

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

August 11, 2014

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:02 p.m. Council members Jerry Goebel, Gary Schwartz, Patrick O'Connell, Dan Spethmann, and Mary Ann Kuhn were present. Council member Katarine Leggett arrived at 7:36 p.m. Town Attorney John Bennett and Town Clerk Laura Dodd were present. \_

- MINUTES: April 14, 2014: Ms. Kuhn discussed that she had some grammar and spelling changes for Ms. Dodd to correct and made a motion to approve the April 14, 2014 minutes and Mr. Goebel seconded and the motion passed 6-0.

- REPORTS: Treasury Report: Mr. Goebel reviewed the attached Bank Summary Report, the Bills-To-Be Paid List, and the Additional Bills to Be Paid List.

Mr. Schwartz made a motion to accept the Treasurer's Report and Mayor Sullivan seconded and the motion passed 6-0.

Planning Commission: Chairman Schwartz had no report.

Architectural Review Board: Mayor Sullivan reported that the ARB would be meeting on Tuesday, August 19<sup>th</sup>.

Website: Ms. Kuhn had no report.

- TOWN ATTORNEY: Mr. Bennett had no report.

Mayor Sullivan reported that one of the town's most famous Mayors, Dorothy Davis had died in March and that there had been a service for her in town on July 27<sup>th</sup>. He discussed that she had been the Mayor of the first all-woman council, elected in 1950, which made the national magazines, and that she had held that position for over twenty years.

He also reported that Judy deSarno was heading up a committee to organize the Christmas parade and that they now had four sponsors including the Rapp News, Rappahannock Real Estate, Tula's, and Artifacts on Main. He discussed that the parade would be held on December 7<sup>th</sup> and there would be no bad weather makeup date.

He reported that RappFlow, which had been working around the Avon Hall pond to make it more environmentally attractive, would be making a presentation at the September meeting to update the Council.

• CONTINUED PUBLIC HEARING: SUP 14-05-01 White Moose Inn, LLC, Agent for Deborah Winsor, Owner, of the property located at 199 Main Street, desires SUP to use the swelling as a tourist home to be managed by White Moose Inn: Mayor Sullivan discussed that the Public Hearing on SUP 14-05-01 White Moose Inn, LLC, had been opened up at the June meeting and continued. He discussed that the SUP would not be considered that evening as the applicant had not filed the necessary documents, particularly VDOT approval. He discussed that the applicant was not reluctant but it was just that it was summer time and they had been on vacation. He discussed that they wished to present their application at the September meeting and that they would provide the necessary information by the end of August. He discussed that he would be asking the Council to consider changing the September meeting date from September 8<sup>th</sup> to September 15<sup>th</sup> later in the meeting.

Ms. Kuhn asked if the application could be tabled again without a legal notice in the newspaper since the last notice was back in May.

Mr. Bennett discussed that the Public Hearing had already been opened and was still open and that the form of the motion would be to continue the Public Hearing to the September meeting, which did not require a legal ad but could be published in the meetings and notices section of the newspaper.

Ms. Kuhn discussed that it wasn't in last week's newspaper although it had been sent to the paper.

Ms. Dodd discussed that although she had sent it to the newspaper they had inadvertently edited it out.

Mayor Sullivan discussed that given that the subject was of some interest to the public perhaps the newspaper could be encouraged to publish the notice of the continued Public Hearing or the Town could pay to have another legal ad run.

Mr. Bennett discussed that he understood that Mr. McCarthy would have all the necessary documents before the next meeting.

Mayor Sullivan discussed that the applicant had informed Mr. McCarthy that they had been on vacation but would have all documents in before the end of August.

Mr. Bennett discussed that legally no re-advertisement would be required and that there was a high probability that the notice would be in the newspaper in accordance with the normal procedure employed by the Town and the newspaper in time for the meeting. Mr. Bennett asked if it had been posted normally and if it had been posted on the web site.

Ms. Christine Smith said that it had not been.

Ms. Dodd said that she was going to answer that question.

Mayor Sullivan discussed that as of yet this was not a public discussion and that there would be an opportunity for the public to engage in the discussion.

Mr. Bennett discussed that this was an unfortunate situation for this particular meeting but obviously the notice was inadvertently left out.

Ms. Kuhn discussed that the Virginia Code required a legal notice to be published two weeks before a meeting and asked if there was anything about how many times it could be postponed.

Mr. Bennett said no and discussed that it was up to the discretion of the Council of how long it would postpone any application.

Ms. Smith discussed that she had not meant to speak out of turn but she had looked on the web site specifically for the information and that she had come for the last three months, along with others, and that she thought it would be very appropriate for the Town to re-advertise the application for the September meeting, particularly if there was to be a meeting date change.

Mr. Bennett discussed that Ms. Weeks' comments were valid an usually great pains were taken to never put an ad in the newspaper until the application was complete as everyone who attended would be inconvenienced if the application was continued. He discussed that for future reference no ads should be placed until the application was complete and read to go so that the public was not inconvenienced.

Ms. Dodd discussed that Mr. McCarthy should be informed.

Mayor Sullivan asked if there was enough time to re-advertise without having to postpone to the October meeting.

Mr. Bennett discussed that legally SUP did not have to be re-advertised but for the future he recommended that application not be accepted until it was complete.

Ms. Kuhn asked what if the application was still not complete by September.

Mr. Bennett discussed that the Town had the discretion not to proceed on the application and could deny although the Zoning Administer had been assured that the application would be complete by the September meeting.

Mr. Roger Plantadosi, of the RappNews, discussed that if the application was indeed complete by the end of August the newspaper would have something in paper before the next meeting. He discussed that, as Ms. Dodd had said, the notice was inadvertently edited out and that he had misunderstood that the application was to be continued and he apologized.

Mayor Sullivan discussed that if the Council continued the application and the newspaper wrote about the continuation of the SUP that there was no need to spend more money on an ad.

Mr. Schwartz discussed that this application had not expired and that the Council had agreed to continue the continuance and that the trigger was the end of August with the application being complete. He discussed that he thought that there was no need to for another legal ad as long as the continuance was published along with the other agenda items and he thought that the Council could continue the Public Hearing based on John McCarthy's recommendation.

Mr. Spethmann asked if what needed to be advertised about what going to be discussed had to be published two weeks prior to the meeting.

Mr. Bennett discussed that there was no legal requirement to advertise the notice of what was going to be discussed but there was a legal requirement for a public hearing for two ads with the last ad a week or more before the public hearing.

After a short discussion Mayor Sullivan made a motion to change the September meeting date from the 8<sup>th</sup> to the 15<sup>th</sup> of September and Mr. Spethmann seconded and a roll call vote was taken:

Mr. Schwartz voted "yes"	Mayor Sullivan voted "yes"
Ms. Kuhn voted "no"	Mr. Goebel voted "yes"
Mr. O'Connell voted 'yes'	Mr. Spethmann voted "yes"
Mayor Sullivan voted "yes"	

And the motion passed 5-1.

After a short discussion, Ms. Kuhn realized she had misunderstood the motion and she changed her vote to yes" so the motion passed 6-0.

There was a brief discussion of a motion to continue the SUP and Ms. Kuhn discussed that she would vote no because she thought that there should be another legal advertisement and because the Public Hearing had been continued on an application that was incomplete.

Mr. Schwartz made a motion to continue the continued Public Hearing on SUP 14-05-01 White Moose Inn, Agent for Deborah Winsor to the September Council meeting and Mr. Spethmann seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”	Mayor Sullivan voted “yes”
Ms. Kuhn voted “no”	Mr. Goebel voted “yes”
Mr. O’Connell voted “yes”	Mr. Spethmann voted “yes”

And the motion passed to 5-1.

Mayor Sullivan discussed that the speeding issue on Main Street had been of much concern over the last several meetings and although it was not on the agenda he wanted to report that the Sheriff’s office had been very active with patrol cars out giving tickets and warnings. He discussed that VDOT would be coming back soon with recommendations.

- OLD BUSINESS: a).
- NEW BUSINESS: a). Presentation from the Washington Fire and Rescue Ladies Auxiliary: Ms. Mary Collins, Ms. Louise Bondelid, and Ms. Shirley Frame presented the Town with a Gilbert Stuart print of George Washington that had been donated to the Fire Department thrift shop by a former resident of Washington and which had been refurbished by Ms. Bondelid. The Council thanked them and hung the print on the wall.

b). Generator Proposals: Mayor Sullivan discussed that the Town had a small generator at the water treatment plant and a much bigger generator at the wastewater treatment plant and had received proposals from Fidelity (attached) and another from Cummins Atlantic to inspect and maintain the generators.

Mr. Schwartz discussed that he had experience with both companies and recommended Fidelity.

Ms. Leggett arrived.

After a short discussion Mr. Spethmann made a motion to accept the Fidelity proposal provided that the initial repairs did not exceed \$2,500 and Mr. Goebel seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”	Mr. Goebel voted “yes”
Ms. Kuhn voted “yes”	Ms. Leggett voted “yes”
Mr. O’Connell voted “yes”	Mr. Spethmann voted “yes”
Mayor Sullivan voted “yes”	

And the motion passed to 7-0.

c). ESS/Enviroclean Proposal for Scum Removal at the Wastewater Treatment Plant: Mayor Sullivan discussed that the Town had received a proposal from ESS for Scum removal (attached).

Mr. Schwartz discussed that the sand filters at the wastewater treatment plant required backwashing from time to time and consequently contaminants and sand were collected into a holding tank and needed to be removed and taken to a disposal site. He discussed that it was a normal maintenance issued that hadn’t been done in the four years that the plant had been running.

Ms. Leggett asked if four years was a normal amount of time.

Mr. Schwartz discussed that it depended on the quality and quantity of the flow.

Mr. Goebel made a motion to approve the proposal and Ms. Leggett seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Leggett voted “yes”

Mr. O’Connell voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

And the motion passed to 7-0.

d). September Meeting Date Change: Covered under the Public Hearing.

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

Mr. Gary Aichele discussed that one of the key issues raised at the Public Forum held at the Theatre had been trust and that he had defended the integrity of the Council and had encouraged people to become involved in the process and that if you tracked the number of people coming to the Council meetings in the last three months it had peaked. He discussed that there was now some conversation and he was just sharing not endorsing it, as to whether or not the Council could be trusted and whether or not its processes were upfront because a critical issue had been continued for three months. He discussed that the unfortunate confusion about notices simply fueled speculation by an untrusting minority that the processes in Little Washington were not transparent and couldn’t be trusted because a critical issue to people in the County not just the Town had been continued for three months. He discussed that he was unsure if three continuations of a Public Hearing on an SUP was irregular or if it had happened in the past. He discussed that he wondered if there might be another continuation and discussed that it seemed open ended and that the appearance was that the Council was not in command of the process. He discussed that he understood that glitches like the notice not being in the paper or on the web site happened but he hoped to see less of that.

Mayor Sullivan discussed that he appreciated the issue of trust and that what he thought was happening was that the applicant had been on vacation and that no one including John McCarthy had told them if they did not get in some required documents for the application it would be taken off the table nor had anyone put any pressure on them to do so. He discussed that perhaps the Town should have but he thought that there was less here than met the eye on how the process was operating.

Mr. Aichele expressed his concerns about the neglect of the Packing Shed building and wondered about the urgency previously expressed by the owner and wondered about the follow-up of the ideas expressed at the Theatre.

Mr. Goebel asked if there was a limitation on SUPs having to be acted on from the date of the application.

Mr. Bennett discussed that there was a date from when the application was approved by the governing body and depending on the caser it could be six months to a year.

Mr. Spethmann discussed that he thought one of the most interesting thing about the Town was it was a group of people who were attempting to live together, learn together, and grow and work together and when people tried to grow together they often learned by missteps and miscommunications and his take was that the most important thing to do as a community was to learn and perhaps it was that there should be was a mechanism by which an SUP application was not started until it ready to go.

Mr. Bennett discussed that if it was the desire of the Council he could draft up a resolution so that John McCarthy would only accept applications that were complete before it was advertised so the public hearing could go forward.

Mr. Schwartz discussed that he believed that over the last two ARB meetings that the Packing Shed and the old RappNews building ARB applications were heard and held in public session and that certain additional information was required and all that was part of the public record. He discussed that the responsibility of the Town and the transparency of the Town had happened.

Ms. Susan Stoltzman, an ARB member, discussed that the Packing Shed application discussion had been a long one as it was a major renovation and the ARB had made some additional recommendation and additional information had been asked to be brought back to the ARB and that was happening now. She asked Mr. Bennett if there were time requirements on the SUP once it was granted.

Mr. Bennett discussed that there were some limitations but the Council always had the power to put certain conditions on a SUP if it made sense.

Ms. Stoltzman asked about the time limitation on completing a renovation.

Mr. Bennett discussed that was not typically the prevue of the Council. He discussed that some jurisdictions stated upon the granting of a certificate of appropriateness that the certificate would remain valid provided that construction started within ninety days and was diligently pursued and completed in one year or whatever conditions the ARB wanted to permit depending on the project.

Mr. Spethmann asked if the ARB was a committee of the Town and did the Council have the responsibility to see that whatever was agreed to was completed.

Mr. O'Connell discussed that upon completion of the project it was to be inspected by the ARB and if there was a violation at the inspection then it would be reported to John McCarthy who would force the applicant to modify the construction. He discussed that all applicants should be treated equality and if this was a less controversial applicant who wanted to build a garage, for example, no one would be here and no would be saying a thing about postponing the application until there was a more convenient time to present it.

He discussed that he thought that the Town would be subject to more distrust if the Town said let's posse up and punish because they are not here. He discussed that they would not do that to any other member of the Town. He discussed that the legacy of former Mayor Gene Leggett was trust and that without that trust between the community and the Town Council and the boards he had showed that it would be impossible to function as a community. He discussed that the key was to restore that trust despite the fact that there was some controversy before the Town but people needed to weigh out that the dissolution of that trust was going to be more dangerous and damaging to the Town's future than someone restoring some old buildings whose attitude wasn't liked by some members of the community. He discussed that the hurdle we all faced was to get beyond this and to get functioning again but the viciousness that these things bring out is disturbing and make this community lose a great deal of its soul and that he thought that was a bigger concern.

Mr. Aichele discussed that Mr. O'Connell's perspective was very helpful and it was helpful to understand that the continued extension of applications was a Council practice and not an exception.

Mr. O'Connell discussed that was called neighborliness but there had been a time when people were punished both by the Council and the ARB and that's how people got even with their enemies but fortunately but the most part we are beyond that.

Mr. Spethmann discussed that generally several SUP that he had been involved with in the Council had taken several months, including the Foster Harris House SUP, and they were works in progress which gave people more of an opportunity to be heard.

Mr. Bennett discussed that having the application being complete is the first concern so that when it came before the public there was a complete record for everybody to consider and that the public could be heard and it could be fully debated the first time it was advertised then it could be amended or denied or whatever was appropriate which could go on for several months. He discussed that the continuation of the SUP was nothing different in the Council's practice for a long time but perhaps going forward it might be considered that having a complete application might be beneficial.

Mayor Sullivan discussed that there was a need for clarity and that there were a number of cases, not just this application, where people came into town and wanted to do something and it was not always clear what the process was.

Ms. Leggett discussed that there needed to be a checklist.

Mayor Sullivan discussed that it was only during the process that the applicant was told they had to go get VDOT approval and it had only come up in the middle of the conversation.

Mr. Ray Gooch discussed that he appreciated Mr. O'Connell talking about trust and that he hoped that all the Councils that he had sat on had not been subject to Mr. O'Connell's lack of trust. He discussed that trust worked two ways and his concerns about this application that kept getting continued was that the trust of the community that the Council was doing its job on this application, which was the first of any number of applications from this applicant, would suffer. He discussed that he expected the Council when anyone of these applications came before it to treat it as any other applications and despite any controversy that proceeded that it would not be part of any consideration of the application whatsoever and that he did not think that this Council would let that happen. He discussed that the Council needed to be worrying about the people who were going to be here to hear the application as part of the public hearing. He discussed that the trust issue that he was concerned about was that there an application before the Council that would merit a continuation or further consideration but they had an incomplete application that triggered a public notice and a public hearing that never got started and it had been opened but there was no presentation by an applicant and no real public hearing to be continued. He discussed that all the people out there were saying awful things about the Council, worse than any of the Councils he had sat on, such as only so many people voted in the election and that the Town ought to lose its charter because a small group is running the Town and most people don't even vote because they can't get rid of them because only the same seven people are going to run again and now that they have to be in public and make a vote on one of these Abdo applications they keep continuing it and continuing it. He discussed that when he was on the Council if there was a public hearing if they had to continue it they would only continue it once and that was where the conversation had not been started and the because the applicant couldn't be there and couldn't present the application.

He discussed that he felt that the Council was in a dangerous position on this and discussed that he felt that the Council should put some teeth into it and say that if at the September meeting it still was incomplete the application will be denied and get it off the agenda and make them refile and pay for the publication costs.

Mayor Sullivan discussed that he agreed with many of Mr. Gooch's points but the application was not the first application from Mr. Abdo or someone related to Mr. Abdo and that there was a process with the SUP when he bought the Heritage House and that if the public didn't come to it he was sorry and if they did not want to read the newspaper

he was sorry. He discussed that he got Mr. Gooch's larger point but he thought that the trouble with the Town historically from what he had heard was that it was always perceived that it was extremely difficult to get anything done in the town and there were so many rules and so many regulations and they were interpreted by personalities so that no one wanted to have anything to do with the town. He discussed that he had said publically and he would do so again that one of his goals was to get more people to live here and do business here and to make this a somewhat more customer friendly place in order for people to come here and do business. He discussed that did not mean breaking rules or treating people differently but it meant following a process that was friendly and open that had a lawyer at the table and had John McCarthy, who was widely respected in the county, as part of the process all along the way. He discussed that if there were people who did not want to follow that and were going to get angry and think whatever they were going to think or say whatever they were going to say that element was something he just couldn't worry about. He discussed that there were those who said the public hearing was delayed until August so it could be shoved through and now it was being delayed until September for whatever nefarious purpose and that most of the noise against what was going on in town was coming from people outside of town that don't come to meetings and don't get involved. He discussed that even some of the people who had come to the meeting that evening for a conversation had left before the public forum which they knew was held every month. He discussed that the element of trust and people working together was terribly important and to whatever extent he had failed on that he would try and resurrect that but he thought trust worked both ways and there were people who needed to look at the facts, have an open mind, get involved in the conversation and collaborate and work together and figure out a solution. He thanked everyone for being there.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION:
- ADJOURNMENT: At 8:25 p.m. Mr. Goebel made a motion to adjourn and Mr. Schwartz seconded and the motion passed 7-0 and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON SEPTEMBER 15, 2014

Respectfully submitted,

Laura Dodd  
Town Clerk

Attachments:

Treasurer's report  
Additional Bills to be Paid  
Bills to be Paid  
Fidelity Power Generator Proposal  
ESS/Enviroclean Proposal for Scum Removal