

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

August 14, 2017

7:00 p.m.

Town Council Meeting

Approved Minutes

- **CALL TO ORDER:** Mayor John Fox Sullivan called the Town Council meeting to order at 7:02 p.m. Council members Jerry Goebel, Gary Aichele, Mary Ann Kuhn, Patrick O'Connell and Katharine Leggett were present. Council member Brad Schneider was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

Mayor Sullivan welcomed Chip Helms and John Kilgore, the new owners of Mrs. Frizzell's house on Gay Street to town.

- **MINUTES:** April 17, May 1, and May 8, 2017 draft minutes: April 17, 2017: Ms. Kuhn gave Ms. Dodd some typographical and grammar corrections. Mr. Goebel made a motion to approve the April 17, 2017 minutes as corrected and Ms. Kuhn seconded and the motion passed 6-0. May 1, 2017: Ms. Dodd corrected the statement under New Business regarding the County Comprehensive Plan" that the growth was called for in the area surrounding the Town" to "that the growth was called for in and around the area surround the Town". Ms. Kuhn asked that under Call to Order it be corrected to show that Council member Brad Schneider had been present. She also gave Ms. Dodd some typographical errors. Mayor Sullivan made a motion to approve the May 1, 2017 minutes as corrected and Mr. Goebel seconded and the motion passed 6-0. May 8, 2017: Again, Ms. Kuhn gave Ms. Dodd typographical corrections and Mr. Goebel made a motion to approve the May 8, 2017 minutes as corrected and Mr. O'Connell 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.

Ms. Kuhn made a motion to approve the Treasurer's Report and Mr. Aichele seconded and the motion passed 6-0.

Mr. Aichele discussed that it was nice to see that the income for water and wastewater exceeded expenses for the month.

**Planning Commission:** Mayor Sullivan asked that the Planning Commission report be deferred to the joint work session later in the agenda.

**Architectural Review Board:** Mayor Sullivan reported that there had been no meeting of the ARB in August as there were no applications.

Mayor Sullivan discussed that Lois Snead had given him a copy of the Town of Washington's Ordinance dated March 15, 1894 (attached) and encouraged everyone to read the copies that had been made available. He discussed that it was funny and interesting reading and was a great indication of what people had been concerned about

then in the town. He discussed that the Town would be getting a larger, more readable copy made.

- TOWN ATTORNEY: Mr. Bennett reported that the party that had expressed interest in the Warren Avenue property did not have any further interest and that the Town would be remarketing the property.
- OLD BUSINESS: a). Joint Work Session with the Planning Commission to Continue the Comprehensive Plan Review. The Council may possibly authorize a public hearing on the draft Comprehensive Plan: Mayor Sullivan asked the Planning Commission to join the Council.

Chairman Fred Catlin called the Planning Commission to order at 7:15 p.m. Present were Planning Commissioners Judy deSarno, Gail Swift, and Alan Comp. Planning Commission Brad Schneider was absent.

Mayor Sullivan discussed that the purpose that evening was for the Council to raise any questions or observations in regard to the Comprehensive Plan with the goal after such a discussion the Council would vote to advertise and hold a public hearing on the draft Comprehensive Plan at the September Council meeting. He thanked the Planning Commission again for their extraordinary job and the tremendous amount effort that had been put into the Comprehensive Plan review. He discussed that it had been done professionally and seriously particularly for town of the size of Washington and that the end product was first rate.

Mr. Aichele discussed that this was not the first draft that the Council had seen and that drafts had received a lot of scrutiny from the Council at meetings where the public had been invited to comment. He discussed that he was pleased that the Town had followed a thoughtful and professional process whereby he was prepared to approve it tonight for a public hearing. He discussed that he was proud of what it represented and that he had no revisions or amendments to it.

Ms. Kuhn thanked the Planning Commission for their commitment and dedication for their work on the Comprehensive Plan, which she knew was a huge endeavor and which had resulted in a great document. She discussed that she had a few typos that needed to be corrected and which she would give them to Chairman Catlin.

Ms. Leggett discussed that there had been various public meetings on the draft Comprehensive Plan and also thanked the Planning Commission for their work. She spoke in favor of moving on with a public hearing.

Mr. Goebel discussed that a great job had been done and that it was time for a public hearing.

Mr. O'Connell discussed that he felt it was a very fair and balanced document and appreciated the additional flexibility and inclusiveness and that he thought it would serve the Town very well.

Mr. Catlin discussed that the Planning Commission would incorporate the typographical corrections from Ms. Kuhn into the document at their August 28, 2017 Planning Commission meeting.

Mr. Aichele discussed that he needed it to be made clear that there were no substantial corrections to be made just typographical corrections.

Ms. Kuhn discussed that it was just typographical corrections.

Mr. Catlin asked if the corrected draft was given to the Council on August 29 2107 would that meet the legal time requirement for it to be advertised for the September meeting.

Mr. Bennett discussed that before the advertisement was published the final draft of what was to be advertised had to be received by the Town Clerk and if it was received by August 29, 2017 that would not allow for proper advertisement.

After a short discussion, it was determined that the Planning Commission could give the corrected draft to the Town Attorney and Town Clerk, with no substantive changes, without having to wait for their August 28, 2017 meeting.

Mr. Comp made a motion that Chairman Catlin take on the sole responsibility for incorporating the corrections provided by the Town Council into the draft Comprehensive Plan and to provide that corrected copy to the Town Attorney and Town Clerk as soon as possible and Ms. deSarno seconded and a roll call vote was taken

Mr. Comp voted "yes"

Ms. Swift voted "yes"

Ms. deSarno voted "yes"

Chairman Catlin voted "yes"

And the motion passed 4-0.

There was a short discussion of whether there needed to be a joint public hearing of both the Planning Commission and the Town Council once the Planning Commission had submitted their final draft with a recommendation for approval from the Planning Commission.

Mr. Bennett discussed that he might have substantive changes that might result in further consideration by the Planning Commission. He discussed that he had been working on an AirBnB's Ordinance, about which he would be providing information to the Council at the next Council meeting. He discussed that AirBnB's were not included in the Comprehensive Plan, which might be an issue of concern, and which Council may wish to include.

Chairman Catlin discussed that the Comprehensive Plan was silent on Motel's, B&B's or anything like them in residential business although it did refer to the Inn at Little Washington because of its substantial role in the town. He discussed it might be appropriate to leave the question of AirBnB's out of the Comprehensive Plan and to consider the issue in an ordinance.

Mr. Bennett discussed that considering the issue separately was one view but another view was that since the subject of AirBnB's had been the subject of recent specific legislation Council might wish it to be considered in the Comprehensive Plan. He discussed that if the Council and the Planning Commission were concerned about substantial changes to the draft perhaps the issue of AirBnB's should be left out.

Mr. Catlin discussed that the subject of AirBnB's seemed to be beyond what was appropriate in a Comprehensive Plan and that it would be appropriate and necessary for the Town Council to deal with the issue in an ordinance but he did not feel it was the Planning Commission role to do so.

Ms. Swift agreed it should be left out.

Mr. Aichele discussed that it might be perceived in the future that the Council and Planning Commission had missed the subject of AirBnB's but they had not as it had been specifically been before the Council. He discussed that the Comprehensive Plan was a visionary statement but not a regulatory one. He discussed that he felt that the language of the draft Comprehensive Plan was consistent with the Council's consensus of the perception of AirBnB's and that absentee landlords were unacceptable with the character of the town.

Mayor Sullivan discussed that he felt that there was a consensus from the Council to leave the question of AirBnB's out of the Comprehensive Plan and he asked if there was any disagreement and there was none.

Mr. Bennett asked that on page 2, paragraph 3, it be clarified and modified to: “Further, while a Comprehensive Plan provides a guide for the use and development of land and the provision of public services, reflecting the needs of the community, desires of the residents, a respect for the past, and expectation as to the future, it is advisory only and does not have a force of an ordinance. It bases its goals and objectives upon understanding the past, the present situation and the expected future directions and needs of the community.”

Mr. Comp made a motion to accept Mr. Bennett’s modification and Ms. deSarno seconded and a roll call vote was taken:

Mr. Comp voted “yes”                      Ms. Swift voted “yes”  
Ms. deSarno voted “yes”                  Chairman Catlin voted “yes”  
And the motion passed 4-0.

Mr. Catlin made a motion that with the changes recommended that evening by the Town Council and Mr. Bennett the Planning Commission was recommending the corrected draft Comprehensive Plan to the Town Council for adoption and Mr. Comp seconded and a roll call vote was taken:

Mr. Comp voted “yes”                      Ms. Swift voted “yes”  
Ms. deSarno voted “yes”                  Chairman Catlin voted “yes”  
And the motion passed 4-0.

Mr. Goebel made a motion to authorize and advertise the corrected draft Comprehensive Plan for a public hearing at the September 11, 2017 Council meeting.

Mr. Comp recommended that the Council hold two public hearing, one during the day and one during the evening.

After a short discussion of the fact that there had been many public meeting on the draft Comprehensive Plan with ample opportunity for public comment, the Council agreed by consensus that only one public hearing should be held at night. Ms. Leggett seconded Mr. Goebel’s motion and a roll call was taken:

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

- NEW BUSINESS:                      a).    There was no new business.
- PUBLIC FORUM:    Mayor Sullivan opened the Public Forum.

Phil Irwin discussed that the Town’s streets were still in need of repaving since the sewer system had been installed and the maintenance of the streets was a VDOT issue, and the Town relationship with VDOT should be addressed in the Comprehensive Plan. He also discussed that the down shielding of the Town’s lighting should be addressed and encouraged.

Mayor Sullivan discussed that the Comprehensive Plan did encourage that the Town work with the County and other governmental agencies and that lighting was mentioned in a general sense. He agreed that the roads needed to be fixed but that was an issue for another meeting.

Mr. Aichele discussed that who was responsible for the Town streets was a question that had come up over and over and he had been told that those issues had to be dealt with on a case by case basis.

Mr. Bennett discussed that the Town had a population of less than 3,500, which meant that VDOT had the responsibility for maintenance but he felt that VDOT's standards were not compatible with an historic town. He discussed that the issue of the Town's relationship with VDOT was under consideration in a number of forms.

Mr. Catlin discussed that Mr. Irwin had shared his concerns and comments with the Planning Commission and that they felt they had incorporated them into the Comprehensive Plan as on page 15 regarding that there was sensitivity to the light pollution which should be on the forefront of any planning for street light renovations. He discussed that on page 33 it was discussed that the Town should work with the State and County governmental agencies.

Mr. O'Connell asked Mr. Bennett if the Town had the resources for repaving the streets would VDOT not object.

Mr. Bennett discussed that the normally the answer would be yes but in the case of repairing the sewer cuts there was a separate correspondence relating to that and that the Town had been required to repave and had obtained a waiver not to repave.

Mayor Sullivan suggested that he, Mr. Bennet, and perhaps another Council member should get together on the question of the condition of the streets and get back to the Council at another meeting.

Sharone Proper discussed that people had approached her about the condition of the roads and how it affected the beauty of the town.

Mayor Sullivan agreed that everyone wanted to see the roads repaired it but it was a question of who paid.

Nancy Buntin asked if VDOT repaved the streets according to their standards would it affect drainage. She discussed that VDOT's repaving of Main Street had caused drainage problems for properties along Main Street.

Mr. Bennett asked if the Town had received notice of when Main Street was repaved by VDOT.

Mayor Sullivan said not to his knowledge.

Ms. Buntin discussed that it was worrisome that future repaving could cause more drainage issues.

Mr. Bennett discussed that VDOT usually gave notice of projects and homeowners with concerns should call and try and work it out so that adjustments could be made and that as a general rule VDOT could not change the discharge of water private property.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION: There was no Closed Session.
- ADJOURNMENT: At 8:05 p.m. Ms. Leggett moved to adjourn and Mr. Goebel seconded and the motion passed 6-0.

NEXT REGULARLY SCHEDULED COUNCIL MEETING ON SEPTEMBER 11, 2017

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Draft Comprehensive Plan

Town of Washington 1894 Ordinance