



## TOWN COUNCIL SPECIAL MEETING

21 Main Street

Tuesday, February 25, 2025 at 6:30 PM

### MINUTES

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**AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA,  
WAS HELD ON FEBRUARY 25<sup>TH</sup>, 2025, AT 6:30PM**

#### Work Session

##### PRESENT

Mr. Carter Nevill, Mayor; Mr. Roy Francis; Mr. William Semple; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Paul Mooney; Mr. Eric Gagnon; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Chap Petersen Town Attorney.

##### ABSENT

None

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## I. WORKSESSION - 6:30 PM

1. **A Work Session to discuss the Arrington Voluntary Settlement Agreement with Fauquier County and to decide on the necessity of an ordinance to be considered for public hearing at the March 11th, 2025, Regular Town Council Meeting.**

Mayor Carter Nevill called the special meeting to order at 6:30 PM. He confirmed that all members were present and that a quorum was established. He stated that the sole agenda item was a work session to discuss the Arrington Voluntary Settlement Agreement (VSA) with Fauquier County and to determine whether an ordinance rescinding the previously approved Ordinance in support of the VSA should be considered for public hearing at the March 11<sup>th</sup>, 2025 regular Town Council meeting.

Vice Mayor Semple explained that the rationale for the special meeting was to revisit the process by which the VSA was approved by the previous Council. He stated that concerns were raised about the lack of review by the Town Planning Commission and the absence of public hearings at the Town level.

Councilmen Francis suggested that the project bypassed a transparent and open process and that a six-month pause could allow the Planning Commission to review the matter and provide recommendations.

Mayor Nevill emphasized that the VSA had been reviewed and approved by the previous council, with votes either unanimous or 6-1. He noted that the project had gone through at least three public hearings and received support from the Board of Supervisors, the Commission of Local Governments, and the public, with minimal opposition.

Councilmen Kovalik outlined the long history of the project dating back to 2015. He described the complexity of multiple rezoning actions, proffers, and infrastructure considerations (transportation, schools, water, sewer). He presented a PowerPoint tracing the evolution of the project, noting that much of the vetting occurred through Fauquier County processes, not through the Town of Warrenton's Planning Commission.

Mr. Chap Petersen, Town Attorney, clarified that the discussion pertained to both the boundary line adjustment and the VSA under Virginia Code § 15.2-3400. He confirmed that the project had already received entitlements from the county and that the town's role was limited to accepting or rejecting the VSA. If rejected, the project could still proceed under county jurisdiction, but the town would lose influence over proffers and infrastructure impacts.

Councilmember Semple expressed concern that the public had not been adequately informed about the proposed 234-acre expansion. He noted that during his campaigns, residents were overwhelmingly opposed to expanding the town. He warned that piecemeal expansion could set a precedent and that the town was nearing its sewer capacity limit. He emphasized the long-term financial risks of needing a new treatment plant and the potential loss of Warrenton's small-town character.

Mayor Nevill responded that each development decision is made on its own merits and does not set a legal precedent. He noted that if the property remains in the county, the 25-acre commercial parcel could revert to residential use, potentially increasing the population impact beyond what is currently proposed.

Councilmember Semple reiterated that the town's sewer capacity is a critical issue. He proposed forming a sewer capacity committee to work with staff and plan for future needs. He emphasized the importance of prioritizing infill development and preserving capacity for projects that revitalize the town core.

Councilman Semple asked Town Attorney Chap Petersen if the town could reject the VSA without rejecting the project itself. Mr. Petersen said that if the county has already approved the project, the developer can still proceed even if the town rejects the VSA. He added that the council's ability to "monitor or regulate" the project only comes into play once it is within the town's bound.

Town Manager Frank Cassidy confirmed that the town's capacity study, updated every five years, already includes the Arrington project and other planned developments. He noted that the study is due for an update in two years and that the current capacity is sufficient for existing commitments.

Councilmember Mooney requested that strategic infill projects be included in the next capacity study update.

Councilmember Kovalik delivered a PowerPoint presentation outlining the history of the Arrington project, including:

- The original 2015 proposal, which included age-restricted housing, preserved ridgelines, and a private wastewater treatment plant.

- The evolution of the project through coordination between town and county staff, including the reintroduction of the “View Hill” parcel and the removal of age restrictions.
- The addition of infrastructure stubs and a 25-acre commercial land bay not included in the original traffic impact analysis (TIA).
- Concerns that the project bypassed the Town Planning Commission and public hearing process.
- The potential for future annexations enabled by infrastructure extensions.
- The lack of updated TIA data for commercial development and the risk of increased traffic impacts.

He concluded by questioning whether the VSA, as currently structured, is in the best interest of the Town of Warrenton.

Mr. Petersen confirmed that the Planning Commission was not legally required to review the VSA. He noted that the town adopted PRD zoning to accommodate the project but acknowledged that the process could have benefited from more public input.

Councilmember Kovalik argued that the Planning Commission should have been involved and that the process lacked transparency. He raised concerns about unsanctioned meetings between councilmembers and county supervisors and the absence of meeting minutes.

Mr. Cassidy responded that coordination meetings were part of the standard development process and that the final project was presented publicly. He emphasized that the town’s zoning requirements were incorporated into the VSA.

Councilmen Semple reiterated concerns about sewer capacity and the risk of overextending infrastructure. He emphasized the need to preserve resources for downtown revitalization and infill development.

Councilmen Mooney proposed a compromise: eliminate infrastructure extensions that enable future expansion and redirect those savings toward traffic improvements. He suggested negotiating with the developer to address concerns without rescinding the VSA.

Councilmen McGuire supported Mr. Mooney’s approach and emphasized the importance of managing resources and mitigating risk. He expressed concern about setting a precedent of reversing approved projects and stressed the need for fiscal responsibility.

Councilmen McGuire acknowledged the concerns raised but emphasized the importance of consistency in governance. He noted that the developer had followed the process and that the town should not undermine that.

Councilmen Francis questioned why the Town and County Planning Commissions did not coordinate on the project. He expressed concern about the lack of collaboration and the resulting confusion.

Councilmember Gagnon noted that the VSA was initially placed on the consent agenda and only discussed after being pulled to New Business. He stated he supported holding a public hearing to allow residents to weigh in.

Councilmember O'Halloran supported a public hearing and stressed the need to align development decisions with the town's long-term vision and comprehensive plan.

Councilmember Semple and Councilmember Kovalik restated that they believed that the December 2024 vote on the VSA occurred without sufficient time for review and that the project was not adequately vetted.

Councilman Mooney suggested they talk with the developer to eliminate concerns. He proposed a negotiation where the town would not require the developer to extend water/sewer lines to areas the council does not want to expand into. With the money saved, the developer could pay for a new traffic impact study and any necessary road improvements.

Councilman McGuire said he would be willing to work with Councilman Mooney on a capacity study. He added that if the developer doesn't pay for the pump station, the taxpayers will.

Councilman Francis asked if the proffers could be renegotiated with the developer. Councilman Semple said they could not, but the town would have purview over the site plans as they come forward.

Mr. Petersen stated that the three-judge panel is scheduled to hear the case on April 24th. He said the Council has three options: pass the VSA as written, agree to a modified agreement, or rescind the ordinance. He clarified that the council has the ability to rescind the ordinance until the three-judge panel approves the annexation

Council discussed at length the balance between having some control over the project by bringing it into town versus leaving it entirely under county jurisdiction

Motion put forth by Councilman McGuire was to suspend debate.

Seconded by Councilman Francis.

The vote was as follows:

**Ayes:** Mr. Roy Francis; Ms. Michele O'Halloran; Mr. Paul Mooney; Mr. David McGuire.

**Nays:** Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Mr. Eric Gagnon.

**Abstention:**

**Absent:**

The motion passed 4-3 Debate was suspended.

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Ms. O'Halloran made a motion to rescind Ordinance 2025-02 an Ordinance repealing 2024-17 which authorizes the Arrington Voluntary Settlement Agreement.

Seconded by Mr. Gagnon.

Councilman Francis inquired if Council would be required to vote on the public hearing item on the night of the 11<sup>th</sup>.

Mayor Nevill confirmed that Council was not required to vote on it that evening.

Councilmen Kovalik inquired about the timing of the matter and the actions before them if the matter wasn't considered on the 11<sup>th</sup>.

Mr. Petersen confirmed that the date had been set for the three-judge panel and timing could be an issue and that he would act on the will of Council.

The Mayor directed the Town Clerk to prepare motions for the Council based on the three potential outcomes of the public hearing on the ordinance.

Mr. Petersen confirmed with the Mayor that he should wait until the results of the Public Hearing on the 11<sup>th</sup> to communicate any potential changes to the Courts.

Councilmen Mooney inquired on if pulling out of the VSA would open the Town to a potential lawsuit.

Mr. Petersen stated that the Town had every legal right to resend its approval until the final decision was made by the three-judge panel.

Discussion from Council occurred on the public hearings held previously and the development.

Councilmen McGuire requested to call the Question.

The vote was as follows:

**Ayes:** Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon.

**Nays:** Mr. Roy Francis; Mr. Paul Mooney; Mr. David McGuire.

**Abstention:**

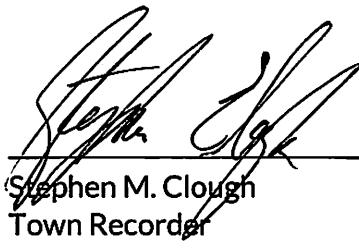
**Absent:**

The motion passed 4-3 and the item would be added for a public hearing at the March 11th, 2025 Town Council meeting.

**ADJOURNMENT.**

**With no further business, this meeting was adjourned at 8:19PM on Tuesday, February 25<sup>th</sup>, 2025.**

**I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on February 25<sup>th</sup>, 2025.**



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Stephen M. Clough  
Town Recorder

**Attachments:**

- 1) None