MINUTES WARSAW TOWN COUNCIL REGULAR MEETING & PUBLIC HEARING AUGUST 9, 2018 – 7:00 P.M.

The regular meeting of Warsaw Town Council and Public Hearings to consider the Conditional Use Permit request of Mid-Town Development to construct two apartment buildings on Tax Map Parcel 16A1(5)C/D/F known as 5373 Richmond Road, formerly the location of the Warsaw Health Care facility and to consider the Sale/Conveyance of 179 Main Street, known as the former Transmission Shop was held Thursday, August 9, 2018 at 7:00 p.m. in Council Chambers at 78 Belle Ville Lane, Warsaw, VA. Council Members Present: Mayor Randall L. Phelps, Vice-Mayor Paul G. Yackel, Jonathan B. English, Ralph W. Self, Rebecca C. Hubert, Faron H. Hamblin, Ogle E. Forrest, Sr., and Auriel Walker.

Town staff present was Town Manager Joseph N. Quesenberry, Police Chief Joan N. Kent, Director of Economic Development Lee H. Capps, Officer Robert F. Moore and Donna Jackson. Others present were Mary Beth Bryant, Gregory Packett, Mark Kleinschmidt, Gary Palmore, Sara Carroll, Julia Blackley-Rice, Larry Thorn, and Dan Ream.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Phelps called the meeting to order and led in the Pledge of Allegiance at 7:00 p.m.

APPROVAL OF CONSENT AGENDA

Councilman Forrest moved to approve the consent agenda, consisting of the agenda, minutes, and financial report, as presented. The motion was seconded by Councilman Self and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

PUBLIC HEARING – Conditional Use Permit: Midtowne Development, Parcel 16A1(5)C/D/F Mayor Phelps opened the Public Hearing and read the following ad as advertised in the Northern Neck News, July 25, 2018 and August 2, 2018.

NOTICE OF PUBLIC HEARING

The Warsaw Planning Commission and Town Council will conduct public hearings for a Conditional Use Permit (CUP) on Tax Map Parcels 16A1(5)C/D/F, 5373 Richmond Rd., formerly the Warsaw Health Care site on Thursday, August 2 for the Planning Commission and August 9 for Town Council at Town Hall, 78 Belle Ville Lane, Warsaw at 7 p.m. The current Zoned R-12, Mixed Use requires a CUP for development.

Plans for the site re-development can be viewed at Town Hall during regular business hours. All questions and review of public documents are to be directed to Joseph Quesenberry, Town Manager, at iquesenberry@town.warsaw.va.us, or the Planning staff by visiting town hall or calling (804) 333-3737.

Mayor Phelps opened the floor for public comments. There were no comments from the public. Mayor Phelps then opened the floor for Council and staff discussion. The Town Manager advised that the developer was present and available to answer questions. Councilman English informed Council that the Planning Commission voted unanimously to recommend that Council approve the CUP for Tax Map Parcels 16A1(5)C/D/F. Councilman Hamblin stated the rendering on display for the Town Council meeting looked great and he was looking forward to seeing this project begin. Councilman Forrest agreed and added that based on past performances of the developer, he could see no reason why this project shouldn't be able to move forward. Councilman English did add for clarification purposes, that in the Planning Commission meeting it was discovered that the residences will be apartments, not townhomes. The development could potentially be converted to condominiums, but that is at a future date and not currently in the project details. Mr. Packett addressed the concerns voiced by Councilman Yackel regarding VDOT and traffic impact and answered Mayor Phelps' question regarding the target price point for monthly rent. Mr. Packett discussed the two phases of the project. Phase 1 is this request; Phase 2 is a commercial space within the development. The Town Manager added that this project does satisfy the contractual agreement from the developer put in place at the time of sale. There being no further comments Mayor Phelps closed the Public Hearing.

Councilman Forrest moved to grant the Conditional Use Permit. The motion was seconded by Councilman Hamblin and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

PUBLIC HEARING – Sale/Conveyance of Former Transmission Shop, 179 Main Street Mayor Phelps opened the Public Hearing and read the following ad as advertised in the Northern Neck News, August 1, 2018 and August 8, 2018.

NOTICE OF PUBLIC HEARING

Notice is hereby given that on August 9, 2018 during the regular scheduled meeting of the Warsaw Town Council a Public Hearing in accordance with Virginia Statute 15.2-1802, "Authority of towns to acquire, lease or convey land for development of business" will be held at the Warsaw Town Council Chambers, located at 78 Belle Ville Lane. The Public Hearing and subsequent Council Action will deliberate the future use of Town owned property located at 179 Main Street, Tax Map 16A2(A)11 and TM 16A2(A)12, formerly known as the Northern Neck Transmission Shop. Any questions may be directed to Joseph Quesenberry, Town Manager, iquesenberry@town.warsaw.va.us or calling Town Hall (804) 333 3737.

Mayor Phelps opened the floor for public comments. There were no comments from the public. Mayor Phelps then opened the floor for Council and staff discussion. The Town Manager advised Council that the Town Attorney at Sands Anderson alerted us that one week of notice to the public is all that is required to sell, lease, or convey a Town owned property. We have met these requirements and able to continue negotiations with potential property owners. Mayor Phelps stated that he understands that to mean that legal counsel has advised that another public hearing is not needed if an entity comes forth wanting to purchase or rent the property. The Town Manager agreed. There being no further comments, Mayor Phelps closed the Public Hearing.

Prior to a motion, Mayor Phelps added that when an entity approaches the Town regarding sale of the property, the proposal would come before Council for approval. Council has not formally concluded what is going to be done with the property. Vice-Mayor Yackel interjected that a motion was not needed at this time. Since there is no offer by an entity to purchase or rent the property, there is no action to be taken.

PUBLIC COMMENTS

There were no comments from the public.

MAYOR'S REPORT

Mayor Phelps had no report tonight and skipped to Manager's Report.

TOWN MANAGER'S REPORT

The Town Manager deferred his report to items discussed under old or new business.

POLICE REPORT - Chief Joan N. Kent

Chief Kent reported that the Warsaw Police Department had just participated in the "National Night Out" on August 5. Smokey the Bear was a hit and Chief Kent has invited him to WarsawFest and the Christmas Parade. The Warsaw Police Department will have a tent again this year at the Richmond County Fair.

There were 129 calls for service in July handled by Warsaw Police Department.

PLANNING COMMISSION REPORT

Councilman/Commissioner English reported the Planning Commission met and voted to recommend approval of the Conditional Use Permit request to develop the property located at 5373 Richmond Road. He brought to Council's attention a concern that was heard from Mr. Riley at the Planning Commission meeting. There was a sign placed at the end of Lee Avenue stating Future Site of a Clayton Home. The Town Manager has addressed the issue of the home being a doublewide. The billboard located in "The Bottom" was discussed during the meeting.

WASTEWATER TREATMENT FACILITY REPORT

The Town Manager reported the average flow from town in July was 175,800 gallons; a decrease of 14,700 gallons from June's average flow of 190,500 gallons. The max flow from town in July was 261,800 gallons, a decrease of 99,800 gallons from June's max flow of 361,600 gallons.

The average total phosphorus in July was 0.13 mg/l, which resulted in a monthly discharge of 7.4 lbs. For the year we discharged 30.7 lbs. which is 11.0% of our permitted 274 lbs.

The average total nitrogen for July was 3.04 mg/l. This resulted in a monthly discharge of 85.0 lbs. For the year we discharged 844 lbs which is 23.0% of our permitted 3,655 lbs.

The Town Manager further reported a soft start had been installed on one of the return pumps since the old one had failed. The regularly scheduled maintenance has been completed on the B system and Lower system. On August 8, a DQ inspection was held. The inspector was satisfied with the operation.

There was discussion by Council on the possibility of selling nutrient credits.

NORTHERN NECK REGIONAL JAIL REPORT

Larry Thorn presented the Total Population Breakdown as follows: Federal 176 (40.1%), Gloucester 118 (26.9%), Northumberland 35 (8.0%), Richmond 32 (7.3%), Westmoreland 72 (16.4%) Other 5 (1%) for a total of 439.

An amended budget was presented for approval. Councilman Yackel moved to approve the amended budget for the Northern Neck Regional Jail as presented. This motion was seconded by Councilman Forrest and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

ECONOMIC DEVELOPMENT REPORT

- 1. Lee Capps reported the next committee meeting will be held September 6 at 5:35pm. These meetings will continue the first Thursday of every month at 5:35pm.
- 2. Virginia Economic Development Partnership (VEDP) has reassigned office assignments based on geographic location. We have two VEDP key staff working with us currently.
- 3. We are engaged more than weekly with special projects and new clients. Lee reported that he is also making calls with prospective clients.
- 4. Lee is excited to report that he is in communication with one national footprint company and one global leader company. If it comes to fruition, more details will follow.
- The draft of the Economic Incentive Program has generated immediate response from four to five local businesses. We have not yet received a response from property owners,

- which is needed for the program to work. The Economic Development Committee will be fine tuning the actual application process over the next two months.
- 6. Mr. Capps asked for councilmembers to participate in an August showcase. He would like as councilmembers travel around town and look at potential business space to forward him ideas or names of companies they believe would be a good fit for the location.

COMMITTEE REPORTS

Mayor Phelps commented that a recap of the Economic Development Committee has been previously given.

Personnel Committee:

Chairman Paul Yackel reported the committee met and would discuss further action during closed session.

No other committees had met at this time.

OLD BUSINESS

Paving of Town Park and Town Office Parking Lots: The Town Manager reported to Council that this project would need to go back out to bid. The project and bid submission information would be placed online.

Timber Harvesting: The Town Manager has signed off on a bid for the smaller 23 acre parcel. Our representative is now moving forward with the larger tracts of land.

Pickin' in the Park recap: The Town Manager informed Council the event was dampened by the rain. It was well advertised and believed to be well attended had the weather cooperated. The ones who did attend had a good time and the band did play. The committee has met and has three future dates for the next Pickin' in the Park events.

Stormwater Project Update: The Town Manager reported to Council that the engineers were in Town this week and 80% of the plans have been completed. An application was submitted last week seeking an additional \$300,000.00 to assist in the project. In the coming weeks, we will be applying for an another \$200,000.00 of assistance. The Town Manager anticipates this project go out for bid around January 2019 and start construction in March.

Main Street Program Update: The Town Manager reported that a Phase II rendering of Main Street was on display in Council Chambers. It pays homage to the historical structures while also giving the properties a modern edge and functionality. The potential purchaser of the Jenkins property has been in touch with the architect and that building is specifically what they wanted. We have 18 months left on the timeline for the project to be completed. Councilman Phelps asked if the first successful applicant of the façade grant, Relish, is moving along as needed. The Town Manager confirmed that the building has been purchased by the operator. The

owner/operator is moving forward with signing the contractual agreements with the façade improvement program.

NEW BUSINESS

Memorandum of Agreement – VDOT TAP Grant:

The Town Manager reported that this is a necessity for VDOT regarding the sidewalk project and right of way phase administration. Mayor Phelps read the below Memorandum of Agreement.

Memorandum of Agreement Between
The Commonwealth of Virginia Department of Transportation
And

The Town of Warsaw, Virginia
Regarding the Locally Administered Project, UPC 105961
Town of Warsaw Sidewalks

This Memorandum of Agreement ("MOA") made and executed between the Commonwealth of Virginia Department of Transportation ("VDOT") and the Town of Warsaw ("Locality") (collectively, the "Parties") is entered into on August 9, 2018 and outline the Parties' agreement concerning the oversight and administration of the right of way phase for Locally Administered Project UPC 105961 for Town of Warsaw sidewalks (Project").

WHEREAS, the Parties agree that there is a need for the administration of the right of way Phase for the Project in compliance with State and Federal law; and

WHEREAS, the Locality has expressed its desire to partner with VDOT to execute and administer the work for the acquisition of easements and all aspects of the Right of Way phase as outlined in the Locally Administered Projects Manual (updated February 2018) and per the approved plans and authorized phase Notice to Proceed dated March 5, 2018; and

WHEREAS, VDOT has outlined the estimated costs for both the administration, acquisition and execution of work as outlined in the memorandum and in Attachment A.

NOW THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

- 1. The Locality shall:
 - a. Hold a public meeting for its constituents, and mail notice to all parcel owners listed on the right of way data plan sheet.
 - b. Provide staff to assist with and participate in the negotiations, meetings and appointments with parcel owners.
 - c. Coordinate the timely relocation of utilities with the utility providers and VDOT Utility division.
 - d. Provide and keep current all title examinations required for the acquisition of easements.

e. Keep record of all verbal and written communications with any parcel owner who contacts any member of the Town staff regarding the acquisition, project status and project schedule and provide this documentation to VDOTs lead Right of Way agent on a routine and timely basis.

2. VDOT shall:

- a. Provide a Primary point of contact for the overall Project and a Primary Right of Way Agent.
- b. Provide BARs and Appraisals required per code for all easements required on the Project.
- c. Provide Owner Packets, schedule negotiation meetings, perform negotiations and invite Town representatives to negotiation meetings.
- d. Assist with the coordination of utility relocations to ensure timely delivery of Project schedule.
- e. Provide and perform title updates, closings and filings in accordance with law.
- f. Provide administrative support throughout the right of way phase to VDOT agents.
- g. Provide condemnation services as needed at cost.
- h. Monitor funding and right of way expenses during the right of way phase.
- i. Provide decisions and approvals necessary to proceed with the acquisitions and phase completion.
- j. May execute use of third party consultants as required to complete the phase per the scheduled time frame.
- k. VDOT will use RUMS to document the right of way process and will provide reports to the Locality.
- VDOT expenses will be charged directly to the UPC for reimbursement by the Town and Federal funding as delineated in section 3 during the construction phase of the project.
- 3. As a Transportation Alternative Project, the Project is to be funded at an 80 percent Federal/20 percent Local split. It is understood that the local match on the Project is provided through donation. The Town is responsible for its 20 percent share.
- 4. The Parties agree and acknowledge, by entering into the MOA, that they will not bring a suit or assert a claim against any official, officer or employee of any of the Parties, in their individual or personal capacity for a breach or violation of the terms of this MOA.
- 5. The Locality and VDOT acknowledge and agree that this MOA has been prepared jointly by the Parties and shall not be strictly construed against any Party.
- 6. This MOA shall be binding upon the Parties, their successors, and assigns.
- 7. This MOA may be modified by a writing signed by both Parties.
- 8. Attachment A (see Exhibit A) is hereby incorporated and made a binding part of this MOA.

IN TESTIMONY WHEREOF, the Parties have caused this Memorandum of Agreement between the Commonwealth of Virginia Department of Transportation and the Town of Warsaw, Virginia for Locally Administered Project, UPC 105961 for Town of Warsaw Sidewalks to be executed, each by its duly authorized officials.

Town of Warsaw	Virginia Department of Transportatio	
(Authorized Signature)	M.C. Parker, P.E. Fredericksburg District Administrator	
Print Name/Title	Date	
Date		

Mayor Phelps referred the item to Council for discussion. There was no further discussion. Councilman Hamblin moved to approve the Memorandum of Agreement. The motion was seconded by Councilman Self and carried with the following votes.

Randali L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

Main Street Revitalization – Façade Improvement Committee: Sara Carroll

The Town Manager asked to make an amendment to the current member roster for the Façade Improvement Committee. The proposed roster: Joseph Quesenberry, Town Manager; Roger Lee; Morgan Quicke; Hillary Kent; and Sara Carroll. Mayor Phelps opened the floor to Council for discussion. There was no further discussion. Councilman Forrest moved to approve the Façade Improve Committee members as presented. The motion was seconded by Councilwoman Hubert and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

Healthy Harvest Food Bank - Presentation by Mark Kleinschmidt

Mr. Kleinschmidt presented to Council a proposal for Healthy Harvest Food Bank (HHFB) to obtain tax exempt status on personal property and real estate. HHFB has been present in the Town of Warsaw since 2013. A total of six counties are served by HHFB. In Richmond County alone, HHFB services approximately 850 people per month. 35 kids are serviced through the Backpack Buddy program in Richmond County schools. HHFB is planning to build a brand-new facility of approximately 14,000 square feet. It will triple the size of the warehouse and double the space of the front area. This project will also allow for future growth and expansion, if needed. The new facility will be located on four acres off the Rte. 3 bypass beside Bay Transit in the Commerce Park. HHFB currently employs four full time and two part time staff. With the new building,

HHFB plans to hire two additional full-time staff. HHFB is a non-profit entity. Mr. Kleinschmidt outlined how HHFB utilizes different town businesses in everyday operations. Discussion ensued after the presentation. Councilman Self moved to grant Healthy Harvest Food Bank the real estate property tax exemption with the Town Manager preparing the legal documentation needed. The motion was seconded by Councilwoman Hubert and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

The request to obtain a tax-exempt status for personal property was deferred at this time. Mayor Phelps advised Mr. Kleinschmidt that it needed further discussion and research with Council.

Economic Incentive Program

The Town Manager reported the Economic Incentive Program (EIP) came before the Economic Development Committee because of discussion on ways to attract new businesses to Warsaw. The administrative process outlines pertinent information needed to make this project successful. It is a beneficial program for both the property owner and potential business client. Mayor Phelps opened the floor to Council for discussion. Councilman Forrest moved to approve the Economic Incentive Program as presented. The motion was seconded by Councilman Hamblin and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

Grand Opening Blitz - September 10th

The Town Manager invited Councilmembers to the Grand Opening Blitz being held on September 10th beginning at 4pm. This event is hosted in conjunction with the Warsaw – Richmond County Chamber of Commerce (WRC/COC). A ribbon cutting ceremony will be held at several new businesses that have opened in town. The WRC/COC is hosting an afterhours social event at Warsaw Plaza (China Inn), the last ribbon cutting site for the event.

CLOSED SESSION – 2.2-3711A (3) – Real Property – Timber; 2.2-3711A (1) – Personnel Vice-Mayor Yackel moved enter closed session in accordance with Section 2.2-3711A (3), Real Property and Section 2.2-3711A (1), Personnel of the Virginia Freedom of Information Act. The motion was seconded, by Councilman Forrest and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Ave

Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

Councilman Forrest moved to come out of closed session and reenter regular session. Councilman Hamblin seconded, and the motion carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

Council then certified by roll call vote that they only discussed matters citied in the motion to enter closed session and legally permitted to be so discussed in the Virginia Freedom of Information Act subsections cited in the motion to enter closed session. The roll call votes are as follows.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

Councilman Forrest moved to appoint Julia Blackley-Rice to the position of Treasurer/Clerk effective September 1, 2018. The motion was seconded by Councilwoman Hubert and the motion carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ralph W. Self	Aye	Ogle E. Forrest, Sr.	Aye
Rebecca C. Hubert	Aye	Faron H. Hamblin	Aye
Jonathan B. English	Aye	Auriel Walker	Aye

CLOSING COMMENTS

Closing comments were made by members of Council.

There being no further business Mayor Phelps adjourned the meeting at 8:33 p.m.

Prepared by: Julia Blackley Rice

Submitted by: Joseph Quesenberry, Town Manager

EXHIBIT A

ATTACHMENT A VDOT ESTIMATE of RIGHT of WAY CHARGES

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