

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

October 9, 2017

7:00 p.m.

Approved Minutes

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

Mayor Sullivan asked that the Council consider the Love Sign agenda item to before Old Business and Council agreed by consensus.

- MINUTES: July 10, 2017 draft minutes: Ms. Kuhn corrected the Closed Session agenda item to show that there had been no closed session and also gave Ms. Dodd some typographical and grammatical corrections. She moved that the minutes be approved as corrected and Mr. Goebel 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.

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

Planning Commission: Planning Commission member Alan Comp discussed that the Council had received a letter (attached) from the Planning Commission with recommendations of proposed priorities on how to implement the newly adopted Comprehensive Plan, which would take some work. He discussed that the last recommendation for year one calling for a review and update of the all the Town Ordinances to insure their alignment with the Comprehensive Plan had been misplaced and should be the first step as there were issues that needed to be resolved.

There was a short discussion of the need to establish task forces with either a Council member or Planning Commission member on them to focus on the processing the priorities recommended by the Planning Commission, that there needed to be a greater focus on short and long term financial planning, and that the Town might need to have expert, professional help from someone like Milt Herd, or from someone on the Rappahannock Regional Commission to help with expanding the Town's boundaries and in revising the Town's Ordinances. It was also discussed that the process of working on and implementing the recommendations needed to be put on the Council's agenda and started soon so as to be completed before the start of the next Comprehensive Plan review.

Mayor Sullivan announced that to his disappointment Council member Aichele would be resigning as of November 1, 2017 from the Town Council as he and wife were moving just outside of town. He discussed that in Mr. Aichele's time on Council he had made a significant contribution on what had been done and how it had been done by Council, particularly on the sale and development of the Avon Hall project and also that his legal expertise had been greatly appreciated.

All the Council members, along with Mr. Bennett expressed their appreciation to Mr. Aichele and discussed that he would be missed.

Mr. Bennett discussed that the Council had sixty days from November 1<sup>st</sup> to appoint a new Council member.

Mr. Comp expressed his appreciation of the depth of Mr. Aichele's commitment to the community.

Everyone gave Mr. Aichele a loud and long round of applause.

Architectural Review Board: Mayor Sullivan reported that there would be a meeting of the ARB meeting on October 11<sup>th</sup> to consider an application for gutter replacement by John Kilgore on his house on Gay Street, which was undergoing a complete renovation. He discussed that this was the 28<sup>th</sup> building in town to be seriously renovated in the last four years and that the County would soon begin renovations of the County buildings.

- TOWN ATTORNEY: Mr. Bennett had no report.

- NEW BUSINESS: b). Consideration of a "Love" sign in the town: Mayor Sullivan discussed that the County had put up a "Love" sign and that he thought it might be a fun idea for the Town to have one at the Town's entrance on Warren Avenue.

Theresa Wood discussed that she was President of Businesses of Rapp, which had recently petitioned the County to put up a temporary "Love" sign at the Visitor's Center. She discussed that the idea of the sign was that it was a marketing initiative of the Virginia Tourism Corporation to let visitors to counties, cities, and towns across Virginia know that they were appreciated in coming visiting, and spending money. She discussed that the sign was a temporary one, erected by volunteers, which would have be removed by January 15<sup>th</sup> and they were now looking for a permanent location. She discussed that she would be happy to work with the Town if the Council was interested in having a sign.

Mayor Sullivan discussed that it would not have to be a permanent sign.

After a short discussion in which Mr. Schneider encouraged the idea of having a "Love" sign on a farm wagon outside of town on Warren Avenue adjacent to Route 211 where it would have more visibility, Council, having made no decision, thanked Ms. Wood for her presentation.

- OLD BUSINESS: a). Consideration of Changing the Town Election Date from May to November to concur with General Elections as per the request from the County Registrar of Voters: Mayor Sullivan discussed that it might be a good time to change the election date.

Ms. deSarno discussed that if the election date was to be changed before the next November elections it needed to be done by December and that the resolution should say Federal elections not State elections.

After a short discussion, Mr. Schneider moved to advertise and hold a public hearing at the November Council meeting providing for the change in the Town's General Election to General Election cycle in November as provided by Section 24.2-222.1 of the Virginia Code as amended and Mr. Aichele seconded and a roll call vote was taken:

Mr. Schneider 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.

Mayor Sullivan discussed that the Council was moving the election date at the request of the Election Board and that it would also save the Town money and it would increase voter turn out.

b). Update on an Ordinance to Address P to P (Nee Air BNB's) within the Town of Washington: Mr. Bennett discussed that the Council needed to establish whether Council wanted to work jointly with the Planning Commission of the draft Ordinance or if they wanted to refer it to the Planning Commission for their recommendations.

Mr. Aichele moved to refer the Ordinance to the Planning Commission. There was no second.

Ms. deSarno discussed that it wasn't the Planning Commission purview to create a document and that she thought they were waiting on a re-draft of the 1<sup>st</sup> draft to come back to Council based on prior public comments.

Mr. Comp discussed that the Planning Commission needed to have a document to consider.

Mr. Bennett discussed that he had drafted an Ordinance based on what was required by the State and on the Town Ordinances and that he felt it was ready to go to the Planning Commission.

Mr. Comp discussed that he felt that the current draft was essentially anti-AirBnB and that it tried to make an AirBnB look like an expensive, heavily regulated B&B.

Ms. deSarno spoke in favor of AirBnB's as being affordable as opposed to expensive BnB rooms in town. She spoke against the condition of two rooms occupied by not more than collectively four persons as it might exclude a child in a family if there were more than two children.

After a short discussion, Mr. Bennett discussed that the draft Ordinance only called for the applicant to come before Council one time and it allowed the Council to impose restrictions as it would for any land use.

Ms. Kuhn discussed what some other counties were doing with AirbnB's and that Fairfax County was doing on-line surveys regarding concerns about AirBnB's and that among the top responses were neighborhood character, enforcement, and safety and security. She discussed that perhaps the Town needed to get more input from Town residents.

Mr. Bennett discussed that it was really a site specific issue, which couldn't be addressed by general public comment.

After a long discussion in which Mr. Aichele spoke in favor of AirBnB's but with the condition that they be owner occupied, the Council agreed by consensus to the following changes to the draft Ordinance:

Delete: 1.1. ~~Two rooms occupied by not more than collectively four persons.~~

Add to: 1.6. The Operator shall substantially reside on the premises.

Delete words to: 1.8. The use shall not include assembly uses, including, but not limited to, receptions, weddings, funerals or other events, involving persons other than the person using the overnight lodging, ~~not to exceed four persons.~~

Council agreed by consensus to have Mr. Bennett come back to Council with a revised draft Ordinance.

- NEW BUSINESS CONTINUED: a). Consideration and possible authorization of the prepayment in full, in the approximate amount of \$6,000 of the note financing the Town Hall Acquisition: Mayor Sullivan discussed that Mitzie Young and

her husband had loaned the Town money to purchase the Town Hall and it was now time to pay off the loan.

Mr. Aichele made a motion to retire the Town Hall loan debt and to pay off the loan at a not to exceed figure of \$6,000 and Mr. Schneider seconded and a roll call vote was taken:

Mr. Aichele voted "yes"	Mayor Sullivan voted "yes"
Ms. Leggett voted "yes"	Ms. Kuhn voted "yes"
Mr. Goebel voted "yes"	Mr. Schneider voted "yes"

And the motion passed 6-0.

- **PUBLIC FORUM:** Mayor Sullivan opened the Public Forum.

Ms. deSarno spoke against a "Love" sign in town as it was against the historic character of the town and discussed that she was not opposed to it being on Warren Avenue outside of town in the County.

Ms. Buntin and Mr. Goebel also spoke against having a "Love" sign in town.

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

Ms. Buntin asked if there would be a public hearing and decision on the election date at the November meeting and discussed that she felt it would be a good decision.

Mr. Bennett discussed that there would be a public hearing and a possible decision.

Mayor Sullivan closed the Public Forum.

- **CLOSED SESSION:** At 8:47 p.m. Mr. Goebel 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. Mr. Aichele seconded the motion and a roll call vote was taken:

Mr. Schneider 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.

- **OPEN SESSION:** Mayor Sullivan reconvened the public session at: 9:38 p.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. Schneider voted "yes"	Mr. Goebel voted "yes"
Ms. Kuhn voted "yes"	Ms. Leggett voted "yes"
Mayor Sullivan voted "yes"	Mr. Aichele voted "yes"

Council took no action after returning into open session.

- **ADJOURNMENT:** At 9:40 p.m. Mr. Aichele moved to adjourn and Mayor Sullivan seconded and the motion passed 6-0.

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Letter and Recommendation from the Planning Commission on the adopted  
Comprehensive Plan

Draft Ordinance to Address P to P (Nee AirBnB's) with the Town of Washington