

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

May 21, 2018

7:00 p.m.

Approved Minutes

- CALL TO ORDER: Mayor John Fox Sullivan called the Town Council meeting to order at 7:05 p.m. Council members Mary Ann Kuhn, Fred Catlin, Katharine Leggett, and Patrick O'Connell were present. Council members Jerry Goebel and Brad Schneider were absent. Town Attorney John Bennett was absent. Town Clerk Laura Dodd was present.
- MINUTES: December 11, 2017: Ms. Kuhn made a motion to approve the May 7, 2018 minutes and Mr. Catlin seconded 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. Ms. Leggett made a motion to approve the Treasurer's report and Mr. O'Connell seconded and the motion passed 5-0.

Planning Commission: Mr. Catlin reported that there would be no meeting in May as the regularly scheduled meeting would have been on Memorial Day and that the next scheduled meeting was for Tuesday, June 19, 2018.

Architectural Review Board: No report.

- TOWN ATTORNEY: Mr. Bennett was absent.
- PUBLIC HEARING: FY 2018-2019 Budget: Mayor Sullivan opened the Public Hearing. He discussed that revenue was up a modest amount and expenses were down \$58,000 from last year. He reviewed the attached Budget Summary and discussed that \$7,000 would be transferred from the General Account to Water Works and \$215,000 would be transferred from the General Account to Wastewater to cover both the operations loss and the Wastewater loan.

He asked if there were any comments from the public and the Council and there being none he closed the Public Hearing.

Ms. Kuhn made a motion to approve the 2018-2019 Budget and Mr. Catlin seconded and a roll call vote was taken:

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Catlin voted "yes"

Mayor Sullivan voted "yes"

And the Budget was approved 5-0.

- JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION: Ordinance to Address P to P (Nee Air BnB's): Planning Commission Chairman Catlin and Planning Commissioners Caroline Anstey and Judy deSarno were present. Chairman

Catlin opened up the public hearing for the Planning Commission. Mayor Sullivan opened up the public hearing for the Town Council.

Ray Gooch asked why there was no limit on the number of people who could be guests while B&Bs were limited to two guests per room.

Ms. deSarno discussed that short term rental organizations such as Air BnBs had strict regulations on how many guests could come in.

Mr. Gooch discussed asked how that applied to the draft ordinance.

Mr. Catlin discussed that anyone who was to have a short term rental under the draft ordinance had to have evidence of good standing from Air BnB or some other reputable short term rental organization.

Mayor Sullivan asked if that meant they had to book through AirBnB.

Chairman Catlin discussed that he felt that most reputable short term rental organizations would require booking through them. He discussed that if the Town wanted to put in a lot of specific restrictions, the Town did not have the wherewithal to enforce them. He discussed that the Planning Commission had decided that it would be a better use of time if someone was going to do a short term rental to receive a certificate of good standing from a reputable short term rental organization.

Ms. Anstey commented on draft Section 6.1.2.1.7 that stated “the use shall not include assembly uses” if Mr. Gooch was worried about crowds. She discussed that since the limiting of the number of guests might be unenforceable; the Planning Commission was looking at the rules of the national organization to limit the number of guests.

Ms. deSarno discussed that the Planning Commission was not looking to turn short term rentals into B&Bs but were looking to address a separate set of short term rentals, which for example, might allow someone with four children to sleep in one bedroom with two sets of bunkbeds.

Deb Harris asked why did the Planning Commission feel that limiting the number of guests for short term rentals was unenforceable while the Zoning Ordinance limited the number of guests for a B&B. She discussed that the number of guests could be limited as part of the individual Special Use Permit.

Drew Harris discussed that there were places in the County that allowed 15 to 20 people.

Ms. deSarno discussed that 15-20 people were not likely to come to a short term rental in town. She discussed that Ms. Harris could request an amendment to the draft ordinance, which had been reviewed by the Town Attorney.

Ms. Leggett asked if the number of people allowed to stay at a B&B was a state regulation.

Ms. Kuhn discussed that it was not a state regulation but it was a Town regulation that B&Bs could have up to 5 rooms with 2 guests per room and over that number it became an Inn not a B&B.

Ms. Harris again asked why the limitation on the number of guests was enforceable for B&Bs but not for short term rentals.

Mr. Gooch discussed that the Town relied on the good faith of the owner of the B&B to enforce the limitation and he supported the idea that the short term rental ordinance needed to have a limitation on the number of guests to be able to revoke a permit or to sanction the non-complying short term rental owner.

Ms. de Sarno discussed that if the short term rental owner violated the national organization’s policy on the number of guests, they would lose their certificate of good standing and also lose their ability to be an AirBnB

Ms. Kuhn discussed that AirBnB did not require certificates of good standing.

Ms. Leggett discussed that AirBnB relied on testimonials.

Mayor Sullivan discussed that it might make sense to limit the number of guests and it would be up to the owner to enforce the limit and if it became known to the Town that the number was not being enforced it could be addressed.

Ms. deSarno discussed that there had been a lot of discussion regarding limiting the number of guests and what made sense but the draft ordinance did require that the owner be on the premises.

Chairman Catlin discussed that it was a good point regarding the number of guests but Mr. Bennett was absent and that there might be a legal reason for why he had not put a number in the draft ordinance.

Ms. Anstey discussed that there had been a previous draft which had limited two people per room.

Ms. Dodd spoke in favor of making the number of guests a condition of the individual Special Use Permit.

There was short discussion of limiting the guests by Special Use Permit. Chairman Catlin discussed that the draft short term rental ordinance did require that the owner had to come before the Council with a Special Use Permit application but the draft ordinance did not limit the number of guests.

Mr. Gooch discussed that the Town had a long history of B&Bs and that the Town had been careful in allowing B&Bs in residential neighborhoods and had limited the maximum number of guests to ten. He discussed that the draft ordinance would potentially allow every residence in town to become a B&B and possibly destroy the residential capacity of the Town. He discussed that the Town should be equally restrictive on AirBnBs.

Chairman Catlin discussed that since the owner would be required to be on the premises he felt that it would not necessarily destroy the residential neighborhoods.

Ms. deSarno discussed that was a difficulty of telling people what they could and could not do with their property and the Town could be sued over property rights.

There continued a long discussion on limiting the number of guests.

Ms. Anstey discussed that while she supported the idea of limiting occupancy with a Special Use Permit it might lead to that limit being considered arbitrary if there was no limit in the AirBnB ordinance itself.

Chairman Catlin discussed that there were three issues: 1). There was no definition of assembly in the Zoning Ordinance of what assembly was, 2). Limit to overall capacity, and 3), Guidelines to what could be perceived as arbitrary. He discussed that the Planning Commission should review these issues with the Town Attorney.

Ms. Kuhn discussed that the Virginia Department of Health might have a limit on occupancy as a B&B had a limit of ten.

After a short discussion, Chairman Catlin made a motion to continue the joint public hearing with the Town Council to the July 9, 2018 Town Council meeting and Ms. Anstey seconded and a roll call vote was taken:

Ms. deSarno voted "yes" Chairman Catlin voted "yes"

Ms. Anstey voted "yes"

And the motion passed 3-0.

Mayor Sullivan made a motion to continue the joint public hearing with the Planning Commission to the July 9, 2018 Town Council meeting and Ms. Kuhn seconded and a roll call vote was taken:

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Catlin voted "yes"

Mayor Sullivan voted “yes”
And the motion passed 5-0.

• OLD BUSINESS: a). November Elections Update: Mayor Sullivan discussed that anyone who wanted to run for office in the Town elections in November needed to file by June 12th and he encouraged people to run as competition was healthy and fresh blood was good. He discussed his decision not to run for office and how he had come to love journalism and politics and how delighted he had been when he started at *Newsweek* forty years ago that he got paid to read and follow the news. He discussed that he never thought he would be elected to anything much less as Mayor. He discussed that he was encouraged to run by former Mayor Eugene Leggett and that it had been an extraordinary experience and that he was indebted to the Council, the Planning Commission, the ARB, and the citizens of both the Town and County.

b). Council will consider possible expenditures and also manners of support, to promote Town interests in connection with planned Innstock celebration: Mr. O’Connell recused himself from the discussion and left the Council table.

Mayor Sullivan discussed that the Town had voted to support the Innstock event but had delayed the final vote until they had more information, which they now had in a document from Bonnie Moore, of the Inn at Little Washington, attached. He discussed the Town’s sponsorship of Innstock and the benefits to the Town. He made a motion that the Town spend \$5000 in support of the Innstock event with the purpose of driving people to the town, building awareness of the town, helping businesses in the town, raising the town’s profile, and taking advantage of the substantial efforts that the Inn at Little Washington would be making. Mr. Catlin seconded and a roll call vote was taken:

Ms. Kuhn voted “yes” Ms. Leggett voted “yes”
Mayor Sullivan voted “yes” Mr. Catlin voted “yes”
And the motion passed 4-0 with Mr. O’Connell being recused.

Mr. O’Connell returned to the Council table.

c). Task Force Appointments Update: Mr. Catlin discussed that the Housing Task Force would be meeting on Wednesday, June 7, 2018 and that they welcomed new members. He reported that the Tourism Task Force would be meeting on Tuesday, May 29 2018.

Ms. Harris reported that the Business Task Force would be meeting on Wednesday, June 6, 2018,

Mr. Catlin discussed he would follow up with Mr. Schneider regarding the meetings of the Finance and Infrastructure Task Forces.

• NEW BUSINESS: a). ARB Vacancy and Possible Appointment: Mayor Sullivan discussed that the Town had received a letter of interest from George Eatman in being appointed to the ARB. He discussed that Mr. Eatman was a tax accountant professionally but had an avocation in art and architecture and had written a book on Episcopal Church architecture. He recommended him highly.

Ms. Leggett and Ms. Kuhn spoke in favor of Mr. Eatman’s appointment.

Mayor Sullivan moved to appoint Mr. Eatman to the ARB to replace Beverly Sullivan and Ms. Kuhn seconded and a roll call vote was taken:

Mr. O’Connell voted “yes” Ms. Leggett voted “yes”

Ms. Kuhn voted “yes”
Mayor Sullivan voted “yes”
And the Appointment passed 5-0.

Mr. Catlin voted “yes”

- **PUBLIC FORUM:** Mayor Sullivan opened the Public Forum.
Jean Goodine expressed her thanks to Mayor Sullivan for all his work and also thanked Ms. Dodd for her work and dedication to the town. She expressed her concerns about the Innstock event and possible parking issues due to the fact that the Democratic Party Yard Sale was happening at the Fire Hall on the same day.
Ms. deSarno discussed that she was in charge of the Democratic Party Yard Sale and that people came and went all day without there being a crowd and that she didn’t think it would have a large impact on parking but they would work it out.
Ms. Harris thanked the Planning Commission for all their hard work on the short term rental ordinance.
Ms. Buntin spoke in favor of lending the Planning Commission to the County.
Mayor Sullivan discussed that he had recently focused on parking in the town and that there were three somewhat hidden parking lots: the Inn at Little Washington’s employee lot, the Inn at Little Washington’s lot behind the Post Office, and the County lot behind the County buildings, which together held about 140 parking spaces. He discussed that there were also spaces available in the Trinity Church lot.
Ms. deSarno asked if the Innstock event would be drawing 700 people or 700 cars.
Mr. O’Connell discussed that about 700 people would be attending but not all at the same time.
Mayor Sullivan closed the Public Forum.

- **CLOSED SESSION:** There was no closed session.
- **ADJOURNMENT:** AT 8:20 p.m. Mr. Catlin moved to adjourn and Ms. Kuhn seconded and the motion passed 5-0.

NEXT REGULARLY SCHEDULED COUNCIL MEETING ON JUNE 11, 2018

Respectfully submitted,

Laura Dodd

Attachments:
Treasurer’s report
Additional Bills to be Paid
Bills to be Paid
FY 2018-2019 Budget for Public Hearing
Mayor Sullivan’s Budget Summary
Draft Ordinance to Address P to P (Nee Air Bnb’s)
Bonnie Moore’s Innstock Document
George Eatmen’s ARB Letter of Interest

