

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

November 18, 2013
Continued from
November 11, 2013
7:00 p.m.

Town Council Meeting Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:01 p.m. Council members Alice Butler, Jerry Goebel, Gary Schwartz, and Mary Ann Kuhn were present. Council members Patrick O'Connell and Dan Spethmann were absent. Town Attorney John Bennett was present. Town Clerk Laura Dodd was absent.
- MINUTES: There were no minutes prepared to be approved.
- 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. He discussed that the additional bills included a payment of \$5000 to the Inn towards the Church parking lot.

Mr. Schwartz discussed that there might be some bills from ESS for work that needed to be reimbursed to the Town by property owners including work done on the Pullen/Abdo property and also for damage down by a property owner to their force main and that the bills should be approved conditional on those property owners reimbursing the Town.

Several people discussed that there were two low spots in the new Church parking lot that might become dangerous in wet weather. Mayor Sullivan discussed that it was the Church's parking lot not the Town's.

Ms. Butler made a motion to approve the Treasurer's report and Mr. Schwartz seconded and the motion passed 5-0.

Planning Commission: Chairman Schwartz had no report.

Architectural Review Board: Mayor Sullivan discussed that the ARB had met and approved an application from Ms. Meuse for new windows and an application from the Ballards for a new sign but had not approved an application from Wine Loves Chocolate for a new sign and that application would have to come back to the ARB.

Website: No report.

- TOWN ATTORNEY: Mr. Bennett: No report.
- PUBLIC HEARING: TW SU#13-10-01 Jean Goodine, owner of the property located at 353 Main St. desires a Special Use Permit to convert the upper level of the existing shop to retail use thus making the total retail space for the building greater than 1,000 feet: Mayor Sullivan discussed that the SUP had been considered informally at

the Council meeting the week before but this would be the official public hearing and he opened up the public hearing:

Mr. Peter Kramer spoke in favor.

Mr. Gary Aichele asked how many feet over the existing code was the new space.

Ms. Goodine discussed that the maximum amount would be 600 feet but it was not all usable space.

Mr. Aichele spoke in favor discussing that the additional space was not an extraordinary extension of what was already permissible.

Ms. Goodine discussed that the space was originally designed to be commercial and that John McCarthy had recommended approval of the SUP noting that there was adequate parking.

Mr. Bennett discussed that Ms. Goodine had some changes she would like made to the draft Ordinance granting approval such as changing the one year condition to an eighteen month condition.

Ms. Goodine expressed concerns that copies of the draft were not available and so Mr. Bennett read through the draft as follows:

Upon the application of Jean F. Goodine, owner of property commonly known as 353 Main Street, Washington, Virginia, to convert the 800 square feet upper level area of such building to commercial retail use in accordance with Section 1-4-3d of the Ordinances of the Town of Washington, Virginia, so as to permit the Lessee, the business known as Wine Loves Chocolate, to use both the first and upper floor for that single business, a Special Use Permit is hereby granted in accordance with the provisions of Article VI of said Ordinances, there being a finding of the affirmative of the General Standards of Article 6-1-1 as well as a like finding of the Additional Standard of Article 6-1-2g but upon the following express conditions:

1. This Special Use Permit shall be valid for a period of from one year from the date hereof and shall automatically renew for additional periods of one year each, provided that Council does not give notice to the owner 60 days or more prior to the expiration of any one year period of its intent not to renew this Special Use Permit. If such notice is given the owner 60 days or more prior to the expiration of any one year period and Council should subsequently vote within 120 days of the giving of such notice not to renew this Special Use Permit, then this Special Use Permit shall terminate 30 days subsequent to such vote, but in no event, prior to the expiration of the one year period during which notice was given. Such vote may terminate the Special Use Permit for all or only a portion of the one year period subsequent to the one year period in which notice is given.

2. This Special Use Permit shall be subject to a vote of non-renewal by the Town Council upon a negative finding of any of the General Standards set forth in Article 6-1-1 or the Additional Standards set forth in Article 6-1-2g.

3. Notwithstanding the foregoing, this Special Use Permit shall terminate and be of no effect whatsoever if Jean F. Goodine should cease to personally own the property commonly known as 353 Main Street, Washington, Virginia.

Mr. Kramer asked why the SUP would only be valid for eighteen months.

Mr. Bennett discussed that that was the time of the lease to Wine Loves Chocolate and that these conditions would allow the Council, if the use were to change or the intensity of the use to change to reconsider the SUP.

Ms. Goodine discussed that she would prefer not to have the limitation of eighteen months or have the lease to be Wine Loves Chocolate.

Mr. Bennett discussed that unless the Council chose to review and deny after the eighteen months was up or thereafter every year, it would not be limited to eighteen months or to a named leasee but it must be retail or commercial with the exception of a restaurant.

Mr. Schwartz discussed that the original SUP allowed retail in the downstairs and that the current SUP would allow commercial or retail as allowed in Village Mixed-Use by right but if Ms. Goodine changed the use beyond that it would not be valid.

Mr. Bennett discussed that actually the way the Ordinance was written the SUP would be for retail use only not commercial but office space would be allowed by right.

Mr. Schwartz read through the uses that required an SUP and reiterated that any use beyond retail would require a new SUP.

Mayor Sullivan closed the public hearing. He asked Mr. Bennett if there were any other changes to the draft besides the change to eighteen months.

Mr. Bennett discussed that “or her heirs or her devises under her will” would be added after Jean F. Goodine in condition 3.

Mr. Schwartz discussed that he felt there would be no change in EDUs or the sewer assessment since it was going to be retail.

Mr. Goebel made a motion to approve the SUP and Ms. Kuhn seconded the motion.

Mr. Bennett read through the General Standards from Section 6-1-1 of the Zoning Ordinance and the Council considered each standard:

- 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

A roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Butler

voted “yes”

Mayor Sullivan voted “yes”

And the standard was approved 5-0.

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

A roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Butler

voted “yes”

Mayor Sullivan voted “yes”

And the standard was approved 5-0.

- 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

A roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"

Ms. Butler

voted "yes"

Mayor Sullivan voted "yes"

And the standard was approved 5-0.

- 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

A roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"

Ms. Butler

voted "yes"

Mayor Sullivan voted "yes"

And the standard was approved 5-0.

Mr. Bennett also asked the Council to consider 6-1-2 Additional Standards (g) 1.

g. Retail Uses of Greater than 1000 square feet in Existing Retail Space

1. Any expansion in size of the commercial use shall be in keeping with the character of the surrounding properties.

A roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"

Ms. Butler

voted "yes"

Mayor Sullivan voted "yes"

And the standard was approved 5-0.

A roll call vote was taken on Mr. Goebel's motion to approve:

A roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"

Ms. Butler

voted "yes"

Mayor Sullivan voted "yes"

And the SUP was approved 5-0.

- OLD BUSINESS: a).

- NEW BUSINESS: a). Parking in Town: Mayor Sullivan discussed that Mr. Kramer had brought up an issue regarding parking which he was also interested in.

Mr. Kramer discussed that he would like the Town and County to explore the possibility of putting in a hidden parking lot on the Avon Hall property and the County property next to Avon Hall due to the increased activity and people coming into town. He also discussed that the Town and County should also consider putting in a public rest room and information center in the Jett St. stub street behind the monument.

Ms. Kuhn asked Mr. Kramer to clarify what he meant regarding the area behind the monument.

Mr. Kramer discussed that it was the Jett St. stub street.

Mr. Goebel asked which monument.

Mr. Kramer discussed that it was the Civil War monument.

Ms. Kuhn asked about where he thought the parking should be.

Mr. Kramer discussed that he felt the parking area behind the County buildings could be expanded.

Mr. Sullivan discussed that the Town either had a parking problem or would have a parking problem someday which needed to be addressed and that the notion of a public facilities was a good question which should be looked into but he felt that the Town should not be trapped into the specific locations as proposed by Mr. Kramer. He discussed that he had discussed the subject with John McCarthy, who also agreed that it was worth considering. He discussed that he and Mr. McCarthy were going to look at this seriously. He discussed that the County would be paving the parking lot behind the County building which would provide about twenty additional spaces, which would allow more parking for County employees but this would not be the solution to the whole problem. He discussed that the County felt that the solution should be driven by the Town as it was Town dependent but the County did want to be engaged in the solution. He discussed that Mr. Kramer's proposed location had some potential as it was already shared by the Town and County. He discussed that if the Town did do something on the Jett St. Stub Street he did not want to create anything that would be a road block for people walking to the Avon Hall property. He discussed that if the Town did have Ordinances that required adequate parking from new businesses but over time that might not be the only answer.

He discussed that he had received some info from John McCarthy regarding public facilities and he urged any Council members who had an interest in increasing public parking or in the idea of public facilities to contact him as he would be pursuing the issue.

Ms. Buntin asked if it wasn't very expensive to put in public facilities.

Mayor Sullivan discussed that he did not know the cost but it would require money and where that came from was an issue.

Mr. Goebel discussed that maintenance was also an issue.

Mr. Schwartz discussed that there might be cheaper modular units available but maintenance would be an ongoing expense and that the Town would probably want to put in a gravity fed sewer line rather than a grinder pot.

Mr. Aichele discussed that there seemed to have been a conversation going on for months regarding parking and lighting and that since he had moved into town more building were having greater occupancy and that there should be some kind of comprehensive approach to parking. He discussed that there were about 400 kids in town on Halloween with no bathrooms.

Mayor Sullivan discussed that the Town's sewer system was now having an impact and it the Town should be looking at infrastructure like parking and lighting.

b). Planning Commission Vacancy: Mayor Sullivan discussed that there was still a vacancy on the Planning Commission and expressed hope that someone would soon apply for the position.

c). Christmas Party and Holiday Decorations

Funding: Mayor Sullivan made a motion to authorize the expenditure of up to \$1,500 for the Christmas party and the greenery to decorate the town for the holidays and Mr. Goebel seconded and a roll call vote was taken:

A roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"

Ms. Butler

voted "yes"

Mayor Sullivan voted "yes"

And the motion passed 5-0.

- **PUBLIC FORUM:** Mayor Sullivan opened the public forum.

Mr. Phil Irwin discussed that the Church parking lot low spots needed be addressed.

Mr. Roger Plantadosi asked how much money the Town now spent on maintenance.

Mr. Goebel discussed that there were different types of maintenance such as mowing that were budgeted but he did not have the exact figures in front of him.

Mr. Schwartz discussed that the water and sewer rates needed to be increased and that needed to be addressed. He also discussed that all of the SUPs granted in the last several months needed to be reviewed to determine if any change in intensity needed to be addressed as to sewer assessments.

Mayor Sullivan discussed that the Town had asked ESS to test several properties to see if any changes if there was any changes in intensity of use and he agreed that the water and/or sewer rates needed to be increased.

Mr. Schwartz discussed that he felt the Zoning Ordinance needed to be amended to clarify food establishments and restaurants.

Ms. Kuhn asked about the status of the appraisal of Avon Hall.

Mayor Sullivan discussed that he had Mr. Goebel to look into having an appraisal done but Counsel had advised that it did not make sense to do it yet.

Mr. Bennett discussed that Avon Hall was such a unique property that it would be hard to get comps for it particularly because of all the uses the property could be put to. He discussed that the Town could rezone the property which could change the appraisal.

Mr. Goebel discussed that the appraiser felt the wastewater treatment plant should be separated out before having the appraisal done.

Ms. Kuhn discussed that she felt like the Town should be looking at maintenance issues at Avon Hall and that it was time to do some kind of visioning on what to do with the property.

Ms. Goodine spoke in favor of doing maintenance work on Avon Hall.

Mr. Goebel spoke in favor of getting the roof and front of the building painted.

Ms. Buntin expressed her concerns regarding the native plantings around the pond and the wastewater treatment plant not being attractive to a new owner. She also expressed her concerns that the roof needed repair.

Mayor Sullivan discussed that the plans for pond would eventually make it more attractive but if a new buyer found it unattractive it could be undone.

Mr. Aichele spoke in favor of the Town moving forward on doing something with Avon Hall within a year either through the use of a committee or a private consultant.

Mr. Bennett discussed that repairs had been done a few years back that had helped arrest the deterioration. He discussed that the Town had the opportunity to do something very special with Avon Hall that would be an asset to the Town. He discussed that although the Town had spent about \$900,000 for the property it had sold off four acres for \$400,000 and had also saved about \$350,000 by not having to purchase a wastewater treatment plant site. He discussed that this was probably not the best time to sell a significant asset to maximize a profit.

Mr. Schwartz discussed that he felt that the Avon Hall pond project was a good project but it was something that could be replaced with new grasses. He discussed that the native plant trail was a good project as well and would be a good asset but it did not have to be permanent. He discussed that there were many issues that needed to be resolved as to how the property would be used and parceled before an appraisal was done.

Mr. Aichele discussed that regardless of an appraisal the Town needed to stop kicking the can down the road and move forward with a process to determine what was going to happen to Avon Hall.

Mayor Sullivan discussed that the Town Council had deliberately chosen not to sell Avon Hall and to wait to try and find a good solution for it. He discussed that he felt it was a very high priority of the Town to find what to do with it in a large, ambitious, and positive way as opposed to just selling for someone to live there.

Mr. Aichele discussed that at some point a decision had to be made.

Mr. Kramer spoke in favor of using Avon Hall for some type of senior facility perhaps by leasing it.

Mayor Sullivan discussed that the Town needed to maximize the property but that did not mean by selling.

Mr. Bennett discussed that by making it destination it would benefit the whole town.

Mr. Goebel discussed that regardless of the use it was becoming an eyesore and it needed to have the roof painted as well at least the front of the building painted.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION:
- ADJOURNMENT: At 8:25 p.m. Mr. Goebel made a motion to adjourn and Mayor Sullivan seconded and all were in favor.

THE TOWN COUNCIL CONTINUED TO DECEMBER 9, 2013

Respectfully submitted,

Laura Dodd
Town Clerk

Attachments:

Jean Goodine SU#13-10-1 Application
Jean Goodine SU#13-10-1 Approved Ordinance

Treasurer's report
Additional Bills to be Paid
Bills to be Paid