

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

December 15, 2014

7:00 p.m.

Special Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:05 p.m. Council members Patrick O'Connell, Mary Ann Kuhn, and Katharine Leggett were present. Council members Jerry Goebel and Gary Schwartz were absent. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

Mayor Sullivan discussed that there would be a slight delay as Mr. Bennett was delayed due to a flat tire. He discussed that with the Christmas Party, the Christmas Parade, which had about 500 to 600 people attending, and the RAAC Wizard of Oz performances, which had about 700 people in attendance had brought a lot of vibrancy and excitement into town.

- MINUTES: September 15, and October 6, 2014: Ms. Kuhn made a motion to approve the September 25, 2014 minutes and Mr. O'Connell seconded the motion and the motion passed 4-0. Ms. Leggett made a motion to approve the October 6, 2014 minutes and Ms. Kuhn seconded and the motion passed 4-0.

- 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.

Ms. Kuhn made a motion to accept the Treasurer's Report and Mr. O'Connell seconded and the motion passed 4-0.

Planning Commission: Mayor Sullivan discussed that there were two openings on the Planning Commission and that Fred Catlin had submitted a letter of interest and the Council intended to fill those positions at the January 12th Council meeting and that letters of interest should be submitted to the Town Clerk by January 5, 2015.

Architectural Review Board: Mayor Sullivan reported that the ARB would be meeting the next evening at the RAAC Theatre to consider an application from Gail Swift.

Website: Ms. Kuhn discussed that the photos of the Christmas Party would soon be posted to the website and the Town's Facebook page. She discussed that she hoped to make a report at the next meeting on how the Town could be more responsive in getting things up on the website and increasing the social media aspect of the site.

Mayor Sullivan discussed that the Council would be considering other agenda items before the appointment of the Council member while it awaited the arrival of Mr. Bennett.

- OLD BUSINESS: a): Planning Commission Vacancies: Mayor Sullivan covered this agenda item under Planning Commission Report.

- NEW BUSINESS: a). ESS Proposal for Vac Truck and Debris Removal: Mayor Sullivan discussed that this agenda item was being tabled as the Council had not received the proposal from ESS.

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:
 - Ms. Nancy Buntin discussed that the couple that were managing the White Moose Inn living at the Pullen house were moving and asked if there was a new manager.
 - Mayor Sullivan discussed that Jean Goodine's granddaughter was the new manager but he did not know if there was a second manager.
 - Ms. Christa Weeks asked what was happening to the house across from Baldwin's.
 - Mayor Sullivan discussed that he had heard from several sources that between Steve Critzer and the Washington Fire Department the house was going to be demolished and there was going to be a burn pile hopefully by Christmas. He discussed that obviously everything around the town was important but the house was not actually in Town and the Town had no direct control of what happened there.
 - Ms. Buntin asked if the owner planned to leave the lot vacant.
 - Mayor Sullivan said yes and that he understood that the lot was unbuildable due to flooding issues.
 - Mr. Gary Aichele discussed that the owner had voiced his intention of naturalizing the property.
 - Mayor Sullivan discussed that that was his understanding.
 - Ms. Weeks asked what had happened to the historical marker on Main Street.
 - Mayor Sullivan discussed that the sign was on the south side of town as you entered on Main Street and was an historical sign put up by VDOT's Division of Historical Signs years ago and that someone had knocked the sign down. He discussed rather than spending time figuring out who should repair it the Town had paid Bruce Critzer to repair it and it was back up but was somewhat shorter.
 - Ms. Diane MacPherson brought up the speeding issue and discussed that there had been a discussion of moving the 25 mile an hour speed limit sign now located in front of Rare Finds down past Foster Harris so that people would know that the speed limit was still 25 miles per hour as they left town and she asked if anything had been done about it.
 - Mayor Sullivan discussed that there had not been anything done but he would bring it up again with VDOT.
 - Ms. Leggett discussed that moving the sign seemed like an easy solution.
 - Mr. Aichele asked that with the change in management at the White Moose Inn would the manger live at the Pullen house.
 - Mayor Sullivan discussed that he did not know but he would find out.
 - Ms. Gail Swift discussed that the movement of the signs on the Fodderstack end of town had not done any good in slowing down speeding.
 - Mayor Sullivan discussed he would discuss it with her.
 - Mayor Sullivan closed the Public Forum.

- APPOINTMENT OF COUNCIL MEMBER: Mayor Sullivan discussed that the Town was filling the vacancy on the Council left by Mr. Spethmann's resignation and that the Council had 45 days to do that from the date of Mr. Spethmann's resignation and that they were within that time frame. He discussed that the Town would be filling the seat on a temporary basis until the Circuit Court Judge declared a special election. He asked that each of the candidates make some remarks as to why they would like the joy and pleasure of sitting on the Council and they would do that in the order that the letters of interest had been received starting with Brad Schneider, then Gail Swift, and then Gary Aichele. He discussed that there would be questions and observations from the Council and then it would be opened to the public and then the Council would vote.

Mr. Bennett discussed that there were several different procedures that could be employed in the voting process and that the important thing was to agree on the process. He proposed the following procedure and discussed that first the Council hear the statements from the candidates and then the Council could discuss them, and then the public could ask questions but it was up to the Chair if there were to be any discussion back and forth, and following that the Mayor would ask for nominations, and then the nominations would be closed and the Mayor would ask for a motion and a second to vote on those nominated. He discussed that the nomination and vote had to be public. He discussed that the person who received a majority of the quorum, in this case, three votes, would be appointed to fill the balance of the term until the special election. He discussed that if no candidate received a majority of the votes then it was back to discussion with the Council and if the Mayor wished, with the public, and then there would be further nominations and a vote. He discussed if at the end of that process there was no candidate with a majority he would suggest that the Council continue the discussion to another date within the 45 days that the Council had to make the appointment that would likely secure the presence of the two Council members that were absent that evening and then repeat the procedure at that time.

Mr. O'Connell asked what the alternative options were.

Mr. Bennett discussed that a commonly used alternative was that someone made a nomination and there was a second and at that time there would be an immediate vote on that candidate. He discussed that the advantage to the procedure he had suggested was it gave everyone who wished to nominate someone a chance and not just the fastest person to be recognized by the Chair.

Mayor Sullivan discussed that this was a very small town and that one of the charms was that everyone knew each other and that one of the downsides was that everyone knew each other. He discussed that everyone would be seeing each other the next day or the day after and that the Town was fortunate in having three candidates who had volunteered to do something that was not always easy and not always fun and that took up a lot of time and that he was appreciative of that. He discussed that all three people were people everyone knew who cared very much about the community and where it was going and where it was headed and that there had been some debate about where it was going and where it was headed. He discussed that at the end of the day they were a group of people who respected each other and their opinions and as a Council he hoped they had a situation where they respected each other's opinions. He discussed that he was encouraged by the fact that all the candidates had been quick to say to him that no matter what happened that night they were committed to the Town and wanted to be involved and that they might indeed run for the office when it came up for election.

He discussed that Mr. Schneider was a Planning Commission member and had been much involved in the town.

Mr. Schneider discussed that he had been in town for over ten years and had watched the Town change in little ways over the years and mainly those changes had been for the good. He discussed that when the Council member vacancy came up he was quick to email the Mayor and say he was interested because he thought that he could bring a certain perspective to the Council as he was an engineer who came from a small town and had lived in various places around the US. He discussed that he wanted to see the Town move forward and that he could bring expertise in the area of infrastructure which were things that cost the Town money and he hoped to help control those things down the road. He discussed that when he got involved in projects he tended to be tenacious and got the job completed on a timely basis.

Ms. Swift discussed that she had lived in town for two years and that she was retiring on December 31st and would now have time to put into the community. She discussed that she had thirty years in the hospitality industry which she thought would add to the Council. She discussed that she was becoming fanatical about Avon hall and didn't want to see it deteriorate and even if she was elected she hoped she would be brought into the fold by whomever was working on hospitality and tourism and also Avon Hall.

Mr. Aichele discussed that he and his wife Wendy were the owners of the Gay Street Inn and had been in town for almost two years. He discussed that since his arrival he had become an active bench sitter and had been attending Council meetings and contributing as he could. He discussed that the Town had a pretty open process and that the Mayor encouraged participation which he found encouraging. He discussed that he had hesitated putting his name in as there were two candidates that he was comfortable with but that he had read that there were not enough people who cared about the Town and that only 28 people had voted in the last election and that that was an insufficient number and that was not enough to be a town and it should go back to the County which he found disturbing. He discussed that when he walked around town and talked to people there was an interest and there were many things going on and the town did have a pulse and so he decided to run because if at least three people ran it might tamp down the idea that the town was a cabal and no one was interested in serving.

He discussed that as he had sat through Council meetings he had discovered that important stuff happened here and that it was democratic and the Council did have some power and did affect our lives as was discovered in the last several months. He discussed that he had served briefly on the Planning Commission and that he regretted to say that in those months that he was listed on being on the Commission it had not met as there was really no need to meet as the purpose of the Planning Commission was to plan and the Town had a good plan. He discussed that the Town had as professional a plan as any small town in the Commonwealth and that the plan was the first step and second was the implementation of that plan. He discussed that he felt that although the Council had a tough job and had to use its best judgment, and that it might have more information than the public, when it came to the decision on the future of the Town involving expanding guest accommodations he thought that members of the community had made a strong case for slowing the base down and showing a little more hesitation.

He discussed that he was not against development and that growth was essential and that he was concerned about housing options and that he just didn't see any reasonable housing in town that teachers and deputies could afford. He discussed that in order to get more people, rather than focus on existing properties the Town was going to have to be more creative and dynamic and try to build the town in some other ways. He discussed that he shared concerns about Avon Hall and was on record for pushing the Council about the need to meet deadlines and he had been encouraged by the action to try and stabilize

the buildings. He discussed that he had put his hat in the ring but that he was perfectly happy being an innkeeper but would appreciate the opportunity to fill the seat.

Mayor Sullivan asked for public comments.

Mr. John MacPherson discussed that he felt that the Council was lucky to have three people step up and offer their time and efforts to do this. He asked Mr. Aichele if he were appointed would he also then run for the position when it became permanent.

Mr. Aichele discussed that when he realized that the next opportunity to direct what happened to the Town would be in an election three years off and that he couldn't predict what he would be doing then he had withdrawn and that was because when the Winsor Application came before the Council he had spoken against it being granted as did some others and the Council had weighted different factors and had chosen to go in a different direction and that seemed unanimous. He discussed that it seemed to him at that point that the arguments that he had been advocating and putting forward had not found a favorable response and he was not a person who wanted to waste anybody's time. He discussed he had thought that the Council had come to a pretty clear picture of how they wanted to move forward and they were moving forward and while he had no great objection he soon viewed himself as having a minority view in the town, which was OK, however, when the vacancy occurred he felt that he could perhaps be helpful in bringing a slightly different view to the Council. He discussed that if Council chose him that evening he was committed and felt that if the Judge called up a special election he would be a candidate. He discussed that if he was not chosen that evening he would have to think through with the help of his wife whether he would challenge an incumbent in a special election.

Mr. MacPherson discussed that he wondered whether Ms. Swift and Mr. Schneider would also run in the special election if they were chosen tonight.

Mayor Sullivan discussed that Ms. Swift and Mr. Schneider were both shaking their heads yes.

Ms. Wendy Murdock asked what the term was.

Mr. Bennett discussed that it was up to the Circuit Court Judge to decide when the special election occurred and that it cost a fair amount of money for a town to open polls and have an election for one position and that the Judge might well say that the special election would occur at the same time at the next general town election.

After a short discussion it was determined that the next general election for the Town was in May of 2018.

Mr. O'Connell asked if the Council was prevented from having more than seven people on the Council.

Mr. Bennett said yes it was set at seven.

Ms. Leggett discussed that the Town was extremely lucky in having three people apply and that they all seemed to bring something different to the table and while it was nice when everyone agreed it was also nice to have a balance of different opinions.

Ms. Kuhn thanked everyone for offering to fill the vacancy particularly since there had recently been so much controversy. She discussed that she didn't think there had ever been three candidates for a seat before this and they all brought something to the table and unfortunately they could only choose one person.

Mayor Sullivan asked for nominations.

Ms. Kuhn nominated Gary Aichele and discussed that she wanted to be forthcoming in that she had encouraged Mr. Aichele to run and that he had rarely missed a Council meeting in the last year and a half and although he had different views sometimes it was very refreshing for the Town Council to have that voice and that his was a voice that would feed the soul of the Town.

Mayor Sullivan asked if there were any further nominations and there were none.

Mayor Sullivan seconded Mr. Aichele's nomination and discussed that they had three very good people applying and they were looking for whomever would be the best person for this particular time and this particular place. He discussed that he was reminded of a talk recently by Rev. Hobson, who was retiring, in which he had discussed that it was not just the Town that was small but the County was small and it was a small community that we all live in and one of the beauties of Rappahannock and the Town was that it was inclusive not exclusive and all voices were welcomed. Mayor Sullivan discussed that he felt it was helpful and valuable at this point in time to have a sense in the community that all voices were welcomed working on the assumption that at the end of the day everyone did want to work together in having a town that was the best it could possibly be.

A roll call vote was taken:

Ms. Leggett voted "yes" Ms. Kuhn voted "yes"

Mayor Sullivan voted "yes" Mr. O'Connell voted "yes"

And the motion passed 4-0 and Mr. Aichele was appointed to the Council.

Mayor Sullivan thanked Ms. Swift and Mr. Schneider and reminder them that there was plenty that they could still do.

Ms. Peggy Ralph, Circuit Court Clerk, swore in Mr. Aichele and he took his place at the council table.

- **CLOSED SESSION:** At 7:58 p.m. Ms. Kuhn made a motion to go into closed session pursuant to the provisions of Section 2.2-3.711A1 of the Code of Virginia to discuss a named Town employee. Mayor Sullivan seconded and the motion passed 5-0.

- **OPEN SESSION:** Mayor Sullivan reconvened the public session at 8:06 p.m. and asked each member to certify that to the best of their 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. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Aichele voted "yes"

Mayor Sullivan voted "yes"

Ms. Leggett made a motion to give Ms. Dodd an \$1800 award performance bonus. Mr. O'Connell seconded and a roll vote was taken:

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Aichele voted "yes"

Mayor Sullivan voted "yes"

And the motion passed 5-0.

- **ADJOURNMENT:** At 8:08 p.m. Ms. Kuhn made a motion to adjourn and Mayor Sullivan seconded and the motion passed 5-0 and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON JANUARY 12, 2015

Respectfully submitted,

Laura Dodd
Town Clerk

Attachments:
Treasurer's report
Additional Bills to be Paid
Bills to be Paid