

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

December 10, 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, Brad Schneider, and Patrick O'Connell were present. Council member Jerry Goebel was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

- SWEARING IN OF NEWLY ELECTED OFFICIALS: Peggy Ralph, Clerk of the Court, sworn in Mary Ann Kuhn, Patrick O'Connell, Brad Schneider, Katharine Leggett, and Joe Whited as Council members, Gail Swift as Treasurer, and Fred Catlin as Mayor, effective January 1, 2019.

Mayor Sullivan discussed that 2 1/2 times more people turned out for the election that was moved to the same day of the general election than had for the prior election and there had been a 70 to 75% turn-out of registered voters.

Mayor Sullivan made a departure speech, attached, where he discussed his tenure as Mayor, his love for the town, his appreciation of Mr. Bennett and Ms. Dodd, and that the Town was lucky to have a civil, functioning community, which was good but fragile and needed to be protected. He discussed that he would continue to be involved. He gave Mr. Whited and Nancy Buntin a Washington, Virginia hat.

Mr. Catlin invited Mayor Sullivan and Mr. Goebel to the January meeting for a short presentation.

- MINUTES: August 13, 2018 and September 10, 2018 draft minutes: Ms. Kuhn gave Ms. Dodd some typographical and grammatical for both sets of minutes and moved to approve the August 13, 2018 minutes and Mr. Schneider seconded and the motion passed 6-0. Ms. Kuhn made a motion to approve the September 10, 2018 minutes and Mr. Schneider seconded and the motion passed 6-0.

- 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. O'Connell reported that there had been a 35% increase in Meals and Lodging taxes over the last month and discussed that that might imply that there was no need to raise the Meals and Lodging tax.

Mr. Schneider made a motion to approve the Treasurer's report and Mr. Catlin seconded and the motion passed 6-0.

Planning Commission: Chairman Catlin discussed that he had no report until later in the meeting.

Architectural Review Board would not be meeting in December as there were no applications.

- TOWN ATTORNEY: Mr. Bennett had no report.

- PUBLIC HEARING: Consideration and Authorization and entering into a contract for the sale of the lot owned by the Town of Washington at the intersection of old route 211/522 and Leggett Lane containing 0.5853 acres, Tax Map 20A 1-119, for the purchase price of \$135,000 so

as to permit the construction of a new post office and related postal services in accordance with the terms of a contract dated November 8, 2018 from Mid Atlantic Postal Properties, Inc.: Mayor Sullivan discussed the contract, attached, was with Mid- Atlantic Post Properties, a company that had built 25-30 post offices in the Northern Virginia area. He discussed that if the contract was approved and the Town sold the property to Mid- Atlantic Post Properties, they would build to suit the Post Office and then lease it to the Post Service. He opened the public hearing.

Gary Aichele asked if the contract were subject to the Post Service agreeing to the building and site.

Mayor Sullivan discussed that yes it was contingent and that it was also subject to a six month study period. He discussed that depending on the outcome that evening, a proposal was ready to be sent to the Post Service the next day with a response back hopefully before the end of the year. He discussed that he felt that the proposal would give the Post Service the access and other things that they needed while keeping the Post Office in town.

Charlie Thompkins, a property owner across the street from the proposed site, spoke against the contract, and discussed that parking and access were inadequate and it would create a burden. He discussed that he had never been approached by anyone on the Council regarding the site and that he had development plans for his own property.

Craig Lucci, a business partner of Mr. Thompkins, discussed that they would like to develop an assisted living facility with six to eight bungalows on Mr. Thompkins' fourteen acre property with a museum and possibly the post office. He discussed that the assisted living facility would bring 70 to 80 jobs. He spoke against the contract saying the ½ acre site was too small and included wetlands. He discussed that they were prepared to buy the town's site but not to put the post office there.

Ms. Leggett asked if there were a written proposal and if they were asking the Town to consider an alternative location for the post office as well as an assisted living facility.

Mr. Lucci discussed that there was no plan yet but they could do one quickly and that yes they were hoping to build the assisted living facility, museum, and post office.

Mr. O'Connell asked Mr. Lucci what was the intention for the Town owned property and would it be used for the assisted living facility.

Mr. Lucci discussed that the Town shouldn't lose the \$135,000 and that the property might be a good location for a new Town well but they did not need the site for their plans.

Mr. Schneider discussed that the contract had been under discussion for over a month and that the Council had not heard of Mr. Thompkins' plans until that evening and that Mr. Thompkins didn't really have anything to show the Council.

Mr. Catlin discussed that the contract had been discussed in at least one article in the paper.

Mr. Lucci discussed that he had just heard of the sale and again spoke against the contract.

Mayor Sullivan discussed that although the idea of an assisted living facility sounded like a good idea he did not see that it needed to be connected to the post office. He discussed that Mid-Atlantic Postal Properties had found the Town's site to be adequate and that the re-location of the post office had been under discussion for over a year.

Judy deSarno thanked the Council for the work in trying to keep the post office in Town and spoke in favor of the contract.

Mr. Aichele discussed that he was astounded that someone was interested in doing good things in the town but given that there had been active conversations for over six months regarding various locations and that the process had been very transparent, he was in favor of the contract and he urged the Council to move forward.

Ms. Leggett asked what Mr. Bennett felt was a real time estimate for the developer to finish the study.

Mr. Bennett discussed that six months was an outside date, but that he felt the process was moving very rapidly and that the Council would have an answer soon.

Mayor Sullivan discussed that he thought the Council could have an answer in a matter of weeks.

Mr. Lucci asked questions about the site plan and parking.

Mayor Sullivan discussed that although the Town did not have the site plan, the developer had one ready to deliver to the Post Service.

Ms. Kuhn asked Mr. Lucci how much parking he felt was needed if the Town's site was inadequate.

Mr. Lucci discussed that the ½ acre lot was going to prove inadequate and that they needed 2 1/2 to 3 acres.

Caroline Anstey discussed that she was confused by the bundling of the assisted living facility and the post office and that she felt that the assisted living facility's success would not be dependent on the location of the post office.

Mr. Lucci discussed that while not dependent on the post office they liked to bring in other aspects of the community so that the residents of the assisted living facility would not be isolated.

Mr. Catlin asked if their plans called for the post office to be in the town component of Mr. Thompkins' property or the county component.

Mr. Thompkins discussed that that would have to be part of future conversations.

Mr. Lucci discussed that the County would allow a post office with a special exception.

Mr. Bennett discussed that it was allowed in town with a special use permit.

Mayor Catlin discussed that he understood that the Town of Washington had the longest contiguous post office in the history of the United States and that was important to the Town. He expressed his concerns about people feeling like they would have to drive into an assisted living facility to get to the post office.

Mr. Lucci discussed that the bungalows would have 16 beds each and that the post office would have its own drive-way but would be easily walked to by residents.

Ms. Anstey asked if they would still be bringing in the assisted living proposal before the Council if the post office was built across the street.

Mr. Thompkins said yes.

Mr. Lucci discussed other past assisted living projects he had done and what he hoped to do in town.

Mayor Sullivan discussed that while the assisted living project might be a good project the subject that evening was the location of the post office and that there was a time-line on that decision. He discussed that the Town had a developer who felt that they had a workable site but if not the Town might come back to Mr. Thompkins.

John Bourgeois spoke in favor of Mr. Thompkins putting in a civic center next to the assisted living facility instead of the post office.

Henry Eastwood asked if the County employees would be able to walk to new site and that it would be imperative to have adequate parking.

Mayor Sullivan discussed it was walkable but slightly more distant than the current site.

Sheila Gessinger discussed that the current post office had other businesses around it that contributed to congestion while the new site would not. She spoke in favor of the contract and discussed that Mr. Thompkins' assisted living facility would be a good project.

Henry Gorfein spoke in favor of approving the contract particularly as Mr. Thompkins had no proposal in hand.

Steve Critzer spoke against the contract and discussed the problems of tractor trailers coming into the site and that the ½ acre lot would be inadequate. He discussed that the public hearing should be tabled for thirty days to give the Council a chance to consider Mr. Thompkins' property. He discussed that the Town's Warren Ave. site might be a good location for a new well.

Ms. deSarno asked the Council to move forward.

Mayor Sullivan closed the public hearing.

Ms. Kuhn discussed that the driving force for the Council was to keep the post office in Town and she asked Mr. Lucci if the post office would be on the Town's portion of Mr. Thompkins' property.

Mr. Lucci said yes it would be if the assisted living facility could be in the county.

Mr. Critzer discussed that the county portion could be brought into town with a boundary line adjustment.

Mr. Schneider spoke in favor of the Council moving forward on the contract.

Mr. Catlin discussed that although Mr. Thompkins' project sounded interesting, the Council was working on a limited time frame and needed to move forward quickly.

Mayor Sullivan discussed that if the Town delayed making a decision for even a month then

they could lose the post office staying in town.

Mr. Catlin made a motion to ratify the contract dated November 8, 2018 herefore executed by Mayor Sullivan and Mayor Sullivan seconded and a roll call vote was taken:

Mr. Schneider voted “yes”	Mayor Sullivan voted “yes” s
Mr. O’Connell voted “yes”	Ms. Leggett abstained
Ms. Kuhn voted “yes”	Mr. Catlin voted “yes”

And the motion passed 5-0 with Ms. Leggett abstaining.

• **JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION:** At 8:11 p.m.

Chairman Catlin opened up the public hearing for the Planning Commission. Planning Commissioners in attendance were Judy deSarno, Gail Swift, and Caroline Anstey.

Mayor Sullivan opened up the public hearing for the Town Council.

1. A rezoning amendment to Article 1-4-1 of the Town Zoning Ordinance to add subarticle k. as follows: “k. Post offices and related postal services” so as to permit by special use permit post offices and postal related services in every zoning district of the Town

Mr. Brown, representing Mr. Thompkins, spoke in of favor the rezoning amendment.

Mr. Aichele spoke in favor and discussed that this was enabling legislation that would probably only be used one time for one site.

Ms. Swift made a motion that the Planning Commission recommend approval to the Town Council of the rezoning amendment to Article 1-4-1 of the Zoning Ordinance and Ms. Anstey seconded and a roll call vote was taken:

Ms. Swift voted “yes”	Ms. deSarno voted “yes”
Chairman Catlin voted “yes”	Ms. Anstey voted “yes”

2. If the foregoing subarticle k. amendment be adopted, consideration of a special use permit in accordance with the new Article 1-4-1k. to permit a post office and postal related services on the lot at the intersection of Old U.S. Route 211 and Leggett Lane briefly described as .5853 acres, Tax Map 20A-1-119 presently owned by the Town of Washington, but subject to a proposed contract of sale dated November 8, 2018 to Mid-Atlantic Postal Properties Inc.:

Mr. Brown spoke in favor of postponing the vote or for voting against the special use permit and discussed that he felt that the Council didn’t have detailed enough plans to act affirmatively on the general standards.

Mr. Bennett discussed that the Town had reviewed details on site with the developer.

Mr. Aichele discussed that the chance of keeping the post office in town was enough for the Council to move forward and he spoke in favor of approving the special use permit.

Mr. Bennett discussed that the Council was at the zoning stage and that technical issues would be considered and resolved later.

Mr. Brown again spoke against the special use permit because of the lack of detailed plans did not allow the Council to determine the impact on neighboring properties.

Mr. Bennett discussed that none of the adjacent property owners were present to oppose the special use permit and that Mr. Thompkins’ property was across a federal highway from the property under consideration.

Mr. Lucci spoke against the special use permit as there was no detailed site plans.

Mr. Bennett again discussed that the Town had reviewed the site with the developer and he welcomed Mr. Lucci to review all site plans moving forward.

Chairman Catlin closed the public hearing for the Planning Commission.

Mr. Bennett led the Planning Commission through the General Standards under 6-1-1:

The Town governing body may issue a Special Use Permit if it finds that the use for which the permit is sought:

- a. Will not be hazardous or injurious to, or in conflict with, the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved, the site layout and access roads

Ms. Swift voted “yes” Ms. deSarno voted “yes”
Chairman Catlin voted “yes” Ms. Anstey voted ‘yes”

b. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use

Ms. Swift voted “yes” Ms. deSarno voted “yes”
Chairman Catlin voted “yes” Ms. Anstey voted ‘yes”

c. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to the quiet enjoyment of property or improvements in the neighborhood

Ms. Swift voted “yes” Ms. deSarno voted “yes”
Chairman Catlin voted “yes” Ms. Anstey voted ‘yes”

d. Will be in accord with the provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing body

Ms. Swift voted “yes” Ms. deSarno voted “yes”
Chairman Catlin voted “yes” Ms. Anstey voted ‘yes”

Ms. Anstey made a motion to recommend approval of the special use permit to the Town Council and Ms. deSarno seconded and a roll call vote was taken:

Ms. deSarno voted “yes” Ms. Swift abstained
Chairman Catlin voted “yes” Ms. Anstey voted ‘yes”
And the motion passed 3-0 with Ms. Swift abstaining.

Ms. Anstey moved to adjourn the Planning Commission and Ms. deSarno seconded and the motion passed 4-0.

Mayor Sullivan asked for public comment as part of the public hearing for the Town council on part 1 on the rezoning amendment to Article 1-4-1 of the Zoning Ordinance and there being no comment he closed part 1 of the public hearing.

Ms. Leggett made a motion to approve the rezoning amendment to Article 1-4-1 of the Town Zoning Ordinance to add subarticle k. as follows: “k. Post offices and related postal services” so as to permit by special use permit post offices and postal related services in every zoning district of the Town and Mr. Catlin seconded.

Ms. Kuhn discussed that the Draft Planned Unit Development Ordinance was listed as Article 1-4-1.k.

Mr. Bennett discussed that if the amendment passed that evening the Planned Unit Development Ordinance would become 1-4-1.1 (L).

A roll call vote was taken on Ms. Leggett motion:

Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

And the motion passed 6-0.

Mayor Sullivan opened up public comment on part 2 of the public hearing on the special use permit to permit a post office and related postal services and there being no public comment he closed the public hearing.

Mr. Catlin made a motion to approve a special use permit in accordance with the new Article 1-4-1k. to permit a post office and postal related services on the lot at the intersection of Old U.S. Route 211 and Leggett Lane briefly described as .5853 acres, Tax Map 20A-1-119 presently owned by the Town of Washington, but subject to a proposed contract of sale dated November 8, 2018 to Mid-Atlantic Postal Properties Inc. and Mr. Schneider seconded.

Mr. Bennett led the Council through a review of the General Standards under 6-1-1

The Town governing body may issue a Special Use Permit if it finds that the use for which the permit is sought:

- a. Will not be hazardous or injurious to, or in conflict with, the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved, the site layout and access roads
Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

- b. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use
Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

- c. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to the quiet enjoyment of property or improvements in the neighborhood
Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

- d. Will be in accord with the provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing body
Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

A roll call vote was taken on Mr. Catlin’s motion:

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

●OLD BUSINESS

a). The Council has offered for sale, as is, the two story frame structure, on Parcel 3 at the intersection of old route 211/522 and Leggett Lane containing 0.5853 acres, Tax Map 20A-1-119 subject to an agreement satisfactory to Council to remove the structure by February 14, 2019, and to give reasonable assurances that such structure will be preserved and restored. If no such offer is received or thereafter accepted by Council, such structure may be razed or demolished: Mayor Sullivan discussed that there would be no action taken on this agenda item but the Council just wanted to reiterate that the property was for sale for a minimal amount.

b). Review and possible authorization of a public hearing on the Eatman/Eagle Gay Street application for the Vacation of the Gay Street Stub Street: Mr. Bennett discussed that the Eatman/Eagle application for the vacation of the Gay Street Stub Street was now complete as Mr. Brown and Ms. Eagle had addressed some of the remaining concerns and he now had a draft ordinance, attached, to approve the sale of the Gay Street Stub Street.

Mr. Catlin discussed that he felt that the Council was ready to move forward on the application because, 1, Gay Street was un-extendable, 2, there was a significant topographical feature that made the stub street useless as a thoroughfare, 3, the Town would be receiving payment for the stub street vacation, and 4, there was potential for replacing the shed with a residence. He discussed that that these 4 things made the vacation a favorable action.

Mr. Bennett discussed that the Council had reviewed the new Stub Street Vacation Policy regarding the application at the last Council meeting.

Mayor Sullivan made a motion to authorize a public hearing on the Ordinance to approve the sale of the Gay Street Stub Street for the January Council meeting and Ms. Kuhn seconded and a roll call vote was taken.

Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

And the motion passed 6-0.

c). Consideration and possible authorization of a Joint Public Hearing with the Planning Commission on a Draft Planned Unit Development Ordinance (PUD): Chairman Catlin discussed that the Planning Commission had held an advertised meeting that afternoon at 5:30 p.m. and had tried to address some concerns some members had raised regarding the Draft PUD Ordinance including 1, was the Sewer Ordinance applicable to the PUD, the answer yes and that the Sewer District was a flexible boundary, which could be moved, 2, was whether the plans of the PUDs would fall under the ARB, and answer was that properties in the town fell under the Historic District Ordinance, and that properties along the entrance corridors would fall under the ARB if a Historic Overlay was placed on them, but properties outside of the town but not in the corridors would not fall under the ARB unless the Historic District was extended.

Ms. Anstey discussed that the ARB was the guardian of the historic character of the town and that it would be a comfort if any PUD would be subject to the same guidelines which would be true if the PUD was in the Historic District. She discussed that much of the PUD discussion involved properties that would be brought into the town by a boundary line adjustment and they would not be covered by the Historic District Ordinance.

There was a lengthy discussion regarding the ARB’s role in the PUD Ordinance, including Mr. Aichele discussing that the Council could place conditions on the PUD application that included consultation with the ARB.

Mr. Bennett discussed that in the newly revised draft the issue regarding the ARB was covered under section 7: All new structures meet the design standards within the most recent addition of the ARB’s Guidelines for new construction.

Mayor Sullivan made a motion to authorize a joint public hearing with the Planning Commission on the draft PUD Ordinance and Mr. Catlin seconded the motion.

Ms. Kuhn gave Mr. Bennett several corrections to the draft ordinance, which are reflected in the attached revised draft PUD Ordinance.

Mayor Sullivan amended his motion to hold a joint public hearing with the Planning Commission on the revised PUD Ordinance and Mr. Catlin seconded and a roll call vote was taken:

Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

And the motion passed 6-0.

d). Town office space review: This agenda item was tabled by consensus as there was nothing to report.

• NEW BUSINESS: a). Discussion and setting of Treasurer’s Salary, effective January 1, 2019 at the request of the incoming Treasurer. Mayor Sullivan discussed that Ms. Swift, as incoming Treasurer, had made the request that the Treasurer’s salary be eliminated.

Ms. Swift discussed that in recent times many of the Treasurer’s duties had fallen to the Town Clerk and so she felt the salary was no longer justified.

Mr. Catlin made a motion to eliminate the Treasurer’s salary, but not the regular payment for attending Council meetings, and Ms. Kuhn seconded and a roll call vote was taken:

Mr. Schneider voted “yes” Mayor Sullivan voted “yes”
Mr. O’Connell voted “yes” Ms. Leggett voted “yes”
Ms. Kuhn voted “yes” Mr. Catlin voted “yes”

And the motion passed 6-0.

Council thanked Ms. Swift for her generosity.

b). Planning Commission Vacancy: Mayor Sullivan discussed that Mr. Catlin had resigned from the Planning Commission effective December 31, 2018 and that the Council was now looking for letters of interest in being appointed to Planning Commission by town residents.

- PUBLIC FORUM: Mayor Sullivan opened the public forum.

Mr. Aichele discussed that if the incumbent Town Clerk remained with the town that the Council should look at paying her for the additional duties and that moving forward the Council should relook at the Town Clerk job description.

Ms. Swift thanked everyone for the wonderful Christmas party the night before.

Ms. Dodd thanked everyone who helped with the Town decorating and discussed that she really appreciated the extra help this year.

Mayor Sullivan thanked Ms. deSarno and Ms. Anstey, and the other folks who worked on the parade and made it such a success.

- CLOSED SESSION: At 9:30 p.m. Mayor Sullivan made a motion to go into closed session pursuant to provisions of Section 2.2-3.711A1 of the Code of Virginia to discuss a named Town employee and Ms. Kuhn seconded and the motion passed 6-0.

- OPEN SESSION: At 9:45 p.m. Council returned to open session. 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 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. Schneider voted "yes"

Mayor Sullivan voted "yes" s

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Catlin voted "yes"

- ADJOURNMENT:

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL
JANUARY 14, 2019

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Gay Street Stub Street Sale Ordinance

Revised Draft Planned Unit Development Ordinance

Warren Ave. Property Contract

Mayor Sullivan Departure Speech

