

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

September 15, 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 7:12 p.m. Town Attorney John Bennett and Town Clerk Laura Dodd were present. _

- MINUTES: May 12, 2014: Ms. Kuhn made a motion to approve the April 14, 2014 minutes and Mr. Goebel seconded and the motion passed 4-0 with Mr. O'Connell and Mr. Schwartz abstaining as they were absent from the May 12th meeting.

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

Planning Commission: Chairman Schwartz reported that there still a vacancy on the Planning Commission.

Architectural Review Board: Mayor Sullivan reported that the ARB would be meeting on Thursday to review applications for the Baumgardner building, Ray Gooch's house, and the Inn property on Harris Hollow Road.

Website: Ms. Kuhn reported that she wanted to thank Ms. Dodd and Martin Henze for getting the web site updated and that she had been working on the Christmas in Little Washington's web site although that was not part of the Town.

- TOWN ATTORNEY: Mr. Bennett reported that he had prepared a draft of a policy to only accept complete applications before they were advertised to be put on the agenda for next month. He asked for any comments to be sent to him at least a week before the meeting.

He discussed that some questions had come up involving boundaries and surveys of an old Town well lot and that it might be appropriate to appoint two members of the Council to sift through all the information in order to make a recommendation to the Council, although the information would have to be reviewed by the Council itself. Mr. Goebel and Mr. Schwartz volunteered.

Mayor Sullivan discussed that there had been an update on RappFlow's Avon Hall's pond project planned for that night but do to the full agenda it was being moved to the October meeting. He discussed that Eve and Stu Willis had purchased the Baumgardner

building and that Ms. Willis would be re-opening her Rare Finds antique store there and that Mike Brown would also have a law office there. He discussed that the Town was delighted to have the former Mayor and First Lady back in town. He discussed that sadly the Red Truck Bakery would not be coming into town due to having found a better alternative in Marshall in spite of Mr. Adbo's efforts to bring it here. He discussed that the Farm Tour was scheduled for the last week-end in September with an Artisan Market to be held on Avon Hall.

Ms. Leggett arrived.

- PUBLIC HEARING: Consideration of a Special Use Permit or continuation of the existing Special Use Permit SU# 09-09-01 for the County of Rappahannock to continue use of the existing emergency radio tower located approximately 250 feet east of the former Detention Facility: Mayor Sullivan discussed that John McCarthy was Zoning Administrator for both the County and the Town and for this Special Use Permit (SUP) he would be representing the County before the Council.

Mr. McCarthy discussed that five years ago the Town had granted the County a SUP for an emergency radio communications tower for a period of five years as the County had been experiencing a declining quality of signals in its pager system and needed a new tower as the pager system could not be put on the existing radio tower. He discussed that the County had hoped that they would be able to relocate to an AT&T tower which had never been built. He discussed that the County was back before the Town to ask that the sun-set clause be removed and that the County be allowed to continue to use the tower for its pager services for fire and rescue.

Mayor Sullivan opened up the Public Hearing.

Mr. Schwartz asked if the County was asking for another five year renewal.

Mr. McCarthy discussed that the County was asking that they be allowed to keep the tower as long as they needed it and assured the Council they would not keep it any longer than it was needed.

Mr. Goebel discussed that it seemed that as long as the County agreed to take the tower down when it was no longer needed there was no need to come back for a review.

Mr. McCarthy discussed that the County would agree to a condition that the tower be removed by a certain number days once it was no longer in use.

Mayor Sullivan read through a proposed motion that the Town renew the SUP for the County of Rappahannock to continue the existing operating radio tower as presently constructed for a period ending when such tower is no longer used for emergency radio communications upon the expressed condition that the County shall cause its removal 120 days after it ceased to be used for such communications.

Mr. Goebel made the motion as read by Mayor Sullivan and Ms. Kuhn seconded the motion and a roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Spethmann voted "yes"

Mayor Sullivan voted "yes"

And the motion passed 7-0.

Mayor Sullivan asked if the Council needed to review the General Standards.

Mr. McCarthy discussed that the Council had reviewed them for the original SUP but did not need to review for the renewal.

Mayor Sullivan closed the Public Hearing.

- PUBLIC HEARING: Consideration and review of an extension and possible modification of conditions of Special Use Permit SU #13-08-01 to John and Diane MacPherson to serve meals to non-guests at the Foster Harris House: Mr. McCarthy discussed that this SUP for the MacPhersons was granted a little over a year ago to allow a use that was the 1st example of the use that created in the Ordinance by the adoption of Special Standard 6.1.2.h that allowed for the

meal extension, in the this case, of an existing B&B, to allow provision of meal service, in this particular case for up to 10 non-residential guests. He discussed that the additional conditions included that on-site management be provided, that there be parking provided as shown on Exhibit A of the application for ten off-street parking spaces, required a one year review, that the permit was restricted to the current owners only, that the hours to serve meals to guests and non-guests would be restricted to 6:60 to 11:30 p.m., and that noise not unreasonably disturb the neighbors. He discussed that the additional conditions were what were under review that evening.

Mayor Sullivan discussed that this SUP was a significant change for the Town to allow a B&B to serve meals to non-guests and that the SUP had gone through a several month process and that the Ordinance was re-written to allow it. He stated that he had a conflict as he liked going there and that he was also a neighbor.

Mayor Sullivan opened up the Public Hearing.

He asked if there had been any complaints about the MacPherson operation in terms of noise or anything that might disrupt the community.

Mr. McCarthy discussed that no complaints had been received by his office.

Ms. Leggett asked if the MacPherson were asking for a one year renewal.

Mr. McCarthy discussed that was up to the Council

Mr. John MacPherson discussed that their intent was to keep doing what they were doing and if the Council saw fit to renew for longer than a year that would be wonderful otherwise they had no problem showing up every year.

Mr. Gary Aichele discussed that once granted an SUP if the applicant did not stay in compliance they risked losing the SUP so there might not be a need to specify a renewal period.

Mayor Sullivan discussed that if there were problems and someone was operating outside the guidelines specified in the SUP then it came back to John McCarthy as Zoning Administrator.

Mr. McCarthy discussed that the easily policed item was the off-street parking and harder to police was the number of guests. He discussed that noise could be a problem but it could be a problem even without a SUP. He discussed that the time limit made sense when new territory was being plowed as certainly was the case here to allow meals to be served to non-guests and that there had been ample grounds to say it needed to be looked at in a review. He discussed that from a Zoning Administrator's point of view that they had satisfied all the conditions of their SUP and that another review period would serve no useful purpose.

Mr. Spethmann discussed that in going through the process of granting this SUP over four months there had been some concerns about unintended consequences and whether the conditions imposed were going to be a good fit so the intention of a one year review was to see how well they worked. He discussed that from his perspective it had worked very well and was a useful, good process. He made a motion to renew the SUP with the same conditions except for the one year renewal. Ms. Leggett seconded and a roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Spethmann voted "yes"

Mayor Sullivan voted "yes"

And the motion passed 7-0.

Mayor Sullivan closed the Public Hearing.

- 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 dwelling as a tourist home to be managed by White Moose Inn: Mr. McCarthy discussed that this was an application under the existing Town Ordinance to operate a Tourist House, the definition for which being the same as a B&B, with the exception that the B&B had on-site management and a Tourist Home did not. He discussed that the property was zoned Village Residential and the use was allowed under Section 1.4.2.a and that the General Standards of 6.1.1 applied as did the Additional Standards of 6.1.2.h. He discussed that a site plan had been submitted as well as permission from the owner for Mr. Abdo to act on her behalf. He discussed that the intention of the owner was to rent out the property when she was not occupying it and that there were two off-street parking

spaces being provided. He discussed that the Public Hearing had been properly advertised and that two letters of correspondence had been received regarding the SUP which the Council had also received. He discussed that the recommendation from his office was approval and he read the recommendation: I might observe that the property being at some remove from the White Moose Inn, and further still from the residence of the proprietor, that a reasonable limit on the groups or numbers of users might reasonably be placed, in order to ensure that transient occupancy is of minimal impact to neighbors.

Mayor Sullivan welcomed Ms. Winsor to the town.

Ms. Debra Winsor discussed that she purchased the property with the intention of running her business, August George, in the old law office and that when she and her girls and dogs were not staying in the adjacent house she would like to rent it out to help offset expenses. She discussed she had lost her husband a year ago and was hoping that the property would be a respite for her.

Mayor Sullivan asked if the intention was, when she was not living there, to rent the house out in its entirety to one or two couples as a whole not room by room.

Ms. Winsor said yes and discussed there would be two king beds and a bunk room for the girls and that she was hoping to rent out to a family and that the parking was for two spaces.

Mayor Sullivan opened the Public Hearing.

Ms. Leggett asked if the plan was to rent out for a weekend or for a month at a time.

Ms. Winsor discussed when her business opened she planned to be there and that her own furniture would be there so she did not want a rowdy crowd but just wanted a chance to recoup.

Mr. Goebel asked if she would be renting out via a web site or would it be overflow from the White Moose Inn.

Mr. Abdo discussed that the White Moose Inn was not really setup for families with kids so the rental would be run through the White Moose Inn's web site with it being up to Ms. Winsor regarding the frequencies of rentals and that this was to give her a chance for additional income when she and her family weren't here.

Ms. Kuhn asked if the rental would be solely through the White Moose Inn web site or also through other web sites like Vacation by Owner.com.

Mr. Abdo discussed that it would only be through the White Moose Inn as additional accommodations.

Ms. Kuhn asked if they intended to block out certain dates.

Mr. Abdo said yes through a reservation system Ms. Winsor would have the ability to OK what dates were available.

Ms. Leggett asked how far away would the manager be.

Mr. ABdo discussed that they would be 7 houses apart.

Ms. Leggett discussed that B&Bs needed to have a resident manager and it was important for the Council to understand that if something like a fire broke out would a manager be able to respond and would it be a safe environment.

Mr. Abdo discussed that all the electricity and plumbing was being upgraded and that there would be a single button on the phone that would reach the manager 24 hours a day so that there would be an instant response.

Mr. Schwartz discussed that as an applicant for a Tourist Home did not necessarily require an on-site manager so a condition could be imposed for an on-site or off-site manager.

Ms. Susan Benner discussed that there were probably many places in town that were rented out to families where the owners were not in town.

Mr. McCarthy discussed that the Town had approved other Tourist Homes, one a single unit above the spa owned by Jackie Meuse and the White Moose Inn had an off-site manager who lived in the Pullen House. He discussed that the Mayor had once owned a cottage managed by the Middleton Inn. He discussed that there several legal off-site managers although there might be others renting out through Vacation by Owner.com.

Mr. Schwartz discussed that his house was once part of the Heritage House so there had been off-site management nearby. He discussed that there had been a request for a Tourist Home at the then Wooten/Ray house where the Town was preparing to require off-site management nearby but that application had been withdrawn. He discussed that the Town worked differently from the County in requiring on/off site management.

Mayor Sullivan discussed that although he did not personally know Ms. Winsor she was good friends with his son and daughter as well as being his neighbor.

Ms. Alma Viator discussed that she was curious and that it seemed that the Town was granting a lot of exceptions so maybe the on-site management requirement was no longer needed and that she didn't understand the difference when someone needed onsite management or didn't.

Mr. McCarthy discussed that there was a growing number of people renting out space in their homes and bypassing government regulations and Meals and Lodging taxes. He discussed when those folks were discovered they were made to come in and get a permit for a Tourist Home or B&B. He discussed that only difference was definitional in that if you don't live in the house while it is being rented out it is a Tourist Home, otherwise, if you lived there it was a B&B with an owner/manager on site. He discussed that there were people renting out that should have a permit as either a B&B or a Tourist House.

Mr. Spethmann discussed that the application before them was for a Tourist Home.

Mr. McCarthy discussed that in the cases where there was no on-site management the Town had been consistent in asking for a definition of what the management would be in case of an emergency and had required off-site management.

Mayor Sullivan discussed that there was great concern about whether a property was going to properly managed and in the case of the Wooten/Ray application they were going to manage it from half an hour away which was generally thought by the Council to be too far away and the house was also in a purely residential area.

Mr. Schwartz discussed that by the Zoning Ordinance a Tourist Home did not requirement on-site management but all SUPs were required to go through the General Standards which had a requirements regarding safety and public health and whether the SUP was injurious. He discussed that in general the Council wanted someone to be there besides just the Sheriff getting phone calls.

Mr. Spethmann discussed that since for the Wooten/Ray application Sperryville was too far and that for another a few blocks away was OK then what was an acceptable distance and to him it seemed to be in town. He discussed that seemed to be a need for a definition so that decisions could be made without seeming to arbitrary.

Mr. Schwartz discussed that the Town could cause a text amendment but short of that he felt that the Zoning Ordinance had enough teeth in it that it wouldn't seem arbitrary.

Ms. Christa Weeks, town resident, discussed that she had heard people expressing concerns that the house was going to turn commercial and asked Ms. Winsor if she planned to live there once her business got going or would it mainly turn into an extension of the White Moose Inn.

Mr. Spethmann discussed that he owned a house both in Town and in Maine and he considered them both his home and although he did let people stay in the Maine house it was done with great care with an entourage of people that took care of it. He discussed that there were many people in town that were there part time and he felt that the question of how much time Ms. Winsor was going to be there was outside the scope of what was addressed by the SUP. He discussed that the question on the table was whether people could stay while being maintained by the White Moose Inn.

Mr. Schwartz discussed that the Zoning Ordinance allows for a Tourist Home/B&B in all zoning districts.

Mr. Spethmann discussed it did bring up the question of what direction the town was going and was it turning into a non-residential town where it was mainly rental people.

Mr. Ray Gooch, town resident since 1986 and a former Council member for eleven years discussed that he was concerned about residential/commercial where the Town's own Comp Plan couldn't really decide where a B&B was residential or commercial and that in one section it was considered residential and in another it was commercial. He discussed that he felt if you were running a business out of your home that was commercial and here was a residential property that was well maintained and was not vacant at the time it was sold. He discussed that his understanding was that the original interpretation was that the new owner was going to live there.

Mayor Sullivan discussed that he felt that that was inaccurate.

Mr. Gooch discussed that it had been a residence when purchased and now it was going to be converted into a commercial use. He expressed his concerns that residences were going

commercial that the population was going down, and new residences were not being built and yet over and over it came up and the Council approved residences going into commercial. He discussed that just looking at Main Street from Middle Street there had been 12 residences and now there were 8 and now of the 8 two were threatened and that Gay Street from Middle Street had gone from 5 residences to 2 and that since 1983 there were half of the residences. He discussed that Ms. Buntin was concerned, and that the Council had received a letter from her, that she was being squeezed and that her block was not going to be residential. He discussed that the east side of Main Street between Porter Street and Jett Street was the only block that didn't have a commercial property. He discussed that he could rent out a room in his house for extra money and asked how could the Town deny the application.

He discussed the if you looked at the Comp Plan, and while there were lots of sections, there was one right on point on page 40 which he read: The Town is rich in opportunities for preservation of land, structures and character. Existing citizens and business owners have captured many of the opportunities for architectural preservation. Buildings have been rehabilitated and put to different or more intensive uses. This trend is generally a healthy one, although it presents the risk of having "too much of a good thing." If too many residential structures were to be converted to commercial use, the Town could further lose population and/or the current residents could become overwhelmed by commercial and tourist activity. While the Town favors recapturing some additional commercial vitality, there must be limits on the ultimate commercial capacity of the Town. The Town's zoning regulations (ordinance and map) must clearly recognize that risk and attempt to focus most of the new residential development in and around the core area of Town, and non-residential activity within the central core area.

He discussed that he thought that the Council should think about that section of the Comp Plan and that if they approved this application they should refer to the Planning Commission to change the Zoning Ordinance to remove all residential zoning south of Middle Street on Main and Gay Streets.

Mayor Sullivan discussed that Mr. Gooch raised a very good issue. He discussed that in light of what he had heard and read over the last few days that he felt everybody in town wanted more residents and a more vibrant commercial environmental. He discussed that what Mr. Gooch had said going back to 1983 was true but he suggested that many of the changes occurred many years ago and it had occurred and that it was also true that the population had declined from 1990 to 2010 but he would submit that past the 2010 census and post the implementation of the wastewater treatment plant, the point of which was to get people off septic and to allow the town to grow both residentially and commercially, you could go building by building and you could see people buying into the town and into residences and that the town was becoming a place where people actually wanted to come and to live. He discussed that although Mr. Gooch point was well taken about this building and it was somewhat of a change but the notion that the town currently was in decline and the notion that residential was disappearing in some significant way was untrue. He discussed that the Council had been trying to encourage people to live here, move here, and do business here and the results were that was a lot of positive energy. He discussed that the big picture was that people now wanted to live here and are buying property here and had been doing so before Mr. Abdo.

Mr. Goebel discussed that within the last ten years two new residential properties had been built.

Mr. Spethmann thanked Mr. Gooch for a really well thought out point of view. He discussed that within the last three years in town there seemed to be a trend what with the new house on Main Street, and what Alan Comp had done to the Smoot house, and the investments that had been made into houses that had been vacant so that they were back on track to being residences and that these activities were creating a critical mass for people wanting to be here. He discussed that he felt that whether it was Ms. Winsor or another family that she rented to that was here that traffic was welcome and would contribute to the tone and tempo of the town. He discussed that the Council needed to consider whether it would be better for the house to be vacant in Ms. Winsor's absence or could it otherwise be used in a controlled manner.

Mr. Gooch discussed that it had been a full residence before it was sold.

Mayor Sullivan discussed that Mr. Gooch himself had sold his house to part-time residents and that it was a free market and the Town could not control who bought and sold.

Mr. Bill Walton, of Harris Hollow Road, discussed that it seemed to him that a false distinction was made and that there seemed to be a very 19th century notion of residential versus commercial. He discussed that no one was talking about building a steel mill but were talking about someone taking a house they owned and using it to rent to someone. He discussed that in looking at Rappahannock County and the national trends the number of people working from home had been increasing dramatically and the number of businesses employing people was decreasing. He discussed that he would guess that at least half the people in the room was doing something that could be considered commercial from their home. He discussed that the Town shouldn't single out someone who wanted to rent out her house part-time when it was going to be her residence with her own furniture and who thought enough of the town to buy the adjacent property as well to put in a business into it. He discussed that Rappahannock had to be welcoming so people could run a business here and that the reason there was a problem of declining population was that people could not make a living here. He discussed that it was very tough here with most jobs in agriculture and tourism and that the notion of commercial being a bad thing had to be gotten rid so that people could come here and make a living.

Mr. Schwartz discussed that what was on the table was an application was for a Tourist Home and while Mr. Gooch made a good case he himself had been on the Planning Commission for ten years and with that the implementation of wastewater treatment system and the basis of that was to get growth going. He discussed that how you got growth again when you had failing septic systems was to put in the wastewater system in and now four years later things were happening. He discussed that the Zoning Ordinance had stood the test of time and that its basics were the same as when Mr. Gooch was on the Council with a few amendments. He discussed that yes the population had dwindled down but was that because 2 or 3 residences changed into non-residences he didn't think so. He also discussed that he felt that the population had dwindled because the nature of families had changed and children had moved away but families with children were now moving back. He also discussed that it was best not to think of just the town from Middle Street down but as the whole town in mass. He discussed that he had an inventory of the properties in town from having worked on the wastewater system and he knew all 117 properties in town with structures. He discussed that if you looked at the town by zoning 67% of the properties were residential and 33% commercial and that showed that there was a healthy level of residential properties.

Mr. Aichele, of the Gay Street Inn, discussed that he felt it came down to a question of balance and perspective and that he and his wife owned a house here and lived here full-time and ran a business out of it so he might not agree fully that they were not residential. He discussed that he understood concerns about commercial and that they did have more cars, and might generate more traffic and noise than if they were strictly residential. He discussed that they were registered to vote here and that their focus was here. He discussed that he was concerned about people who lived here but who didn't vote here and didn't really view Washington as their main home.

He discussed that although Mr. O'Connell traveled a lot he knew that when Mr. O'Connell was traveling that heart, home, and business were here and Washington, VA. He discussed that his concern that was the Town going to kept approving co-uses such a guest house, B&Bs, or whatever in a way that was going to continue to keep the core healthy or would they end up with a lot of properties owned by folks who really weren't focused here primarily with the property being a business or an investment.

He discussed that he did not know what criteria could be used consistently to answer that question but for him that what it really came down to was to try and discern or try to anticipate whether 5 or 10 years down the road would the folks who came to invest, to increase the vitality, to maybe give it more life, would have invested the kind of time, care, and attention in the politics, in the wellbeing of its children, and in the general ambiance of the place or would their primary focus be on a net return or on investments. He discussed that his concern was were they welcoming new neighbors or were they being bought.

Ms. Winsor discussed that she hoped she would be welcomed as a new neighbor and that she had grown up in Northern Virginia, had gone to camp in Front Royal, and hiked in the nearby

mountains. She discussed that she had a tricky situation as her husband had passed away and she had a 3rd grader, a 6th grader, and a sophomore in college and she was trying to work things out but she was committed here. She discussed that the two properties came together and she could not separate them and although she had at first just wanted the business she was happy with both properties but it was expensive. She discussed that some people had suggested that she had means But they shouldn't presume and that was not fair. She discussed that she was looking forward to bringing her business and kids and dogs to town and she hoped she would be an asset.

Mr. Spethmann discussed that the letter that was written and the question of Ms. Winsor's means had nothing to do with the SUP and that the question on the table was to allow a Tourist Home with management 7 doors down.

Ms. Christine Smith applauded people in Washington for visiting this hybrid situation with a B&B marrying a Tourist Home and it was thoughtful discussion since it was unique situation, which to her knowledge had not happened in the town before. She discussed that in discussing something that some felt might not be proper or was out of balance was not out of balance. She asked if a SUP required an accurate site plan because the buildings were mislabeled as 199 Porter Street and 195 Porter Street.

Mr. McCarthy asked if anyone did not understand what properties were being talked about.

Ms. Smith discussed that it was unclear from what was being submitted.

Mr. McCarthy asked if she thought it was another building other than Mrs. Jenkins old house.

Ms. Smith said she wanted to know where 199 Porter Street was yes.

Mr. McCarthy said OK.

Mayor Sullivan asked if there was any question in the audience about what building was being talked about because if so they would clarify.

Mayor Sullivan closed the Public Hearing.

Mr. McCarthy discussed that he remembered when about 15 years ago when the Town amended the Ordinance to allow B&Bs in Village Residential and then in in Rural Residential and before that they had only been allowed in Commercial and that there had been changes since then but part of the reason that was done was that the B&Bs at that time including the Gay Street Inn did not have off-street parking and there was a perception that there was going to be a problem so that there had to be a clear review process for requirements that there had to be off-street parking. He discussed that the Comp Plan was the poetry of land use planning and that Zoning and Subdivision Ordinances were the prose and that the prose was more often tinkered with than the prose and amendments to the ordinances were made to allow things that weren't allowed or to adjust standards where there were problems and that it might be time to rethink whether you want to allow B&Bs in all zoning districts, which was the only commercial use allowed by right in all districts.

He discussed that he remembered when two of the houses discussed by Mr. Gooch as having changed from residential to commercial had been commercial before they became residential and that things would always change and transition. He discussed that he was more concerned about maintaining the physical infrastructure of the town because, in his point of view, B&Bs and Tourist Homes while they could impact their neighbors, conditions could be put in place to try and manage that, but the physical appearance had been maintained. He discussed that if the time came when someone came to town and wanted to buy a hundred year old house and all the attendant problems that came with trying to use it as a residential house, great, the house would have been maintained for a transition period as of some sort of commercial use that did not do any violence to the architectural fabric of the community. He discussed that he thought the Town needed to grow and that he was on record many times for saying it needed to grow and not just commercially but it needed families and kids chasing sticks as that was what made a town but he did not think it was going to be out of the existing building fabric because it had become too valuable and it was going to have to be built with infill and multi-units and that was going to be a dog fight all its own but it was not this dog fight. He discussed that the Council was going to have to go back and look at the Zoning Ordinance and where the Town it was going and whether it was going to allow B&Bs in all zones.

He discussed that this SUP had to be decided on the merits of the existing zoning, which had been adopted deliberately. He discussed that he was sensitive of the concerns of the neighbors and the Council had to assess that in their decision on the application and though he didn't think any of the concerns heard by neighbors were invalid he thought they might be outside of the Council's scope and they could not judge that something was more viable than another business or if an existing business was going to be hurt or helped by the addition of another business. He discussed that the market was going to dictate that one way or another and that he didn't think anyone would have said 20 years ago, and he certainly wouldn't have, that there could be five B&Bs in town in addition to the Inn and the market decided that. He discussed that the concerns of the neighbors would have to be weighted as the Council considered the General Standards but he did not think they were going to decide the fate of life, the universe, and everything.

Mr. Schwartz asked Mr. Bennett to explain the process of approval.

Mr. Bennett discussed that first there would be a motion with any conditions and then there had to be a finding on the General Standards and Special Standards by a majority of the Council and then the Council would vote on the motion and if the Council could not find in the majority on any standard the motion could not be approved.

Mayor Sullivan asked about the Special Standard.

Mr. Bennett discussed that there was a Special Standard for B&Bs.

Mayor Sullivan discussed that one alternative was to approve the SUP unless anyone had a significant reason why it should not be approved given the ordinance that existed and to give it a one year renewal which if there were any unexpected impacts there would be a mechanism of how it could be addressed. He discussed that they could make it conditional on Ms. Winsor's ownership and that the parking issue had been addressed.

Mr. Schwartz asked if some of the amenities available at White Moose Inn would be available at the Winsor house and would there be wedding events.

Mr. Abdo discussed that if a wedding party was booked that included the Winsor house those folks would be welcome at the White Moose to congregate together or back and forth but first and foremost it would Ms. Winsor's home and it would only be used part-time.

Mr. Schwartz discussed that there had been some incidents from wedding or events in the past.

Mr. McCarthy discussed that he would be more worried if there was more space.

Mr. Bennett asked about conditions that might be imposed such as a noise condition and a condition that it not be occupied by more than a certain number of people.

Mr. McCarthy discussed that parking was limited to two cars which usually equaled 4 adults and kids.

Ms. Kuhn asked how check-in would be operated.

Mr. Abdo discussed that guests would arrive at the White Moose Inn and be escorted down to the house by staff.

Ms. Kuhn asked if breakfast would be served and was there a commercial kitchen.

Mr. Abdo discussed if breakfast was to be served it would be brought down to the Winsor house from the White Moose and that there was no commercial kitchen.

After a short discussion Mr. Goebel made a motion to approve the Winsor Tourist Home SUP conditional on a one year review, that the SUP was specific to Ms. Winsor as current owner of the property, that with two rooms it would be occupied in accordance with the Ordinance by no more than 4 adults and associated children, and that there be no noise to unreasonably disturb the neighbors, and that off-site management would be provided by the White Moose Inn. Mr. Spethmann seconded the motion.

Mayor Sullivan asked Ms. Winsor and Mr. Abdo if they accepted the conditions and they agreed.

The Council considered the following General standards:

6-1-1-a. Will not be hazardous or injurious to, or in conflict with, the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved, the site layout and access roads.

A roll call vote was taken and:

Mr. Schwartz voted “yes”
Mr. O’Connell voted “yes”
Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”
Ms. Leggett voted “yes”
Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

6-1-1-b. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

A roll call vote was taken and:

Mr. Schwartz voted “yes”
Mr. O’Connell voted “yes”
Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”
Ms. Leggett voted “yes”
Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

6-1-1-c. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to the quiet enjoyment of property or improvements in the neighborhood.

A roll call vote was taken and:

Mr. Schwartz voted “yes”
Mr. O’Connell voted “yes”
Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”
Ms. Leggett voted “yes”
Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

6-1-1-d. Will be in accord with the provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing body

A roll call vote was taken and:

Mr. Schwartz voted “yes”
Mr. O’Connell voted “yes”
Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”
Ms. Leggett voted “yes”
Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

Council considered the Additional Special Standards: Bed and Breakfast Establishments 6.1.2.h:

1. Use shall be limited to occupancy by no more than five rooms for let.

A roll call vote was taken and:

Mr. Schwartz voted “yes”
Mr. O’Connell voted “yes”
Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”
Ms. Leggett voted “yes”
Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

2. Virginia Department of Health approvals shall be obtained and maintained throughout use.

A roll call vote was taken and:

Mr. Schwartz voted “yes”

Mr. O’Connell voted “yes”

Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”

Ms. Leggett voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

3. Such use shall have the exterior appearance of a single-family dwelling.

A roll call vote was taken and:

Mr. Schwartz voted “yes”

Mr. O’Connell voted “yes”

Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”

Ms. Leggett voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

4. Adequate vehicular parking shall be provided.

A roll call vote was taken and:

Mr. Schwartz voted “yes”

Mr. O’Connell voted “yes”

Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”

Ms. Leggett voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

5. Vehicular ingress and egress shall be reviewed and approved by the Virginia Department of Transportation.

Mr. McCarthy discussed that VDOT had said that they did not need a permit.

A roll call vote was taken and:

Mr. Schwartz voted “yes”

Mr. O’Connell voted “yes”

Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”

Ms. Leggett voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

A roll call vote was taken on Mr. Goebel’s motion to approve the SUP and Mr. Spethmann’s second:

Mr. Schwartz voted “yes”

Mr. O’Connell voted “yes”

Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”

Ms. Leggett voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

And the motion passed 7-0.

Mayor Sullivan discussed that he hoped Ms. Winsor actually felt welcome here and that a long, thoughtful discussion over some real issues had taken place and that people in the town and county cared very much about the place. He discussed that there were debates and everyone did not always agree on everything but that the people that live here or in the county or who were on the Planning Commission cared very much about the place and virtually everybody was invested mentally in the Town. He discussed that when everyone went home and said that it was a long evening he hoped that they had seen a process that people were trying to deal with that they cared about. He welcomed Ms. Winsor and everybody to come to the meetings and the Town wanted them to come and that was nothing closed about it.

- OLD BUSINESS: a). 1. RappFlow Avon Hall Presentation: Tabled until October,

2. Avon Hall Grounds Clean-up: Tabled.

b). Speeding on Main Street: Mayor Sullivan discussed that he had talked to the Sheriff and in the month of July and August the Sheriff's Office had spent 32 hours monitoring speeding in town and had given out 28 warnings and 22 tickets. He discussed that VDOT had only gotten back today verbally but would be coming out on Tuesday. He discussed VDOT has some recommendations on different signs, larger signs, and possible pedestrian cross-walks in the future. He discussed that VDOT had measured speed in two locations and on average people were coming in ten miles over the speed limit but he would get more specifics.

c). Farm Tour and Artisan Market at Avon Hall:
Discussed earlier in the agenda.

d). SUP Submission Guidelines: Discussed under Town Attorney.

- NEW BUSINESS: a).

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

Ms. Weeks asked about the VDOT visit on the Tuesday.

Mayor Sullivan invited her to come along on the Tuesday after next.

Mr. Gooch discussed that almost twenty years ago he was on a committee called the Committee on Future of the Town which had presented a report to the Council in which they had explored issues on what they hoped to see in the town in twenty years. He discussed that they had explored such ideas as expanding the Town's boundaries, low-income housing, and now referred to as affordable housing, and dealing with zoning along the Town/County boundaries. He suggested that the Town might want to look at doing something like that again and look at the big picture of the Town going forward and at planning for the future and how to keep the balance between commercial and residential.

Mayor Sullivan discussed that he had read the report and what the committee had done was still valid and the Town did need to focus on those issues. He discussed that Ms. Dodd had a copy available in the office if anyone wished to read it.

Rev. Jenks Hobson discussed that the report had been done pre-sewer and now a whole new realm of exciting ideas had been opened up.

Mr. Schwartz discussed that there was still an opening on the Planning Commission.

Ms. Stoltzman asked when VDOT would be coming regarding the speeding issue.

Mayor Sullivan discussed that they would be coming the Tuesday, October 15th at 11:00 a.m.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION: At 9:12 p.m. Mr. Sullivan made a motion to go into closed session pursuant to the provisions of Section 2.2-3.711A7 of the Code of Virginia to permit consultation with legal counsel retained by the Town Council, namely the Town

Attorney to vote on specific that need the provision of such legal advice, namely an accident arguably involving Town property. The motion was seconded by Mr. Goebel and a roll call vote was taken:

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

And the motion passed 6 -0 with Mr. O’Connell having recusing himself and left the Council room. Council invited Ms. Dodd to stay for the closed session.

- **OPEN SESSION:** Mayor Sullivan reconvened the public session at 9:22 p.m. and asked each member to certify that to the best of your knowledge:

Only public business matters lawfully exempted from open meetings requirements under the Code of Virginia and only, such public business matters as identified in the motion by which the motion by which the closed meeting was convened were heard, discussed, or considered by the Town Council. A roll call vote was taken and

Mr. Schwartz voted “yes”	Mr. Goebel voted “yes”
Ms. Kuhn voted “ye	Ms. Leggett voted “yes”
Mayor Sullivan voted “yes”	Mr. Spethmann voted “yes”

And the motion passed 6-0.

Mayor Sullivan made a motion to change the October meeting date from October 13th to October 6, 2014 and Mr. Schwartz seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”	Mr. Goebel voted “yes”
Ms. Kuhn voted “ye	Ms. Leggett voted “yes”
Mayor Sullivan voted “yes”	Mr. Spethmann voted “yes”

And the motion passed 6-0.

Mr. Spethmann made a motion that the Mayor handle an accident on Town property consistent with VML Insurance guidelines and Mr. Goebel seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”	Mr. Goebel voted “yes”
Ms. Kuhn voted “ye	Ms. Leggett voted “yes”
Mayor Sullivan voted “yes”	Mr. Spethmann voted “yes”

And the motion passed 6-0.

- **ADJOURNMENT:** At 9:25 p.m. Mayor Sullivan made a motion to adjourn and Ms. Leggett seconded and the motion passed 7-0 and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON OCTOBER 6, 2014

Respectfully submitted,

Laura Dodd
Town Clerk

Attachments:

Treasurer's report
Additional Bills to be Paid
Bills to be Paid
Winsor Tourist Home SUP application