

WARSAW TOWN COUNCIL REGULAR MEETING
COUNCIL CHAMBERS - 78 BELLEVILLE LANE
July 9, 2009 – 7:00 P.M.

Mayor R. Wayne Williams called the meeting to order on July 9, 2009 at 7:00 P.M. in Council Chambers located at 78 Belleville Lane. Council members present were R. Wayne Williams, R. M. “Mac” Lowery, Cheryl B. Pierson, Paul G. Yackel, Christopher L. Ambrose, Paul S. Crews, Mark E. Milstead, and Ogle E. Forrest, Sr.

Town staff present was John M. Slusser, Chief DeWitt Cooper, and Jane H. Mahan. Also present was Wm. L. Lewis, Town Attorney, Alex Berkman, reporter for the Northern Neck News, Bill Bowen, Ashley Deihl, Corey Deihl, Darleen Nichols, Jackie Nichols, John Haynes, Kip Haynes, Brian Belfield, Bill Newborg, Rob TenBroeck, Kathleen MacLeod, Danny Jobe, Steve Murdough, Doug Bryant, Gregory Packett, and Willie Clements.

PACKETT APARTMENTS

Mayor Williams recognized Gregory Packett who requested approval for the change in his site plan in front of the community college to allow him to construct one building rather than two buildings to house 16 apartment units. It was noted that the creation of one building will allow for more green space and will not create a problem for fire and rescue to access the building.

Councilman Crews made the motion to allow Gregory Packett to consolidate the proposed two apartment buildings near the community college into one building for 16 units. Councilman Milstead seconded the motion and it was carried with the following votes:

R. Wayne Williams	Aye	R. M. “Mac” Lowery	Aye
Ogle E. Forrest, Sr.	Aye	Cheryl B. Pierson	Aye
Paul G. Yackel	Aye	Mark E. Milstead	Aye
Paul S. Crews	Aye	Christopher Ambrose	Aye

JOINT PUBLIC HEARING/REZONING C-2 TO C-1/MAIN ST.

The floor was opened for the joint public hearing to consider rezoning a portion of Main Street from Menokin Road to Hamilton Boulevard from C-2 to C-1. The Town Manager presented pictures of Main Street and pointed out the effects of the present zoning and the proposal to change the zoning to C-1. The Manager had the Planning Commission Chairman Cindy Lloyd read the Statement of Intent for C-2 zoning and C-1 zoning from the town’s Development Management Ordinance.

The Manager noted that the problem with C-2 zoning on Main Street deals with the requirement of a front setback of 30 feet and a side yard of 25 feet on each side whereas in a C-1 zone there is no front setback requirement. The Town Manager said that Brian Belfield approached the town about an addition on to the back of the Belfield Physical Therapy building on Main Street. The Town Manager reported that since this building

does not have enough setbacks as required by the C-2 zoning, this building becomes a nonconforming structure as does many of the other buildings in this area of Main Street and can not be expanded as presently zoned. The Town Manager further reported that a variance can not be used to address these properties either because it is not a unique situation to just one property. The Town Manager did not believe when Council zoned these properties C-2 it was with the intent that these properties could not be expanded. The Town Manager advised that this issue can be resolved by the C-1 zoning change which will make these properties conforming again and then they can be expanded.

Chairman Lloyd recognized Mr. Belfield who said he inquired about adding on to his building, but found that his building as zoned is nonconforming. Mr. Belfield stated that if his property can not be expanded then he will have to move his physical therapy business to another location.

John Haynes stated that he had three questions. First he noted that this plan seems to contradict the new renovation plan and also that C-1 zoning encourages the building on the front of lots. Mr. Haynes asked where will the sidewalks go and what happens in ten years from now when the town needs to widen Main Street and the town has allowed all of this development right up on the road. Secondly, Mr. Haynes then asked why has it suddenly become a better idea and why should we assume that our objectives are better than those that have designed the current zoning.

Thirdly, Mr. Haynes stated that real estate investors have made vast sums of money by buying property and either anticipating or influencing zoning upgrades. He said this is based on the fact that zoning upgrades almost always increase values and sometimes greatly. Mr. Haynes noted that in the Town of Warsaw the downgrading from C-2 to C-1 will afford 4 upgrades of usage or will allow 4 usages that now can't be done; and in exchange for those 4 one will give up 34 usages where usages would now be denied. Mr. Haynes believes this will cause his property to lose value and restrict who he rents to and who he sells to. Mr. Haynes stated that among the many usages that he would lose or have reduced are auto sales, new and used; antique and boutique shops, auto service and repair station, building supply and lumber sales, gasoline and convenience stores. Mr. Haynes said he could keep on going, but instead he asked why he would ever support this zoning change.

Chairman Lloyd asked for any immediate response to Mr. Haynes questions. She noted that from her own personal standpoint and knowing there are homes directly across from this area she likes the idea of not having a huge shopping center and parking area in front of where some one lives. She commented that this is more of a personal view rather than knowing whether it is truly beneficial to change the zoning from C-2 to C-1.

Councilman Milstead said he doesn't see the need to widen Main Street in the future. He felt Main Street is the center of town and thought the town would look at another avenue before they would consider widening Main Street. Councilman Milstead commented that if anything he would like to slow the speed limit up on Main Street to 25MPH.

Commission member Ralph Self commented that he is more concerned with the tractor and trailers continuing to use Main Street as a Bypass and he believes the widening of Main Street would only encourage more tractor and trailers. He said if anything the town needs to first discourage the tractor and trailer traffic and keep them off of Main Street as much as possible instead of worrying about enhancing the properties that are already there. Mr. Self said he thought this is a big concern when the town is trying to enhance the businesses.

Councilman Crews asked what the zoning is across from these properties. The Town Manager stated that it is R-12. He said on the turn is Mallard Court Apartments, then single family homes, and Mr. Packett's apartments. Councilman Crews asked if the area further down turns into C-1 and asked if it is correct that a lot of the town's C-2 zoning is in the Food Lion area and on Rt. 3. The Town Manager said the area in orange on Main Street is not recommended to be zoned from C-2.

Gregory Packett supported zoning all of Main Street to C-1. He noted that C-1 zoning is proper for downtown zoning and that C-2 zoning is a little too broad for Main Street. He commented that C-1 gives you small businesses and everything from the bus stop down to the Haynes property is C-1 conforming and is not C-2 conforming.

John Haynes said it keeps being commented that this property doesn't conform to C-2, but he pointed out that of course it conforms to C-2 zoning because it is presently zoned C-2. He noted that it does not presently conform to C-1 zoning because it is zoned C-2. He asked how many people here own property in this area. He said all of this is only opinion and hearsay.

The Town Manager noted that the buildings were probably built prior to zoning and don't conform to the existing zone of C-2. He said the consequence of the C-2 zoning in this area is that most of these buildings are nonconforming structures. He said this may have been deliberate on the part of Council then for we have no way of knowing.

Council asked if the whole green section proposed to be rezoned from C-2 to C-1 has to be done or could lots 29 and 29A remain C-2 and the remaining proposed lots be rezoned to C-1. It was explained that as long as the town does not create spot zoning the lots can be zoned at Council's discretion.

Commission member Knight asked if the other property owners in this area understand the ramifications as well. The Town Manager said before the meeting with the commission each property owner affected was written a letter and invited to come to a meeting and no one came to the meeting except for Brian Belfield. The Town Manager said subsequently the property owners were written about this public hearing and the only property owners that has come besides Brian Belfield are John and Kip Haynes.

John Haynes said, in regards to the first meeting the Town Manager mentioned, he received the letter on a Thursday and the meeting was scheduled for four days later on a

Tuesday. Mr. Haynes said he could not get out to the meeting and he did not think that that notice should count as anything with just four days notice.

Chairman Lloyd asked for any other comments or questions from the public. Chairman Lloyd stated that the commission has heard the comments from the public and from Council in regards to accepting the change for all of C-2 as highlighted on the plat as well as the comments to amend the change not to include lots 29 and 29A but to end the proposed change at the other side of lot 37.

Commission member Knight asked if Mr. Belfield has plans ready to start with the expansion. Mr. Belfield said that once an approval is made, he can proceed with the addition to the rear of his building where there is ample property. Commission member Knight said he would like to see more conversation with the property and business owners in this area to make sure they fully understand what they are not consenting to because once this zoning is changed it is done and like Mr. and Mrs. Haynes have stated the proposed change is taking away some permitted uses from the properties. Mr. Knight volunteered to go and talk to the property and business owners to make sure they understand the ramifications of the proposed change.

The Town Manager said he has for the most part explained this proposal to the property owners.

John Haynes suggested that the town take a representative property and have it appraised as C-1 and have it appraised as C-2 in order to see the difference in the value of the property and offered his property for the town to use for such.

The public hearing was closed.

Commission member Robert Knight made a motion to table this issue dealing with the zoning from C-2 to C-1 until the next regularly scheduled Warsaw Planning Commission meeting where the commission can give this issue a little more consideration. Councilman Lowery seconded the motion and it was carried with the following votes:

Robert E. Knight	Aye	Cindy M. Lloyd	Aye
Ralph G. Self	Aye	Anne Barker	Aye
R. M. "Mac" Lowery	Aye		

The Warsaw Planning Commission was adjourned.

WILLIE CLEMENTS SUBDIVISION REQUEST/MENOKIN RD

The Town Manager submitted the request of William S. and Sandra H. Clements to subdivide Parcel 16A2(A)28 into 2 parcels. He explained that the house lot will be subdivided off of the 13-14 acre parcel and the remaining acreage will eventually be sold off for housing lots. The Town Manager noted that Mr. Clements has the intention of bringing a road in and having lots off of the cul-de-sac. A copy of the proposed plat is attached.

Councilman Milstead made the motion to accept the Warsaw Planning Commission recommendation to send to joint public hearing on August 6 the subdivision request of William S. and Sandra H. Clements to subdivide Parcel 16A2(A)28 into 2 parcels. Councilman Pierson seconded the motion and it was carried with the following votes of Council:

R. Wayne Williams	Aye	R. M. "Mac" Lowery	Aye
Ogle E. Forrest, Sr.	Aye	Cheryl B. Pierson	Aye
Paul G. Yackel	Aye	Mark E. Milstead	Aye
Paul S. Crews	Aye	Christopher Ambrose	Aye

METROCAST/FIBER TO HOME

Representatives from Metrocast presented information and discussion regarding the Fiber to Home service that will be offered in Warsaw sometime in September. A map was circulated showing the service areas in Richmond County.

Council inquired about a community access channel. Darlene Nichols inquired about affordable basic packages with a movie channel for customers on limited incomes. It was explained that the company has to choose from dictated listings that are provided them and do not have the liberty to choose a package with a movie channel. Metrocast noted that some regulations would have to be changed to broaden their range.

POLICE RADIO

Sheriff Bryant and Chief Cooper reported on the problem encountered with the police radios when they went down in the past month. It was reported that replacement parts were found from storage of old parts, and now there are no replacement parts. It was explained that the low band systems are fading away even though it has not been that long since these radios were purchased, but when the radios were purchased they were new "old" equipment.

Discussion was held regarding the submission for the RUS monies to purchase a new radio system and it was noted that RUS should let us know by February. It was noted that if the county and town doesn't receive this grant, the need will still be there to do something about replacing the radio system. The present radio system is a dangerous situation for the officers when they can not communicate with others.

Council felt that the town needs to provide security and safety for its people.

MINUTES/June 2009

Councilman Forrest made the motion to accept the June 11, 2009 minutes as presented. Councilman Lowery seconded the motion and it was carried with the following votes:

R. Wayne Williams	Aye	R. M. "Mac" Lowery	Aye
Ogle E. Forrest, Sr.	Aye	Cheryl B. Pierson	Aye
Paul G. Yackel	Aye	Mark E. Milstead	Aye
Paul S. Crews	Aye	Christopher Ambrose	Aye

FINANCIAL REPORT/June 2009

Councilman Crews made the motion to approve the June 2009 Financial Report as presented. Councilman Milstead seconded the motion and it was carried with these votes:

R. Wayne Williams	Aye	R. M. "Mac" Lowery	Aye
Ogle E. Forrest, Sr.	Aye	Cheryl B. Pierson	Aye
Paul G. Yackel	Aye	Mark E. Milstead	Aye
Paul S. Crews	Aye	Christopher Ambrose	Aye

MAYOR'S REPORT

The Mayor reported that there will be a meeting held on July 28, 2009 at 7:00 P.M. in Council Chambers with the public and Frazier and Associates regarding the Warsaw Revitalization Plan. The Mayor asked for Council to talk to as many people as possible to get the word out in the public.

MANAGER'S REPORT

- **Warsaw Revitalization Plan and Sidewalks**

The Town Manager noted that the town wants a good turn out for the Frazier discussion of Warsaw. He noted that the revitalization may be beyond Main Street and what is considered Main Street. The Manager noted that community involvement is absolutely essential and the success of this revitalization is based upon people involvement. The Town Manager asked Council to give some thought to sidewalks and noted in regards to the revitalization a weakness found was the need for tying Warsaw together for walking and biking.

- **Wastewater Treatment Plant Project**

The Town Manager reported that there was a progress meeting held today regarding the new ENR wastewater plant which is about 78% complete. The Town Manager advised that the anticipated completion date of this project is the end of December 2009 due to Change Orders and weather delays.

- **Sidewalks**

The Town Manager asked Council to consider using sidewalk monies to have a sidewalk installed in the area of Morgan Lane to Rappahannock Community College.

Councilman Crews asked if there is record of who is responsible for the sidewalks in town.

The Town Manager explained that there are a significant amount of sidewalks in town owned by VDOT and some of the sidewalks date back to work programs from years ago. The Town Manager noted that there have been times when the town has repaired some of the sidewalks in town whether we owned them or not. The Town Manager advised that the town had talked about a crosswalk around 7/11, but there has to be sidewalks in place in order to have a crosswalk.

Councilman Milstead asked if any thought has been given to the town taking over the sidewalks in town and making upgrades.

The Town Manager noted that a map showing the ownership of sidewalks in town could be provided. It was noted that consideration should be given to starting a program for sidewalk maintenance.

The Town Manager advised that he and the County Administrator would be attending a meeting regarding the Transportation Enhancement Program in August.

POLICE REPORT

For the month of June, Chief Cooper reported one adult arrest, one shoplifting, two damages of properties, one drunk in public, two accidents, one disorderly conduct, and one larceny. The department responded to 66 of the 81 law enforcement calls and issued 19 summonses of which 8 were for speeding. The Chief told Council that 4th of July events went well. The Chief reported that he has been nominated to attend a Rural Law Enforcement Summit in Oklahoma in August at no cost to the town.

Councilman Milstead questions the low number of tickets for the month and asked if it would benefit the town to have the Health and Safety Committee sit down with the police department. Councilman Milstead noted that the Chief has a grant for two more officers out there and he is not sure the town is getting the full potential out of its present officers. The Chief encouraged members of Council to ride with his department to see what requirements are there before a speeding ticket is issued and what takes place within his department. It was noted that the police department is doing so much more than just writing speeding tickets.

Councilman Crews said he will set up the meeting with the Health and Safety Committee. Councilman Milstead agreed to ride with the Chief.

NORTHERN NECK REGIONAL JAIL REPORT

Mayor Williams stated that the Northern Neck Regional Jail report was in Council's packet and the complete copy is on file at the town office.

WARSAW PLANNING COMMISSION REPORT

Councilman Lowery said he was unable to attend this month's planning commission meeting, but had attended the Richmond County Comprehensive Plan Public Workshop Session. A copy of the upcoming county workshop date's are attached.

COMMITTEE REPORTS - None

COUNCIL COMMENTS

Councilman Lowery noted that on July 18, 2009 The Roadhouse Café will open.

Mayor Williams asked if temporary speed bumps could be requested for areas of town such as College Avenue and Morgan Lane.

Mayor Williams noted that the next meeting will be a joint meeting with the commission on August 6th, 2009 and then the regular Council meeting on August 13, 2009.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Jane H. Mahan, Clerk of Council