

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

August 12, 2013

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:03 p.m. Council members Alice Butler, Jerry Goebel, Mary Ann Kuhn, Gary Schwartz, Patrick O'Connell, and Dan Spethmann were present. Town Attorney John Bennett and Town Clerk Laura Dodd were present. _

Mayor Sullivan welcomed former Mayor of Washington Peter Kramer and discussed that the Town still benefited from what Mr. Kramer had done for the Town.

- MINUTES: May 13, 2013: Ms. Kuhn made a motion to approve the minutes of May 13, 2013 and Mr. Spethmann seconded and the motion passed 7-0.

- 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.

Mr. O'Connell made a motion to approve the Treasurer's report and Ms. Butler seconded and the motion passed 7-0.

Mayor Sullivan discussed that Ms. Kuhn had asked for an update on the meals and lodging tax income and he commented that most of the Town's revenue came from meals and lodging taxes, separate from the water and sewer revenue. He discussed that meals and lodging taxes ending in June 30th came to \$266,000 for the year, which was a 12% increase over the previous year, which was good news and a significant increase. He discussed that the increase had been growing quarterly with the 1st quarter showing an increase of 9% and the 4th quarter showing an increase of 18% over the prior year. He discussed that the July figures were showing an increase of about 25%, which indicated that the revenue budget for the current year was doable and was probably conservative.

- Planning Commission: Chairman Schwartz had no report,
- Architectural Review Board: Mayor Sullivan reported that Ernesto Flores was elected Chairman of the ARB after Kevin Adams resigned. He discussed that six applications for upgrading existing buildings had been approved at the last two meetings and that investments into the Town were continuing at a rapid pace.
- Website: Ms. Kuhn reported that Mr. Henze was working on updating the minutes onto the website.

- TOWN ATTORNEY: Mr. Bennett: No report.

- PUBLIC HEARING: Consideration and adoption of Ordinances and Resolutions to amend ordinances to permit B&Bs to serve meals to non-guests: Mayor Sullivan opened the public hearing and discussed that the Council and Planning Commission had

held several meetings on ordinance amendments and now were holding a public hearing, which had been advertised, to consider changes to the Town's Ordinances to allow a B&B to serve meals to non-guests, with certain limitations, through a Special Use Permit approved by the Town Council. He discussed that the Council had two changes to the Ordinance before them: a) to allow it in the definition of a B&B and b) to allow it by a Special Use Permit that would give the Town certain suggestions on what issues and questions would have to be looked at before the SUP was granted. He discussed that this would allow greater flexibility in what a B&B could do but each SUP still would be very much considered on a case by case basis by the Town. He discussed that the genesis for the amendments was the request by the Foster Harris House to serve food.

Mr. Peter Kramer spoke in favor of the amendments discussing that he thought it was a great idea and that it would give the Town a larger percentage of meals and lodging taxes. He discussed that he felt it would not endanger the Inn in any way.

Mayor Sullivan asked if there were any more comments from the public and there being none he closed the public hearing.

Ms. Kuhn discussed that she wanted to put into perspective where the Town and County stood in relation to what other jurisdictions were doing. She discussed that the amendments put together by the Mayor, Mr. Schwartz, John McCarthy, and Mr. Bennett were quite good and had a lot of details. She discussed that an article in the RappNews about the ordinance changes had made the national headlines and that the Professional Association of Innkeepers International, PAI, had also pulled up the story because of what was being proposed. She discussed that she had called PAI and that the President, Jay Karen, said that he had not encountered any bed and breakfast serving meals to non-registered guests and that he thought it was very clever and that he dug the idea. She discussed that Mr. Karen thought it was reasonable to be able to serve no more than 10 people, guests and non-guests if you were a five room B&B. She discussed that he thought that the cap of people should take care of most of the issues that would concern the town.

She discussed that Mr. Karen put the question to the PAI's membership on its innkeeper forum to see if any of them were cooking meals for non-guests and advertising on Facebook or by email to local people. She discussed that one innkeeper had responded that the laws that govern what a bed and breakfast can do and not do with food varies from state to state and county to county. She discussed that two bed and breakfasts in Charlottesville said that their county did not allow bed and breakfasts to serve to non-guests and that some felt that the restaurants were behind this and that one of these B&Bs was trying to get permission to serve dinner to registered guests on Friday and Saturday nights.

She discussed that she had called the Bed and Breakfast Association of Virginia which has 170 members and spoke with the association's administrator who said she did not know of any of its members serving meals to non-guests. She discussed that she was trying to put into perspective where the Town was going and if it was the right thing to do and that the Town might be making headlines again as being the first in Virginia to do this.

Mayor Sullivan discussed that John McCarthy had said that there were B&Bs in the County that served to non-registered guests.

Ms. Kuhn discussed that she knew of B&Bs in the County that served to registered guests but she did not know of any that served non-registered guests.

Mr. Schwartz thanked Ms. Kuhn for pulling that much information from PAI.

Mayor Sullivan spoke in favor of the changes.

Mr. Schwartz discussed that 1) a B&B needed a SUP to operate as B&B and if the proposed changes to the Ordinance was passed 2) a B&B would have to ask for a SUP to serve meals to non-guests and 3) and the Ordinance would require all the general standards to be met, plus all the conditions that could also be imposed would have to be met. He discussed that he thought that the Town had given themselves enough leeway to address the uncharted territory that they might be entering into.

Mr. Spethmann asked if the Ordinance changes were passed would the stage be set for a B&B such as Foster Harris House to apply for a SUP.

Mayor Sullivan discussed that tonight the Council would not be approving the Foster Harris House's request to serve meals to non-guests but rather would be approving the mechanism and paving the way for them to go forward and presumably the Foster Harris House would be making a SUP request.

Ms. Kuhn asked how the Health Dept. figured into the process.

Ms. Dodd discussed that the Health Dept. required a commercial kitchen.

Mr. John McPherson discussed that the Health Dept. required a commercial kitchen and after an inspection and after approval the Health Dept. issued a commercial restaurant permit.

Mayor Sullivan discussed that the Health Dept. permit would limit the number of B&Bs that would want to do this.

Mr. Goebel discussed that the Ordinance changes discussed a periodic review and asked did it also allow the SUP to be transferred to a new owner.

Mr. Bennett discussed that it did not and that that wording was added after the last meeting.

After a short discussion it was determined that Ms. Dodd had distributed the wrong version of the draft Ordinance amendments and she made copies of the correct version and distributed them to the Council and the public. Mr. Schwartz read through the correct version.

Mr. O'Connell asked if this document would allow only the current owner to serve to non-guests

Mr. Schwartz discussed that yes it could if approved in its current form.

Mr. Gary Aichele asked about the SUP allowing B&Bs to serve non-guests being restricted to current owners while the SUP allowing the B&B to operate was not restricted to the current owner. Mr. Bennett discussed that the Council could restrict a SUP if there was a rational basis for restricting it.

Mr. Aichele discussed that if the Council imposed the restrictions on the new SUP to the current owners it would be a change from what had been done in the past.

Mr. Bennett discussed that there were many things that would have to be balanced but it was a substantial investment for the owner and the marketability of a property would be a significant thing to consider.

Mr. Aichele discussed that considering the novelty of the new SUP it might not be a bad idea to restrict it to the current owner. He discussed that this was a community that put stock in its neighbors and whatever concerns the Town might have moving into uncharted waters might be alleviated by a restriction to the current owner.

Mr. Bennett discussed that it was more common to issue the SUP for a number of years.

Mr. Schwartz discussed on behalf of the Planning Commission that no one was predisposed one way or the other but for the sake of clarity had added restrictions that might be put into play and that the definition also clarified Transient guests and Tourist homes.

After a short discussion Mr. Goebel made a motion to amend and readopt the definition of a B&B as contained in the Ordinance Definitions of the Zoning Ordinance as written and distributed:

“Bed and Breakfast establishment – However designated, including among others, designation as a bed and breakfast, boarding house or tourist home, and being a place for overnight lodging of transient guests in not more than five (5) rooms with no more than two (2) persons per room and where meals are served only to persons who are overnight guests. If permitted by a separate special use permit, such meals may be served to overnight guests or other non-overnight guests, but in no greater number for each meal than the number of permitted rooms times two. ‘Meals’ are limited to one seating and include only one breakfast, one lunch and one dinner per day. ‘Transient guests’ shall include, but not be limited to, paying guests who stay overnight on any portion of the premises less than 60 days in any 365 day period.”

Mayor Sullivan seconded the motion and a roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Mr. O’Connell voted “yes”

Ms. Butler voted “yes”

Ms. Kuhn voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

And the motion passed 7-0.

Mr. Goebel made a motion to amend and readopt Article 6-1-2 “Additional Standards” Paragraph “h” of the Zoning Ordinance by adding the following subparagraph 6 to the existing subparagraphs 1-5:

“6. By a separate and distinct special use permit, a Bed and Breakfast establishment may serve meals to guests and non-guests, but in no greater number for each meal seating than the number of permitted rooms times two, and only upon such additional conditions as may be required by the Town Council which may include, but are not limited to, the nature and extent of on-site management, additional parking requirements, ingress/egress requirements, periodic review or issuance only for a defined period, to then be reapplied for by the applicant, issuance restricted only to the current owner or applicant, limitation of hours of serving meals to guests and non-guests, requirements for a minimum number of guests before meals may be served to non-guests, noise standards, and/or lighting standards. Additional conditions may also be imposed upon Bed and Breakfast establishments serving meals only to guests.”

Ms. Kuhn seconded the motion and a roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Mr. O’Connell voted “yes”

Ms. Butler voted “yes”

Ms. Kuhn voted “yes”

Mr. Spethmann voted “yes”

Mayor Sullivan voted “yes”

And the motion passed 7-0.

Mayor Sullivan discussed that the process had taken 4 months and thanked everyone for their hard work and discussed that the Council had learned a lot from the process.

• OLD BUSINESS: a). Farm Tour on September 26, 2013 and Christmas Parade on December 8, 2013 reminder: Mayor Sullivan discussed that the Farm Tour would be held on Sept. 26th and that the Christmas Parade would be on Dec. 8th. He discussed that the Rappahannock Hospitality and Visitors Association had sponsored the parade for at least 5 or 6 years and how had decided not to do it going forward. He discussed that the parade would go on and that Chris Doxzen and Bernie Olsen were starting to organize it and that they might be looking for an official sponsor. He discussed that the Town would not be taking on the responsibility of organizing the parade due to legal reasons but many people on the Council were keenly interested in seeing that it continue and succeed.

• NEW BUSINESS: b). Health and Wellness Festival September 21, 2013: Mayor Sullivan discussed that Jackie Meuse, owner of the Spa on Main St., and others were organizing a Health and Wellness Festival the weekend of Sept. 21st and 22nd and even though the Town was not involved the Town was happy to have things going on.

Hunt Harris discussed that he hoped to hold a bonfire on Avon Hall on Friday, Sept. 21st to kick-off the Health and Wellness event.

The Council agreed by consensus to allow the bonfire.

Mayor Sullivan discussed that the Town would also be holding its “traditional” Christmas tree bonfire the Friday after the 1st of the year.

a). Rappahannock Artisan Trail Presentation: Patty Brennan, Committee Chair for the Steering Committee for the Rappahannock Artisan Trail, made a presentation on the creation of an Artisan Trail in Rappahannock County that could be a venue for bring people into the community. She discussed that it would be run by a non-profit, the Artisan Center of Virginia, which also ran four other artisan trails in the state. She discussed that the Artisan Center would come into the community and help bring together artists, restaurants, B&Bs, organic gardeners, and wineries to establish a trail.

Mayor Sullivan discussed that the Rappahannock Artisan group were asking the Town for a \$5,000 donation and needed \$15,000 to get the trail going and he asked what the money was for.

Ms. Brennan discussed that the \$15,000 was for an implementation fund to create the trail and a map and would also help create a website and market the trail. She discussed that RAAC had pledged \$5,000 and they would also be asking the County for \$5,000. She discussed that the Artisan Center would grant match the money that the Rappahannock Artisans brought in and that twenty-eight artists and groups has already pledged \$100 each to join.

She discussed that the Artisan Center would help connect and market its members with a trail in Rappahannock County which would be displayed on a website that connected to other trails in the state.

Mr. Spethmann asked if they were asking for a one time donation to help “prime the pump” to get trail started.

Mr. Kramer discussed that they were asking for less than 1% of what was in the Town's treasury.

Mayor Sullivan asked how the trail would affect the Art Tour.

Ms. Brennan discussed that tour would still continue with the tour existing one week-end of the year and the trail would be year round and they would cross market each other.

Mr. Robert Ballard spoke in favor of the donation discussing that the trail would give the opportunity to some artists who didn't have the means to get some marketing and exposure.

After further discussion with Mr. Aichele, Mr. McPherson, Mr. Schwartz, Mr. O'Connell, Mr. Spethmann, Ms. Kuhn, Mr. Goebel, and Mayor Sullivan all speaking in favor of the trail, Mr. Spethmann made a motion that the Town commit to spend \$5,000 to the Artisan Trail project for the benefit of the Rappahannock County Artisan Trail and Ms. Kuhn seconded .

A roll call vote was taken:

Mr. Spethmann voted "yes"

Ms. Kuhn voted "yes"

Ms. Butler voted "yes"

Mr. O'Connell voted "yes"

Mr. Goebel voted "yes"

Mr. Schwartz voted "yes"

Mayor Sullivan voted "yes"

And the motion passed 7-0.

- PUBLIC FORUM: Mayor Sullivan opened the public forum.

Mr. Hunt Harris discussed that the Town might want to hold a Halloween bonfire and if so he would help coordinate it.

Mayor Sullivan closed the public forum.

- CLOSED SESSION:

- ADJOURNMENT: At 9:40 p.m. Ms. Kuhn moved to adjourn the meeting and Mayor Sullivan seconded and the motion passed 7-0.

NEXT SCHEDULED MEETING OF THE TOWN COUNCIL ON SEPTEMBER 9,
2013

Respectfully submitted,

Laura Dodd
Town Clerk

Attachments:

Bank Summary Report
List of Bills-To-Be-Paid
Additional Bills Paid
Approved Ordinance Amendments