietors and trustees, if any. That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, and, as amended, Grantor does hereby grant and convey unto the Town, its successors and assigns, in perpetuity, (i) an amended easement or easements as identified in the attached plat (hereinafter collectively referred to as the "Easement") for the purpose of constructing, operating, maintaining (including replacement and repair), adding to, and/or altering water mains, fire hydrants, valves, meters and other appurtenances to a water distribution system, and for the transmission of water through and across the property of Owner, and (ii) the fee simple of all water mains, fire hydrants, valves, meters and other facilities appurtenant to any water distribution system now or hereafter installed in the Easement, excepting service connections; Owner's property and the Easement being more particularly bounded and described on the Plat as 10' WATERLINE ESMT – HEREBY GRANTED.

FURTHER, the parties agree as follows:

1. The Town and its officials, employees and agents shall have full and free use of the said Easement area for the purposes stated and shall have all rights and privileges reasonably necessary to the convenient exercise of such activities, including the right of access to and from the Easement and the right to use land abutting and/or adjacent to the Easement where and when such is reasonably necessary for the convenient and efficient exercise of construction, inspection, alteration, repair and/or other maintenance activities relating to the water distribution system.
2. The Town shall have the right to trim, cut and/or remove trees and shrubbery and to remove fences, structures and other obstructions or facilities in or near the Easement which are deemed by the Town to interfere with the proper and efficient construction, operation, alteration, repair and/or other maintenance of the water distribution system, or any portion thereof.
3. The Town, at its own expense, shall restore to its original condition, as nearly as practicable, any of Owner's property disturbed by the Town in connection with activities undertaken pursuant to the provisions of Paragraphs numbered 1 and 2 above, but such restoration shall include only the reseeded or resodding or lawns, the reseeded of pasture areas, the replacement or repair of any authorized pavement which has been disturbed, any appropriate backfilling of trenches, the reinstallation of any fence removed and the planting of young shrubs in replacement of shrubs removed or destroyed by the Town. Moreover, with respect to Owner's property abutting and/or adjacent to the easement, (a) the Town shall plant young trees in replacement of trees removed or destroyed by the Town, and (b) other structures and facilities removed by the Town shall either be replaced by the Town or, at the Town's option, Owner shall be reasonably compensated by the Town for the value of any structure or facility removed, considering the condition of same. The foregoing provisions of this Paragraph numbered 3 notwithstanding, the Town need not replace any trees or shrubs or other structures, obstructions, or facilities planted, installed or constructed in violation of the provisions of Paragraph 5 numbered below.
4. Owner reserves the right to install and maintain pavement over said Easement in the event Owner otherwise has lawful authority to do so and such is in compliance with a Town-approved site plan or subdivision plat or plan, and to make any use of the Easement area which is not

inconsistent with the rights of the Town and does not interfere with the Town's use thereof, except as otherwise provided in Paragraph number 5 below.

5. Owner shall not erect any building or other structure, excepting a fence, plant any tree, change the existing ground elevation, or permit any such thing to be done within the Easement without obtaining the prior written approval of the Town. Moreover, Owner shall not erect any building or other structure, excepting a fence, plant any tree, or change the existing ground elevation on any land abutting and/or adjacent to the Easement if such could impair the water distribution system, or any portion thereof, or its proper functioning, or could unreasonably impair the Town's convenient exercise of construction, maintenance, or other authorized activities in relation to the water distribution system, and neither shall Owner permit any such thing to be done, without obtaining the prior written approval of the Town.

6. In the event the Town performs work of any nature and/or expends any funds to correct any unauthorized grading and/or to remove any unauthorized trees, buildings, structures, facilities or obstructions in, abutting, or adjacent to the Easement, and/or in the event Owner or any of his agents causes or allows any damage to be done to any portion of the water distribution system located in the Easement, Owner shall reimburse the Town, within ten (10) days of receipt of notice of demand, all reasonable costs incurred by the Town, plus a reasonable fee for all work performed by Town officials and/or employees and for all use of Town equipment. If such reimbursement is not made within the aforesaid ten (10) day period, interest shall accrue on the sum due at the legal rate of interest, and the Town shall be entitled to recover from Owner the attorney's fees incurred by the Town in pursuing recovery of the sums due and owing the Town.

7. Owner agrees to install in the easement, at Owner's expense, for ownership by the Town, within two (2) years of Owner's execution of this Deed or within such shorter period of time as may be agreed upon by Owner and the Town by separate written agreement, water distribution facilities in accordance with Town standards and requirements and in accordance with a Town approved site plan or subdivision plat or plan; Owner also agrees, as part of Owner's agreement to install, to maintain the same until such time as the Town has given final inspection and approval to such facilities as constructed.

8. The provisions and covenants of this Deed shall run with the land and shall remain binding upon Grantors and their respective successors in interest. Moreover, all references in this Deed to the Town shall refer to the Town and likewise to its successors and assigns, and all references to the officials, employees and agents of the Town shall likewise refer to the officials, employees and agents of the Town's successors and assigns.

9. The Town's execution of this Deed, by signature of its Town Manager, shall attest to and signify the Town's acceptance of the Easement in accordance with the terms of this Deed and the Town's acceptance of the fee simple of the water mains, fire hydrants, valves, meters and other appurtenances to any water distribution system now or hereafter installed therein upon Town's approval of same as installed/ constructed.

[SIGNATURES FOLLOW]

WITNESS the following signatures and seals:

PROPERTY OWNER

PM PLUS, LLC, a Virginia limited liability company

By: 
Timothy Ku-Dipietro Manager

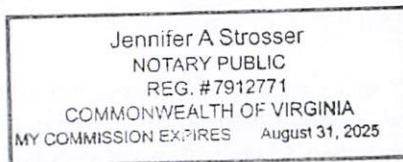
COMMONWEALTH OF VIRGINIA

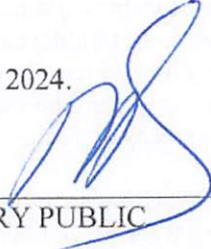
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CITY OF FAIRFAX

This Deed of Waterline Easement was acknowledged before me on the 27th day of August 2024 by Timothy Ku-Dipietro, the Manager of PM Plus, LLC, on behalf of said limited liability company.

Given under my hand this 27th day of August 2024.




_____(SEAL)
NOTARY PUBLIC

My commission expires: 08/31/2025

My Notary Registration Number: 7912771

ACCEPTED PURSUANT TO VIRGINIA CODE § 15.2-1803

TOWN OF WARRENTON, VIRGINIA

APPROVED AS TO FORM:

Martin R. Crim
[PRINT NAME]
Town Attorney

Martin R. Crim
[SIGNATURE]

ATTEST:

Stepha Clough
[PRINT NAME]
Town Clerk

Stepha Clough
[SIGNATURE]

Frank Cassidy
[PRINT NAME]
Town Manager

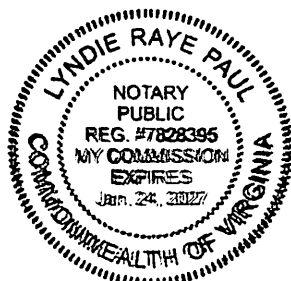
Frank Cassidy
[SIGNATURE]

COMMONWEALTH OF VIRGINIA

COUNTY OF Fauquier to wit:

I, Lyndie Paul, a Notary Public in and for the jurisdiction aforesaid, do certify that the foregoing Deed of Waterline Easement was acknowledged before me this 13th day of November 2024 by Frank Cassidy, in his/her capacity as Town Manager, for The Town of Warrenton.

Given under my hand and seal this 13th day of November, 2024.



Lyndie Paul
NOTARY PUBLIC

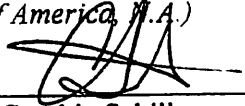
My commission expires: 01-24-2027

Notary Registration Number: 7828395

THE BELOW-NAMED HOLDER(S) OF INDEBTEDNESS SECURED BY OWNERS' PROPERTY SIGN BELOW TO EVIDENCE HIS/HER/ITS CONSENT AND GRANT OF AUTHORITY TO THE TRUSTEE(S) UNDER THE RELATED DEED OF TRUST TO EXECUTE THIS DEED AND BIND THE HOLDER(S) THEREBY:

(NOTE: Holder(s) need not sign below when the Deed of Trust authorizes the Trustee(s) to execute this Deed without the joinder of the Holder(s).)

PRLAP, INC. a Virginia corporation
(Trustee to Deed of Trust for the benefit of
Bank of America, N.A.)

By:  (SEAL)

Name: Cynthia Schillo

Title: AVP

STATE OF FLORIDA §

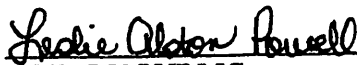
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COUNTY OF DUVAL §

This Deed of Waterline Easement was acknowledged before me this 16 day of September 2024 by Cynthia Schillo, in her capacity as AVP of PRLAP, Inc., a Virginia Corporation and Trustee to Deed of Trust (recorded September 18, 2023) for the benefit of Bank of America, N.A.

Given under my hand this 16 day of September, 2024.



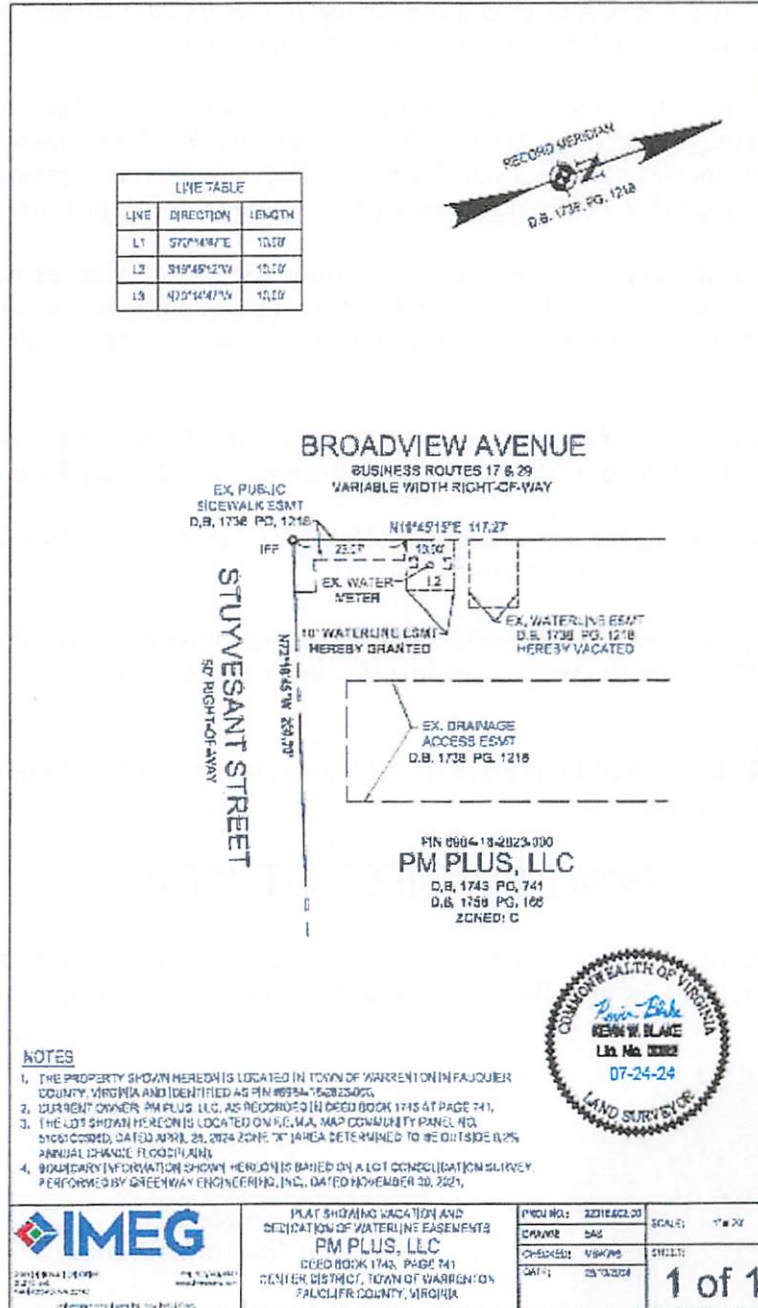
 (SEAL)
NOTARY PUBLIC

My commission expires: Sept. 15, 2027.

My Notary Registration Number: HH 433493.

EXHIBIT "A"

PLAT



November 12th, 2024, 2024
Mayor H.E. Carter Nevill
PRO-24-11-01

**A PROCLAMATION RECOGNIZING NOVEMBER 30th, 2024, AS SMALL BUSINESS SATURDAY
IN THE TOWN OF WARRENTON, VIRGINIA**

WHEREAS, the Town of Warrenton, Virginia, celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of net new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States; and

WHEREAS, 68 cents of every dollar spent at a small business in the U.S. stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small, independently owned retailer or restaurant on Small Business Saturday 2023; and

WHEREAS, Warrenton, Virginia, supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

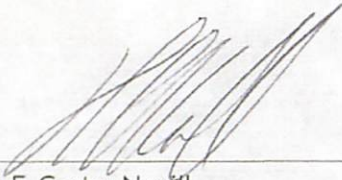
WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

NOW, THEREFORE BE IT PROCLAIMED that the Mayor of the Town of Warrenton does hereby proclaim, November 30, 2024, as

SMALL BUSINESS SATURDAY

And urges the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and Shop Small throughout the year.




H. E. Carter Nevill
Mayor Town of Warrenton

**A PROCLAMATION RECOGNIZING 100 YEARS OF SERVICE OF THE WARRENTON
VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Warrenton Volunteer Fire Department was established in 1924, and for the past 100 years has been dedicated to safeguarding the lives, property, and well-being of our small Town ; and

WHEREAS, the brave members of the Warrenton Volunteer Fire Department have selflessly volunteered their time, energy, and skills to respond to countless emergencies, including fires, accidents, medical crises, and natural disasters putting our community before themselves; and

WHEREAS, this esteemed department has exemplified a spirit of teamwork, compassion, and heroism, always answering the call to serve, regardless of personal risk, and acting as a beacon of hope and safety for our community; and

WHEREAS, generations of WVFD members have built a legacy of courage and dedication, consistently advancing their skills, training, and resources over the decades, with invaluable support from the Town of Warrenton, Fauquier County, and the residents of our community; and

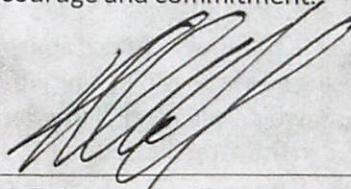
WHEREAS, the Warrenton Volunteer Fire Department has not only responded to emergencies and our Communities worst days, but also engaged in fire prevention education, community outreach, and training programs, enhancing the safety and preparedness of our residents; and

WHEREAS, this milestone anniversary presents a unique opportunity for us to reflect on the Department's history, honor the lives saved, recognize the sacrifices made, and express our deepest gratitude to the volunteers, past and present, who have been integral to the Department's mission; and

NOW, THEREFORE BE IT PROCLAIMED that the Mayor of the Town of Warrenton recognizes the Warrenton Volunteer Fire Department in honor of their 100th Anniversary and in recognition of a century of service, dedication, and excellence.

The Mayor and members of the Town Council urge all citizens to join in celebrating the Warrenton Volunteer Fire Department's legacy, and to extend our sincere appreciation to the volunteers who have safeguarded our community with unwavering courage and commitment.





H. E. Carter Nevill
Mayor Town of Warrenton

October 8, 2024
Town Council
Regular Meeting
RES-24-10-01

**A RESOLUTION TO REALLOCATE UNSPENT AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR
THE PRIMARY CLARIFIER PROJECT**

WHEREAS, the U.S. Congress passed and the President signed the American Rescue Plan (ARP) Act of 2021 which established the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF); and

WHEREAS, the United States Treasury distributed funding under the CSLFRF to the Commonwealth of Virginia and mandated that Non-Entitlement Unit funds be distributed according to a formula based on population; and

WHEREAS, the Town of Warrenton is considered a Non-Entitlement Unit and has received a total allocation of \$10,403,180 according to the prescribed formula, which has been distributed in two equal tranches of \$5,201,590 approximately 12 months apart with the second tranche received July 21, 2022; and

WHEREAS, staff has reviewed the United States Treasury guidance and provided information to Town Council during a work session on March 8, 2022 regarding projects that are eligible for the CSLFRF funding; and

WHEREAS, qualifying expenditures in the amount of \$1,966,648 as detailed in the attached Exhibit A have previously been appropriated in the Fiscal Year 2023 Adopted Budget on June 16, 2022; and

WHEREAS, qualifying expenditures in the amount of \$4,650,000 as detailed in the attached Exhibit B have previously been appropriated by council on September 13th, 2022; and

WHEREAS, the Town Council reviewed and committed funding for other projects as detailed in the attached Exhibit C that would be appropriated in the FY 2025 Adopted Budget in the amount of \$236,083 during the March 8, 2022 work session; and

WHEREAS, qualifying expenditures in the amount of \$3,269,910 as detailed in the attached Exhibit D have previously been appropriated in the Fiscal Year 2024 Adopted Budget on June 13, 2023; and

WHEREAS, the Town Council appropriated the remaining \$280,559 ARPA funds to affordable housing and accessibility initiatives focused on the best use of these funds for maximum benefit which will meet all the requirements for distribution of these funds on July 11, 2023 as detailed in the attached Exhibit E; and

WHEREAS, funds in the amount of \$1,600,00 were reallocated, as detailed in Exhibit F, upon the cancellation of the Horseshow Grounds Project; and

WHEREAS, several of the projects previously identified by council have finished under budget, as detailed in Exhibit G, making funding available for the Primary Clarifier Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Warrenton Town Council Hereby reallocate the unspent ARPA Funding in the amount of \$830,135.74 to aid in the funding of the Primary Clarifier Project.

Votes:

Ayes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire

Nays:

Absent from the meeting: Mr. James Hartman, Vice Mayor.

For Information:
Budget Manager

ATTEST: _____



Town Recorder

EXHIBIT A - Appropriated in FY23 Budget		
Project	Estimated Cost	Description
Financial Coordinator Salary and Benefits	\$101,093	1 year in budget, remaining time committed
Assistant Director Salary and Benefits	\$154,397	Covers 1 year period - salary and benefits
Junior Engineer Salary and Benefits	\$131,947	Covers 1 year period - salary and benefits
Project Coordinator Salary and Benefits	\$119,406	Covers 1 year period - salary and benefits
Compensation Study	\$50,000	Classification and compensation study
Professional Services	\$42,350	Economic Development
Fuel System	\$50,000	IT
Waterloo Speed/Safety Improvements (T-23-002)	\$70,200	FY23 cost only
Leaf Machine (G-23-003)	\$85,000	
Salt Spreaders (G-23-004)	\$68,000	
HVAC Replacement (G-23-005)	\$55,000	FY23 cost only
Police Vehicles (P-23-001)	\$98,262	FY23 cost only
Fitness and Studio Floor Replacement	\$60,000	
Fitness Equipment Replacement	\$25,000	
Traffic Light Updates (T-23-008)	\$28,800	FY23 cost only
Timber Fence Trailway	\$50,889	Timber Fence Trail Segment 2 (Town cost-share)
Refuse Trucks	\$626,306	Two new refuse trucks
ADA Improvements (R-23-001)	\$150,000	ADA improvements to Town park facilities; Remaining project balance committed for future years

\$1,966,648 Total Appropriated in FY23 Budget

EXHIBIT B - Appropriated September 13, 2022		
Project	Estimated Cost	Description
Water and Sewer Projects	\$4,500,000	Per Davenport analysis of sewer rate study
ADA Compliance	\$150,000	

\$4,650,000 Total Appropriated September 13, 2022

EXHIBIT C - Committed & Later Adopted in FY25 Budget		
Project	Estimated Cost	Description
ADA Improvements (R-23-001)	\$150,000	ADA improvements to Town park facilities
Financial Coordinator Salary and Benefits	\$86,083	Funding for support through 12/31/2024

\$236,083 Total Committed

EXHIBIT D - Appropriated in FY24 Budget		
Project	Estimated Cost	Description
Financial Coordinator Salary and Benefits	\$124,824	1 year in budget, remaining time committed
Assistant Directors Salary and Benefits	\$17,044	Remainder of 1 year period
Project Coordinator Salary and Benefits	\$28,042	Remainder of 1 year period
Comprehensive Zoning Update	\$200,000	
Deed Provision	\$1,000,000	For payment of deed provision at WWTP
Horseshow grounds	\$1,600,000	For purchase of horseshow ground property
ADA Improvements (R-23-001)	\$300,000	ADA improvements to Town park facilities; Remaining project balance committed for future years
\$3,269,910		Total Appropriated in FY24 Budget

EXHIBIT E - Appropriated July 11, 2023		
Project	Estimated Cost	Description
Affordable Housing	\$280,539	Affordable Housing and Accessibility Initiatives
\$280,539		

EXHIBIT F - Reallocated February 13, 2024		
WWTP Capital Payment	\$500,000	
Water and Sewer Projects	\$900,000	
Infrastructure Projects	\$200,000	
Horseshow Grounds	(\$1,600,000)	

EXHIBIT G - Reallocated October 8, 2024		
Meeting & Polling Location ADA Compliance	(\$112,638)	
Playground ADA Improvements	(\$214,825)	
Assistant Director Salary and Benefits	(\$46,310)	
Compensation Study	(\$6,500)	
Comprehensive Zoning Update	(\$1,550)	
Deed Provision	\$5,076	
Financial Coordinator Salary and Benefits	(\$96,753)	
Fitness and Studio Floor Replacement	(\$1,410)	
Fitness Equipment Replacement	(\$480)	
Fuel System	(\$14,466)	
HVAC Replacement	(\$6,668)	
Junior Engineer Salary and Benefits	(\$131,947)	
Leaf Machine	(\$10,572)	
Police Vehicles	(\$133)	
Professional Services - Economic Development	(\$42,350)	
Project Coordinator Salary and Benefits	(\$55,109)	
Recycling Trucks	\$1,234	
Salt Spreaders	(\$2,119)	
Timber Fence Trailway	(\$50,889)	
Traffic Light Updates	(\$1,800)	
Waterloo Speed/Safety Improvements	(\$39,927)	
Primary Clarifier	\$830,136	

\$10,403,180 **Appropriated**
 \$10,403,180 **Total ARPA Funds Received**
 - **Available Balance**

**November 12, 2024
Town Council
Public Hearing
RES-24-11-01**

DRAFT RESOLUTION TO RECOMMEND APPROVAL SPECIAL USE PERMIT 2024-01: 71 S. FIFTH STREET – AUTO DEALERSHIP, PURSUANT TO SECTION 11-3.10.3 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON (GPIN 6984-42-4640-000)

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

WHEREAS, The Owner/Applicant, Mr. Robert Samia, seeks a Special Use Permit for the establishment of a previous use as a car dealership at 71 S. 5th Street (+/- 0.2869 acres). (GPIN 6984-42-4640-000) in the Town of Warrenton and hereinafter referred to as the “Property;” and

WHEREAS, the Applicant has applied for a Special Use Permit pursuant to §3-4.10.3 of the Zoning Ordinance for the establishment of a use on the parcel as an auto dealership in an existing building with no physical changes. The auto-dealership use on the property lapsed in the last few years. The property is zoned C (Commercial District) and designated Old Town Mixed Use in Plan Warrenton 2040; and

WHEREAS, the Planning Commission held a work session on SUP 2024-01 on August 27, 2024 and a Public Hearing on September 17, 2024 where the Planning Commission voted 4-0 (with member being absent) to recommend approval of SUP 2024-01; and

WHEREAS, pursuant to §11-3 of the Zoning Ordinance, the Town Council, upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Work Session on October 8, 2024 and a Public Hearing on November 12, 2024; and

WHEREAS, the Town Council considered for approval of the Special Use Permit based on Conditions of Approval and Virginia State Code Section 15.2-2286.A.3; and

WHEREAS, the Town Council finds that the Application meets the criteria for approval found in Section 11-3.10.3 in the Town of Warrenton Zoning Ordinance; and

WHEREAS, the Town Council, in consideration of all of the foregoing, is of the opinion that the application for the Special Use Permit is to be recommended for approval subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council on this 12th day of November 2024, that SUP 2024-01 be, and is hereby, recommended for approval to Town Council, subject to the conditions as written in the Conditions of Approval.

Votes:

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

Nays:

Absent from Vote:

Absent from Meeting:

ATTEST: _____


Town Recorder

November 12, 2024
Town Council
Regular Meeting
RES-24-11-02

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025 BUDGET BY \$25,292,548.31
TO APPROPRIATE FUNDS FOR THE FISCAL YEAR 2024 CARRYOVERS**

WHEREAS, the Warrenton Town Council is charged by the Code of Virginia with the preparation of an annual budget for the Town of Warrenton; and

WHEREAS, on June 11, 2024, the Town Council adopted the Town of Warrenton Fiscal Year 2025 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate amending the budget to appropriate additional funds; and

WHEREAS, certain grants, purchases and capital projects included in the Fiscal Year 2024 Adopted Budget were incomplete as of June 30, 2024; and

WHEREAS, the Town Council of the Town of Warrenton held a public hearing to consider the amendment of the Fiscal Year 2025 Adopted Budget by \$25,292,548.31 to appropriate funds to cover these items; and

WHEREAS, the Town Council voted to amend the Fiscal Year 2025 Adopted Budget to appropriate funds for the continuation of these grants, purchases, and capital projects; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Warrenton this 12th day of November 2024, that the Fiscal Year 2025 adopted budget is amended to appropriate \$25,292,548.31 as noted in the attached staff report; and

BE IT FURTHER RESOLVED that the Department of Finance is authorized to process the necessary budget adjustments required for the appropriations.

Votes:

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

Nays:

Absent from Meeting:

For Information:
Budget Manager

ATTEST: _____


Town Recorder

November 12, 2024
Town Council
Regular Meeting
RES-24-11-03

**RESOLUTION TO APPROVE BOND RELEASE REQUEST BOND-24-3 FOR O'REILLY AUTO PARTS
FACILITY (SDP 2021-441)**

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

WHEREAS, a Site Development Plan for the O'Reilly Auto Parts Facility, case number SDP 2021-441, was approved subject to the provision of a Public Improvements Bond placed on August 30, 2020, in the amount of \$230,895.77; and

WHEREAS, an As-Built Plan was submitted and subsequently approved on September 18, 2023, to demonstrate conformity with the approved final plat and the ordinances and regulations of the Town of Warrenton as required by Section 10-9 of the Ordinance; and

WHEREAS, the Developer submitted a request on September 19, 2023, to reduce the Public Improvements Bond by 85%; and

WHEREAS, the Warrenton Town Council granted the request to reduce the Public Improvements bond by 85% on November 14, 2023; and

WHEREAS, the Developer submitted a request on July 30, 2024 to release the remaining Public Improvements bond in the amount of \$34,634.36; and

WHEREAS, the Warrenton Town Council may grant period partial releases of any bond, escrow, letter of credit or other performance guarantee required for the completion of improvements which are to be bonded as provided in Section 10-8.5 of the Town of Warrenton Zoning Ordinance; and

NOW THEREFORE BE IT RESOLVED, by the Warrenton Town Council that the Public Improvements Bond in the amount of \$34,634.36 is hereby released.

ATTACHMENT: None

Votes:

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

Nays: Mr. Brett Hamby

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director,
Town Attorney

ATTEST: _____


Town Recorder

November 12th, 2024
Town Council
Regular Meeting
RES-24-11-04

RESOLUTION APPOINTING MR. STEVEN AINSWORTH TO THE TOWN OF WARRENTON PLANNING COMMISSION

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

WHEREAS, the Code of Virginia 15.2-2212 states the Planning Commission shall be composed of not less than five (5) nor more than fifteen (15) members, who shall be appointed by the Town Council, all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; and

WHEREAS, Mr. Steven Ainsworth's current Planning Commissioner term expires December 31, 2024; and

WHEREAS, Mr. Steven Ainsworth has indicated an interest in being reappointed to the Planning Commission by Town Council for a four year term expiring December 31, 2028;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council hereby is appointing Mr. Steven Ainsworth to the Town of Warrenton Planning Commission for a Four-Year Term starting January 1st, 2025, through December 31, 2028.

ATTACHMENT: None

Votes:

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

Nays: Mr. Brett Hamby

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director

ATTEST: _____


Town Recorder

November 12th, 2024
Town Council
Regular Meeting
RES-24-11-06

RESOLUTION APPOINTING MR. RYAN STEWART TO THE TOWN OF WARRENTON PLANNING COMMISSION

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

WHEREAS, the Code of Virginia 15.2-2212 states the Planning Commission shall be composed of not less than five (5) nor more than fifteen (15) members, who shall be appointed by the Town Council, all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; and

WHEREAS, Mr. Ryan Stewart's current Planning Commissioner term expires December 31, 2024; and

WHEREAS, Mr. Ryan Stewart has indicated an interest in being reappointed to the Planning Commission by Town Council for a four year term expiring December 31, 2028;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council hereby is appointing Mr. Ryan Stewart to the Town of Warrenton Planning Commission for a Four-Year Term starting January 1st, 2025, through December 31, 2028.

ATTACHMENT: None

Votes:

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

Nays: Mr. Brett Hamby

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director

ATTEST: _____


Town Recorder

November 12th, 2024
Town Council
Regular Meeting
RES-24-11-05

RESOLUTION APPOINTING MR. JAMES LAWRENCE TO THE TOWN OF WARRENTON PLANNING COMMISSION

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

WHEREAS, the Code of Virginia 15.2-2212 states the Planning Commission shall be composed of not less than five (5) nor more than fifteen (15) members, who shall be appointed by the Town Council, all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; and

WHEREAS, Mr. James Lawrence's current Planning Commissioner term expires December 31, 2024; and

WHEREAS, Mr. James Lawrence has indicated an interest in being reappointed to the Planning Commission by Town Council for a four year term expiring December 31, 2028;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council hereby is appointing Mr. James Lawrence to the Town of Warrenton Planning Commission for a Four-Year Term starting January 1st, 2025, through December 31, 2028.

ATTACHMENT: None

Votes:

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

Nays: Mr. Brett Hamby

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director

ATTEST: _____


Town Recorder

Tax Map Pin Number:
6984-16-2823

Prepared without benefit of title examination by:

Chap Petersen, Esq.
CHAP PETERSEN & ASSOCIATES, PLC
3970 Chain Bridge Rd
Fairfax, VA 22030
(571) 459-2512
jas@petersenfirm.com

This deed is exempt from the recordation taxes imposed by §58.1-801, §58.1-802 and §58.1-807 of the Code of Virginia, 1950, pursuant to §58.1-811(A)(3) & (C)(4).

**DEED OF VACATION OF EASEMENT AND TO ESTABLISH WATERLINE
EASEMENT AND CONVEYANCE**

THIS DEED OF VACATION OF WATERLINE EASEMENT AND TO ESTABLISH WATERLINE EASEMENT AND CONVEYANCE (the "Deed"), made this ____ day of _____, 2024, by PM Plus, LLC ("PM PLUS"), a Virginia limited liability company ("Owner"), Grantor, and the TOWN OF WARRENTON, VIRGINIA, a municipal corporation ("Town"), Grantee, and Bank of America, N.A. ("Lender"), party of this third part.

WITNESSETH

That PM Plus is the owner of certain real property located in the Town of Warrenton, Virginia, known as the Lot containing 0.5220 acres, more or less (the "Property") as same is shown on plat attached to Deed of Waterline Easement recorded in D.B. 1738, at Page 1218 among the land records of Fauquier County ("Land Records"). That it is the desire of the Owner and the Town to vacate the waterline easement created in D.B. 1738, Page 1218 among the Land Records in the location as shown on the Plat and as hereinafter provided. That for and in consideration for the interests granted and for damages to the residue, including any damages to trees, bushes and improvements damaged or destroyed in the course of constructing, operating, maintaining (including replacement and repair), adding to, and/or altering any Town improvements of which is hereby acknowledged, Grantor does hereby vacate, pursuant to § 15.2-2272 (2) of the Code of Virginia, as amended, all of its right, title, and interest in and to that waterline easement created in D.B. 1738, at Page 1218 among the Land Records in the location being more particularly bounded and described on the plat showing Easement Vacation and Dedication dated July 24, 2024 by Kevin W. Blake, Licensed Land Surveyor with IMEG (the "Plat"), which is attached hereto and made a part hereof labeled thereon as "EX. WATERLINE ESMT D.B. 1738 PG. 1218 HEREBY VACATED".

This DEED is made in accordance with the statutes made and provided in such cases, with the approval of the proper authorities of the Town of Warrenton, Virginia as shown by the signatures on this deed and on the Plat. The vacation for the waterline easement is with free consent and in

accordance with the desire of the owner of the land embraced within the bounds of said vacation, proprietors and trustees, if any. That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, and, as amended, Grantor does hereby grant and convey unto the Town, its successors and assigns, in perpetuity, (i) an amended easement or easements as identified in the attached plat (hereinafter collectively referred to as the "Easement") for the purpose of constructing, operating, maintaining (including replacement and repair), adding to, and/or altering water mains, fire hydrants, valves, meters and other appurtenances to a water distribution system, and for the transmission of water through and across the property of Owner, and (ii) the fee simple of all water mains, fire hydrants, valves, meters and other facilities appurtenant to any water distribution system now or hereafter installed in the Easement, excepting service connections; Owner's property and the Easement being more particularly bounded and described on the Plat as 10' WATERLINE ESMT – HEREBY GRANTED.

FURTHER, the parties agree as follows:

1. The Town and its officials, employees and agents shall have full and free use of the said Easement area for the purposes stated and shall have all rights and privileges reasonably necessary to the convenient exercise of such activities, including the right of access to and from the Easement and the right to use land abutting and/or adjacent to the Easement where and when such is reasonably necessary for the convenient and efficient exercise of construction, inspection, alteration, repair and/or other maintenance activities relating to the water distribution system.
2. The Town shall have the right to trim, cut and/or remove trees and shrubbery and to remove fences, structures and other obstructions or facilities in or near the Easement which are deemed by the Town to interfere with the proper and efficient construction, operation, alteration, repair and/or other maintenance of the water distribution system, or any portion thereof.
3. The Town, at its own expense, shall restore to its original condition, as nearly as practicable, any of Owner's property disturbed by the Town in connection with activities undertaken pursuant to the provisions of Paragraphs numbered 1 and 2 above, but such restoration shall include only the reseeding or resodding of lawns, the reseeding of pasture areas, the replacement or repair of any authorized pavement which has been disturbed, any appropriate backfilling of trenches, the reinstallation of any fence removed and the planting of young shrubs in replacement of shrubs removed or destroyed by the Town. Moreover, with respect to Owner's property abutting and/or adjacent to the easement, (a) the Town shall plant young trees in replacement of trees removed or destroyed by the Town, and (b) other structures and facilities removed by the Town shall either be replaced by the Town or, at the Town's option, Owner shall be reasonably compensated by the Town for the value of any structure or facility removed, considering the condition of same. The foregoing provisions of this Paragraph numbered 3 notwithstanding, the Town need not replace any trees or shrubs or other structures, obstructions, or facilities planted, installed or constructed in violation of the provisions of Paragraph 5 numbered below.
4. Owner reserves the right to install and maintain pavement over said Easement in the event Owner otherwise has lawful authority to do so and such is in compliance with a Town-approved site plan or subdivision plat or plan, and to make any use of the Easement area which is not

inconsistent with the rights of the Town and does not interfere with the Town's use thereof, except as otherwise provided in Paragraph number 5 below.

5. Owner shall not erect any building or other structure, excepting a fence, plant any tree, change the existing ground elevation, or permit any such thing to be done within the Easement without obtaining the prior written approval of the Town. Moreover, Owner shall not erect any building or other structure, excepting a fence, plant any tree, or change the existing ground elevation on any land abutting and/or adjacent to the Easement if such could impair the water distribution system, or any portion thereof, or its proper functioning, or could unreasonably impair the Town's convenient exercise of construction, maintenance, or other authorized activities in relation to the water distribution system, and neither shall Owner permit any such thing to be done, without obtaining the prior written approval of the Town.

6. In the event the Town performs work of any nature and/or expends any funds to correct any unauthorized grading and/or to remove any unauthorized trees, buildings, structures, facilities or obstructions in, abutting, or adjacent to the Easement, and/or in the event Owner or any of his agents causes or allows any damage to be done to any portion of the water distribution system located in the Easement, Owner shall reimburse the Town, within ten (10) days of receipt of notice of demand, all reasonable costs incurred by the Town, plus a reasonable fee for all work performed by Town officials and/or employees and for all use of Town equipment. If such reimbursement is not made within the aforesaid ten (10) day period, interest shall accrue on the sum due at the legal rate of interest, and the Town shall be entitled to recover from Owner the attorney's fees incurred by the Town in pursuing recovery of the sums due and owing the Town.

7. Owner agrees to install in the easement, at Owner's expense, for ownership by the Town, within two (2) years of Owner's execution of this Deed or within such shorter period of time as may be agreed upon by Owner and the Town by separate written agreement, water distribution facilities in accordance with Town standards and requirements and in accordance with a Town approved site plan or subdivision plat or plan; Owner also agrees, as part of Owner's agreement to install, to maintain the same until such time as the Town has given final inspection and approval to such facilities as constructed.

8. The provisions and covenants of this Deed shall run with the land and shall remain binding upon Grantors and their respective successors in interest. Moreover, all references in this Deed to the Town shall refer to the Town and likewise to its successors and assigns, and all references to the officials, employees and agents of the Town shall likewise refer to the officials, employees and agents of the Town's successors and assigns.

9. The Town's execution of this Deed, by signature of its Town Manager, shall attest to and signify the Town's acceptance of the Easement in accordance with the terms of this Deed and the Town's acceptance of the fee simple of the water mains, fire hydrants, valves, meters and other appurtenances to any water distribution system now or hereafter installed therein upon Town's approval of same as installed/ constructed.

[SIGNATURES FOLLOW]

WITNESS the following signatures and seals:

PROPERTY OWNER

PM PLUS, LLC, a Virginia limited liability company

By: 
Timothy Ku-Dipietro Manager

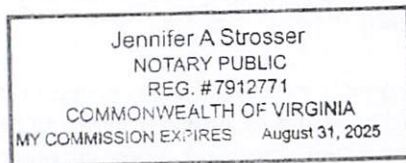
COMMONWEALTH OF VIRGINIA


§
§
§

CITY OF FAIRFAX

This Deed of Waterline Easement was acknowledged before me on the 27th day of August 2024 by Timothy Ku-Dipietro, the Manager of PM Plus, LLC, on behalf of said limited liability company.

Given under my hand this 27th day of August 2024.





NOTARY PUBLIC (SEAL)

My commission expires: 08/31/2025

My Notary Registration Number: 7912771

ACCEPTED PURSUANT TO VIRGINIA CODE § 15.2-1803

TOWN OF WARRENTON, VIRGINIA

APPROVED AS TO FORM:

Martin R. Crim
[PRINT NAME]
Town Attorney

Martin R. Crim
[SIGNATURE]

ATTEST:

Stepha Clough
[PRINT NAME]
Town Clerk

Stepha Clough
[SIGNATURE]

Frank Cassidy
[PRINT NAME]
Town Manager

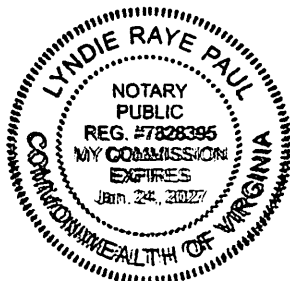
Frank Cassidy
[SIGNATURE]

COMMONWEALTH OF VIRGINIA

COUNTY OF Fauquier to wit:

I, Lyndie Paul, a Notary Public in and for the jurisdiction aforesaid, do certify that the foregoing Deed of Waterline Easement was acknowledged before me this 13th day of November 2024 by Frank Cassidy, in his capacity as Town Manager, for The Town of Warrenton.

Given under my hand and seal this 13th day of November, 2024.



Lyndie Paul
NOTARY PUBLIC

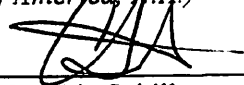
My commission expires: 01-24-2027.

Notary Registration Number: 7828395

THE BELOW-NAMED HOLDER(S) OF INDEBTEDNESS SECURED BY OWNERS' PROPERTY SIGN BELOW TO EVIDENCE HIS/HER/ITS CONSENT AND GRANT OF AUTHORITY TO THE TRUSTEE(S) UNDER THE RELATED DEED OF TRUST TO EXECUTE THIS DEED AND BIND THE HOLDER(S) THEREBY:

(NOTE: Holder(s) need not sign below when the Deed of Trust authorizes the Trustee(s) to execute this Deed without the joinder of the Holder(s).)

PRLAP, INC. a Virginia corporation
(Trustee to Deed of Trust for the benefit of
Bank of America, N.A.)

By:  (SEAL)

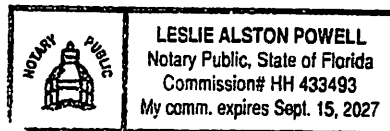
Name: Cynthia Schillo

Title: AVP

STATE OF FLORIDA §
 §
COUNTY OF DUVAL §

This Deed of Waterline Easement was acknowledged before me this 6 day of September 2024 by Cynthia Schillo, in her capacity as AVP of PRLAP, Inc., a Virginia Corporation and Trustee to Deed of Trust (recorded September 18, 2023) for the benefit of Bank of America, N.A.

Given under my hand this 6 day of September, 2024.



 (SEAL)
NOTARY PUBLIC

My commission expires: Sept. 15, 2027.

My Notary Registration Number: HH 433493.

