

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

September 11, 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 7:03 p.m. Council members, Gary Aichele, Mary Ann Kuhn, Patrick O'Connell and Katharine Leggett were present. Council members Brad Schneider and Jerry Goebel were absent. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

- MINUTES: June 12, 2017 draft minutes: Ms. Kuhn gave Ms. Dodd some typographical grammar corrections. Ms. Dodd asked that the minutes of June 12, 2017 be corrected to show that under Planning Commission the third paragraph be corrected to: "Mr. Aichele complimented the Planning Commission on the document and discussed that he had only found one error, on page 6, paragraph 2, and that there was a semicolon which he thought should have been a comma." She also corrected the Closed Session agenda item to show that there had been no closed session. Ms. Leggett moved that the draft June 12, 2017 minutes be approved as corrected and Ms. Kuhn seconded and the motion passed 5-0.

Mayor Sullivan made a motion that the agenda be amended to consider a discussion of Airbnb's but with the intent to make no decision that night and to also go into closed session regarding a zoning issue, which had not been, on the advertised agenda, and Mr. Aichele seconded and a roll call 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.

- 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.

Mr. Aichele made a motion to approve the Treasurer's Report and Ms. Leggett seconded and the motion passed 5-0.

Planning Commission: There was no report.

Architectural Review Board: Mayor Sullivan reported that there would be a meeting of the ARB meeting on September 13 to consider an application for a stone wall at Mount Prospect.

- TOWN ATTORNEY: Mr. Bennett discussed that he would like to discuss AirBnB legislation passed in Richmond and how it affected the Town after the public hearing.

- PUBLIC HEARING: Draft Comprehensive Plan: Mayor Sullivan discussed that the review of the Comprehensive Plan by the Planning Commission had been ongoing for 18 months including joint meetings with the Council and the public and that it been an open and thorough process. He opened the public hearing.

Mr. Phil Irwin spoke in favor of the draft Comprehensive Plan and discussed that it was an extraordinarily good document. He suggest several modifications to page 15 including adding to paragraph 2 “That it should be sensitive to dark skies by light pollution throughout the County” and also “That the future planning regarding street lights should include down shielding.” He suggested that on page 15 under Section 3, “Efforts to avoid inappropriate development should be promoted” be added. He recommended that also on page 15 an additional sentence to paragraph 3 be added to state “That until patched streets are repaired the sewer system remains unfinished.” He also suggested that in paragraph 4 “Relationships with VDOT regarding street maintenance needs clarification.” be added. He also recommended that on page 15, Goals and Objectives, that the phrase “where possible including adding lighting” be omitted. He also asked that under D). a new sentence be added: “Identifying possible bike and hike trails and coordinating with regional planners.” He also asked that the word visually be added to the sentence “Encourage owners of dilapidated propertied along the primary entrance to the Town to improve visually improve their historic properties.”

Mayor Sullivan asked the Council if they wanted to address Mr. Irwin’s concerns immediately or go on with other people’s questions or concerns.

Mr. Aichele discussed that if the Council decided to substantially change the draft Comprehensive Plan it would have to be referred back to the Planning Commission and another public hearing would have to be held.

Mr. Bennett discussed that if the changes were less restrictive it would not have to go back to the Planning Commission or another public hearing held. He discussed that if the Comprehensive Plan became too restrictive it might limit debate later on.

Mr. Aichele recommended moving forward with further comments and if Council were to consider anything more restrictive for property owners it would have to go back to the Planning Commission.

Ms. Leggett asked Mr. Bennett if the Comprehensive Plan was supposed to be a guideline rather than a specific plan.

Mr. Bennett discussed that generally it was a guideline.

Mr. O’Connell spoke in favor in not making it too specific in an effort to move the Comprehensive Plan forward.

Mayor Sullivan asked if there were any other comments.

Planning Commission Chairman Fred Catlin discussed that the Planning Commission had heard from Mr. Irwin in the past and had tried to incorporate his suggestions into the plan in a very general way and had tried to not to get too specific in order to move forward. He discussed that the Planning Commission would be reviewing the Zoning Ordinance and more specific concerns could be addressed at that time.

He discussed that the additional lighting on Town signs should not be eradicated as it was a marketing issue but it could be addressed in other ways. He discussed that the Planning Commission had gone through the review process for over a year and they would like to address Mr. Irwin’s concerns without further review and advertisement.

Mr. Aichele spoke in favor of having the Comprehensive Plan make a strong statement of where the Town should go without being too specific. He discussed that he appreciated and agreed with Mr. Irwin statements but he didn’t feel they belonged in the Comprehensive Plan.

Mr. Bennett discussed that although the law allowed municipalities to take an action in contradiction of the Comprehensive Plan, most municipalities modified their Comprehensive Plan before doing so.

Ms. Kuhn agreed with Mr. Catlin and discussed that the Comprehensive Plan was a map of the future and details and specifics should not be included although Mr. Irwin's ideas were good and should be kept in mind for the future.

Ms. Leggett discussed that lighting and dark skies were referenced several times in the Comprehensive Plan.

Mr. Catlin agreed and discussed that it also referenced further discussion with VDOT regarding VDOT's relationship with the Town.

Mayor Sullivan discussed that the Comprehensive Plan was a very good document and that it shouldn't be too specific and that Mr. Irwin's suggestions could be found under other goals.

Butch Zindell spoke in favor of the Comprehensive Plan and discussed that specifics should be covered in the Zoning Ordinance.

Sharron Proper discussed that there was a street light out by the jail.

Mayor Sullivan closed the public hearing.

Mr. Aichele made a motion that the Town Council adopt the September 11, 2017 final draft of the Town of Washington Comprehensive Plan as recommended to the Council by the Planning Commission as the Comprehensive Plan of The Town of Washington, Virginia until its next review as required by the laws of the Commonwealth and Mr.

O'Connell seconded and a roll call 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 Comprehensive Plan was approved 5-0.

The Council expressed their appreciation to the Planning Commission. Mayor Sullivan gave the Planning Commission members a Washington, VA hat.

- OLD BUSINESS: a). Consideration of Changing the Town Election Date from May to November to concur with Statewide Elections as per the request from the County Registrar of Voters: Mayor Sullivan discussed that while no decision would be made that evening he wanted to keep the conversation regarding changing the election date moving. He discussed that it would save the Town \$3,000 to \$4,000 as well as increasing the voter turn-out. He discussed that there might be reasons not to change the date and that it would increase the current Council members' terms by several months.

Judy deSarno, a member of the State Board of Elections, discussed that besides saving the Town money and getting more people involved in voting, it would also eliminate a lot of heartache for Kim McKiernan, the Voter Registrar, and the whole Board. She discussed that it was too late to change it for this year's election in November.

Mayor Sullivan discussed that the Virginia Assembly had recently changed the law so that municipalities could change their election date retroactive by several years without having to amend their Charters.

Mr. Bennet discussed that the view by General Assembly was that it was worth the extra expense to remove the towns from the general election for a lot of reasons and that there were compelling reasons for doing so.

Mr. Aichele spoke in favor of altering the date discussing that the Town should do anything it could do to swell the number of voters for the Town election.

Mayor Sullivan discussed that it seemed to be the general consensus to change the date and that it would come before the Council for consideration for advertisement for a public hearing in October.

- NEW BUSINESS: a). AirBnB's: Mayor Sullivan discussed that the subject was being discussed all over the country and that the Town needed to come to an agreement about them.

Mr. Bennett discussed that the Virginia Assembly had passed legislation in 2016 which took away local governments authority to regulate AirBnB's on the basis of land-use issues as well as taking away lodging revenue. He discussed that this legislation had received a great deal of attention and caused a lot of debate and was repealed this year and new legislation was adopted.

He discussed this now allowed the Town to address AirBnB's in town and reviewed some talking points for a draft Ordinance to address AirBnB's within Washington (attached) which included the definition of an Operator and a short term rental, amended Section 1-4- Uses by Special Use Permit to allow for a new subsection: k. Short Term rental. He discussed possible Additional Standards that could be considered as part of the Special Use Permit including that all applicable Virginia Department of Health Standards shall be observed, that there be adequate parking, consideration of lighting, hours of operation, that the Operator shall reside on the premises, be restricted to two rooms occupied by not more than collectively four persons. He discussed that any owner would be required to register and provide emergency contact information and go through a one-time Special Use Permit review, and if approved, pay Lodging taxes. He discussed that the VA code did not allow AirBnB's to serve alcohol.

Alan Comp spoke in favor of the discussion of AirBnB's but discussed that he felt that there would be trouble enforcing regulations. He discussed that the intention of AirBnB's was to be looser and easier for property owners to do short term rentals and that if the Town didn't want AirBnB's they should just not allow them.

Mr. Bennett discussed that in a town the size of Washington if something became important it came to the Town's attention. He also discussed what it would be easy for the Town to see what the AirBnb operator was offering by going on-line and discovering what they were advertising.

Ms. deSarno spoke in favor of allowing AirBnB's as it would allow people traditionally priced out of Town to stay but she urged that the 2 people per bedroom be altered to allow for children.

Council agreed by consensus to bring up the AirBnB's Ordinance issue again at the October meeting. It was discussed that the Council would have to refer any draft AirBnB Ordinance to the Planning Commission for recommendation for approval before a public hearing and possible Council adoption.

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum.

Ms. deSarno discussed that the Christmas Parade date had been moved to December 10th and invited people to join the Christmas Parade Committee, which met at John and Beverly Sullivan's house. She discussed that the Taste of Rappahannock dinner had been held last Saturday and had been very successful with almost all the restaurants in the County, and all the restaurants in Town participating. She gave a special thank you to Patrick O'Connell and the Inn at Little Washington.

Mayor Sullivan discussed that although he and his wife were involved with the Christmas Parade it was not on behalf of the Town.

Council agreed by consensus to hold the Town on the third Sunday in December, on December 17th.

Mr. Irwin announced that the free 9th annual Farm Tour was taking place on September 24th and 25th.

- **CLOSED SESSION:** At 8:25 p.m. Mr. Aichele made a motion to go into closed session Under Section 2.2-3711A.7 for Consultation with the Town Attorney regarding a specific legal matters, to-wit, possible zoning and state law and state code violations by a property owner, requiring the provision of legal advice by the Town Attorney. Mayor Sullivan seconded the motion and a roll call 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.

- **OPEN SESSION:** Mayor Sullivan reconvened the public session at: 9:45p.m. and Mr. Bennett 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 closed meeting was convened were heard, discussed, or considered by the Town Council:

Mr. O'Connell voted "yes" Ms. Leggett voted "yes"

Ms. Kuhn voted "yes" Mr. Aichele voted "yes"

Mayor Sullivan voted "yes"

Council took no action after returning into open session.

- **ADJOURNMENT:** At 9:47 p.m. Mayor Sullivan moved to adjourn and Mr. O'Connell seconded and the motion passed 6-0.

NEXT REGULARLY SCHEDULED COUNCIL MEETING ON OCTOBER 9, 2017

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Approved September 11, 2017 Comprehensive Plan

Mr. Bennett-Draft talking points for AirBnB Ordinance

