

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

November 10, 2014

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:04 p.m. Council members Gary Schwartz, Patrick O'Connell, Jerry Goebel, Mary Ann Kuhn, and Katharine Leggett were present. Town Attorney John Bennett and Town Clerk Laura Dodd were present. Council member Dan Spethmann resigned on November 5, 2014, letter attached.

- MINUTES: August 11 and September 15, 2014: Ms. Kuhn gave Ms. Dodd some typos corrections to the August 11<sup>th</sup> minutes and Mr. Goebel made a motion to approve the August 11, 2014 minutes and Ms. Leggett seconded the motion and the motion passed 6-0. Council agreed by consensus to table the September 15<sup>th</sup> meeting minutes as they had just received them and they were quite lengthy.

Mayor Sullivan discussed that he wished to clarify a fact about the approval of the Winsor application at the September meeting. It had been put out on Rappnet that the Council had approved it without any limits on the number of people who could stay there but the fact was that the Council had limited it to four people as the minutes showed.

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

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

Planning Commission: Chairman Schwartz reported that there still was a vacancy on the Planning Commission and the Council was accepting letters of interest.

Architectural Review Board: Mayor Sullivan reported that the ARB would not be meeting this month.

Website: Ms. Kuhn reported that Martin Henze was updating the website with Christmas in Little Washington information.

Mayor Sullivan discussed that a new business, Four Calling Birds, had opened in the back of the old Middle Street Gallery next to the Inn at Little Washington and that the Willis' Rare Finds gift shop would be opening soon on Main Street.

He also discussed that Mr. Goebel and Ms. Dodd had been working with the Rappahannock High School to produce new street signs.

Mr. Goebel discussed that the shop class had been working on the signs and that they should be finished soon and the old ones would be replaced. He discussed that the materials had been paid for and that the Town would be making some kind of donation to the shop class for their work.

Mayor Sullivan discussed that the annual Christmas Parade would be held on Dec. 7<sup>th</sup> and was being sponsored by and money being raised for the Food Pantry and that people were being encouraged to bring cash and food to donate. He discussed that the individual sponsors were Tula's, Butch Zindell's Real Estate, the White Moose Inn, the Rappahannock News, the Inn at Little Washington, and Artifacts on Main. He discussed that Thom Pellikaan, present in the audience, had graciously offered to run the parade and that Judy deSarno was the day chairman and they together with seven others had been working non-stop on it.

He discussed that on Sunday, December 14<sup>th</sup>, the Town would be holding its annual Christmas party.

- TOWN ATTORNEY: Mr. Bennett had no report.
- PUBLIC HEARING: Consideration and review of an extension and possible modifications of conditions of Special Use Permit SU #12-07-01 the Inn at the Ridge, DBA the White Moose Inn, to allow the residential manager to reside at the Pullen House: Mayor Sullivan discussed that one year ago the Town had approved a Special Use Permit to the White Moose Inn to allow off-site management with the condition that the off-site management be reviewed in one year. He discussed that this was similar to the recent review of the Foster Harris SUP and that often SUPs were granted with conditions subject to review. He discussed that Mr. McCarthy, the Town's Zoning Administrator, had emailed the Council that he had received no complaints or any comments regarding the White Moose Inn. He discussed that Mr. Jim Abdo, owner of the White Moose Inn, was present to answer any questions.

Mayor Sullivan opened the Public Hearing.

Ms. Leggett asked whether this review would extend the off-site management to another year or for the term of ownership.

Mayor Sullivan discussed that it could be made permanent based on Mr. Abdo's ownership and that the whole notion of having off-site management had been under discussion for several years and had been first considered for a cabin he had owned that had been managed by the Middleton Inn. He discussed that another had been passed for Jackie Meuse as well as the White Moose Inn. He discussed that there had been a discussion about four years ago when a couple on Mt. Salem Avenue had wanted to rent out their house and manage it from about half an hour away and although the Council had never voted on that application as it had been withdrawn it was clear that the feeling of the Council was that half an hour was too far away.

Ms. Kuhn asked Mr. Bennett to review the conditions that had been placed on the permit.

Mr. Bennett discussed that the condition was that a review be held within a year on the off-site management being at the Pullen house, which was what was being considered that evening, but the Council was free to impose any additional conditions related to the use of permit.

Ms. Christine Smith discussed that technically the White Moose Inn was a hotel and not a B&B since it had more than five sleeping rooms and with it being able to grow as a hotel with any number of sleeping rooms she asked if there was a point in which off-site

management was not acceptable. She discussed that that the White Moose Inn had added a manager's room plus another bedroom down the street

Mr. Bennett discussed that he should have discussed earlier that the original SUP limited the White Moose Inn to six bedrooms.

Ms. Smith asked if additional rooms were to be added if it would have to be reviewed and approved.

Mr. Bennett said yes.

Mayor Sullivan discussed that there was a limit on B&Bs that they could only have five rooms unless there was an additional building, which he thought was a county wide limit. He asked if there were any additional questions or comments and there being none he closed the Public Hearing.

Mr. Schwartz discussed his being the closest resident to the White Moose Inn and after having observed it for the last year he had no issues in renewing the condition but he would like to see it come back before the Council in a year.

Ms. Kuhn discussed that as an innkeeper that whenever she had called the White Moose Inn they had always answered immediately and that she felt it should be renewed with another review in a year.

Mr. Goebel asked if the off-site management was limited to the Pullen house or to the limits of the Town.

Mr. Bennett discussed that it was limited on a temporary basis to the Pullen house.

Mayor Sullivan discussed that at the last meeting someone had suggested that since the Town was allowing off-site management and that there was now a track record of having done that the Town might want to change its Ordinance to simply say one could do it within the Town borders. He discussed that there was clearly a point when off-site was too far.

Mr. Schwartz discussed that he thought it should be reviewed on an individual basis and that he didn't think that the process was obstructive.

Ms. Leggett asked if the SUP was granted to the Inn at the Ridge and if the Inn at the Ridge owned other properties did that make a difference.

Mr. Bennett discussed that he didn't think it mattered.

Mr. Schwartz made a motion to renew the SUP #12-07-01 specific to the Inn at the Ridge, LLC, DBA the White Moose Inn to have off-site management at the Pullen house to be reviewed in one year. Ms. Kuhn seconded and a roll-call vote was taken:

Mr. Schwartz voted "yes"

Mayor Sullivan voted "yes"

Mr. O'Connell voted "yes"

Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"

Ms. Leggett voted "yes"

And the motion passed 6-0.

• OLD BUSINESS:

a): Special Use Permit (SUP) Guideline

Resolution: Mayor Sullivan discussed that the Town needed more clarity in how it dealt with SUP applications and had asked Mr. Bennett and Mr. McCarthy to draft some guidelines that would add definition to when SUP applications were complete and how long they could be on the table and how long they could be delayed.

Mr. Bennett discussed that after the Council had received a draft a month ago, Mr. McCarthy had sent a letter discussing that there were certain situations that required more flexibility than what was in the policy including those where an applicant was applying for a land use permit that required surveys, engineering, and Health Department permits. He discussed that since it was unknown if the permit would be approved it would be in accommodation of the applicant in saving thousands of dollars on an application that might be denied to allow Mr. McCarthy the flexibility to send to the Council what

appeared on the face of it to be an incomplete application to see if the use itself would pass before the applicant spent a lot of money. He discussed that the Council would be able to review and authorize a public hearing and still accommodate and not inconvenience its citizens.

Mr. Schwartz asked if this would streamline the process to get to the public hearing stage.

Mr. Bennett discussed that the SUP would come before the Council for review and if Council deemed it as something worthy of consideration for that particular use it could authorize a public hearing and it could hold the public hearing and have a vote then it would be sent back to the Zoning Administrator to flush out all the particulars such as surveys and details.

Mr. Schwartz discussed that he wanted to be specific that just because a public hearing was held that it did not mean that the Council would necessarily vote on it that night.

Mr. Bennett discussed that was always the case and that at least six months could pass without a vote, and that sometimes Council needed the opportunity to answer questions raised at the public hearing.

Mayor Sullivan discussed that he felt that Mr. Bennett and Mr. McCarthy had done a good job and asked for a motion to approve.

Ms. Kuhn asked about a phrase containing the words “mature consideration” and pointed out a spelling error.

Mr. Bennett discussed that the phrase mature consideration was a legal term so that only something would go before the Council that would be of important significance.

Mr. Goebel made a motion to adopt the Resolution Relating to Land Use Applications, attached, and Mr. Schwartz seconded and a roll call vote was taken:

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

And the motion passed 6-0.

- NEW BUSINESS: a). Council member Dan Spethmann Resignation: Mayor Sullivan discussed that Dan Spethmann had resigned on December 5<sup>th</sup> and that he was sorry that was the case as he thought Mr. Spethmann had contributed mightily to the Town Council and the Town. He discussed that Mr. Spethmann was going to have to be spending a lot of time out of town and that was the reason for the resignation. He thanked him for his contributions.

Mayor Sullivan discussed that the Town Council had 45 days from the date of the resignation, the 5<sup>th</sup>, to appoint a person to fill Mr. Spethmann’s position until there was a special election for the citizens of the town to elect a permanent successor. He discussed that a special election was a relatively new law and it would be up to Judge Parker, the Circuit Court Judge, to decide when the special election would take place, which might take place with the Town’s general election or it might not, it was the Judge’s choice. He asked Mr. Bennett if the Town should inform the Judge of the need for a special election.

Mr. Bennett discussed that the Council could make an appointment to fulfill the term or until such time the Judge decided on a special election and then notify the Judge. He discussed that special elections for towns could only be held in May.

Mayor Sullivan discussed that if the Council were to make an appointment on December 8<sup>th</sup> then any applicants should send in letters of interest by close of business on December 1<sup>st</sup>. He discussed that Brad Schneider had already sent in a letter of interest. He asked if the Council wished the applicants to make a statement or answer questions from Council before making the appointment.

After a short discussion, Mr. Bennett discussed that in the past the Council had allowed any person who had expressed interest to make a statement if they wished but Council always had the right to ask questions.

Mr. Schwartz made a motion that letters of interest for the position of Council member to be received by the Town Clerk no later than 4 p.m. on December 1<sup>st</sup> and that the Council would consider the appointment at its Council meeting on December 8<sup>th</sup> and that any applicant could make a statement if they so chose. Ms. Kuhn seconded and a roll call vote was taken”

Mr. Schwartz voted “yes”

Mayor Sullivan voted “yes”

Mr. O’Connell voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Leggett voted “yes”

And the motion passed 6-0.

b). ESS Contract Renewal Proposal: Mayor Sullivan discussed that Don Hearl, Vice President of ESS, was present to answer any questions regarding the renewal of the ESS contract to operate the Wastewater Treatment Plant from October 2014 to October 2015. He discussed that it was exactly the same contract that the Town had been operating under except for a 3% increase and that last year there had been no increase. He asked Mr. Hearl to discuss the history of the plant.

Mr. Hearl discussed that ESS had worked with the Town since 2006 to get the Wastewater Treatment Plant online. He discussed that back then over 30% of the drainfields in town that were failing and that it had been a lengthy process in getting a discharge permit. He discussed that the Town had gotten a \$ 4 million loan from DEQ at 0% interest and it had also gotten a \$460,000 water quality improvement grant, which meant that the plant had to meet even higher nutrient limits than the permit required. He discussed that the grant money allowed the Town to offset some of the Wastewater Treatment Plant costs. He discussed that the plant went online in 2010 and was immediately in compliance and had consistently met or exceeded the permit limits and that it continued to operate well. He discussed that ESS was at the plant seven days a week for at least five hours a day and that in addition to the plant they oversaw the collection system and responded to emergency situations twenty-four hours a day.

Mr. Bennett asked how the quality of the discharge water compared to other plants around the state.

Mr. Hearl discussed that the water quality below the plant tested better than the water above the stream so that the plant was actually improving the water quality of the Rush River and that compared to other plants in the state this plant had extremely tight limits on phosphorus and nitrogen and it was doing very well.

Mr. Schwartz asked about capacity and discussed that the Town’s was the first wastewater plant in the state to get a nutrient offset credit, which the Town purchased yearly from Spotsylvania County.

Mr. Hearl discussed that the Town was using about 25,000 gallons a day of its 60,000 gallon capacity.

Mr. Fred Catlin asked what was the life of the plant.

Mr. Hearl discussed that the life expectancy of the concrete tanks was about 100 years and about 30 years for the equipment.

After a short discussion regarding equipment, Mayor Sullivan made a motion to approve the renewal of the ESS contract in the document dated September 30, 2014 and Ms. Kuhn seconded and a roll call vote was taken”

Ms. Leggett voted “yes”

Ms. Kuhn voted “yes”

Mr. Goebel voted “yes”  
Mayor Sullivan voted “yes”  
And the motion passed 6-0.

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

c). Heyward Parts Proposal for Wastewater Treatment Plant: Mayor Sullivan discussed that the UV lamps, at \$976, and the sensor assembly, at \$1789, needed to be replaced.

Ms. Kuhn made a motion to approve the Heyward Parts Proposal for \$2,765.00 and Mr. O’Connell seconded and a roll call vote was taken:

Ms. Leggett voted “yes”  
Ms. Kuhn voted “yes”  
Mr. Goebel voted “yes” Mr. O’Connell voted “yes”  
Mayor Sullivan voted “yes” Mr. Schwartz voted “yes”  
And the motion passed 6-0.

d). ESS Inspection and Repair of SBR Decanter Assemblies: Mayor Sullivan discussed that the Town had received a proposal from ESS to repair the SBR Decanter Assemblies for \$2,400.

Mr. Hearl discussed that the SBR floats had started to take on water and were starting to sink and had to be repaired by having the water in them pumped out.

After a short discussion, Mr. Schwartz made a motion to approve the proposal from ESS to repair the SBR Decanter Assemblies for \$2,400 and Mr. O’Connell seconded and a roll call vote was taken”

Ms. Leggett voted “yes”  
Ms. Kuhn voted “yes”  
Mr. Goebel voted “yes” Mr. O’Connell voted “yes”  
Mayor Sullivan voted “yes” Mr. Schwartz voted “yes”  
And the motion passed 6-0.

e). Christmas Party and Holiday Decorations Funding: After a short discussion, Mayor Sullivan made a motion to approve up to \$1,600 for the Christmas Party and for decorating the town and Ms. Leggett seconded and a roll call vote was taken:

Ms. Leggett voted “yes”  
Ms. Kuhn voted “yes”  
Mr. Goebel voted “yes” Mr. O’Connell voted “yes”  
Mayor Sullivan voted “yes” Mr. Schwartz voted “yes”  
And the motion passed 6-0.

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- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION:

- ADJOURNMENT: At 8:13 p.m. Mayor Sullivan made a motion to adjourn and Mr. Goebel seconded and the motion passed 6-0 and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON DECEMBER 8, 2014

Respectfully submitted,

Laura Dodd  
Town Clerk

Attachments:

Treasurer's report  
Additional Bills to be Paid  
Bills to be Paid  
Spethmann Resignation letter  
ESS Contract  
Heyward Parts Proposal for Wastewater Treatment Plant  
ESS Inspection and Repair of SBR Decanter Proposal  
Resolution Relating to Land Use Applications  
John McCarthy's email regarding the White Moose Inn