

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

April 15, 2015

7:00 p.m.

Continued from April 13, 2015

Draft Minutes

- CALL TO ORDER BY TOWN COUNCIL: Mayor Sullivan called the Town Council to order at 7:02 p.m. Council members Gary Schwartz, Jerry Goebel, Patrick O'Connell, Mary Ann Kuhn, Katharine Leggett and Gary Aichele were present. Town Clerk Laura Dodd and Town Attorney John Bennett were present.

- CONTINUED PUBLIC HEARING: CONSIDERATION OF THE ADOPTION OF AN ORDINANCE TO APPROVE THE REDUCTION IN SIZE OF A NON-CONFORMING LOT WHEREBY EXISTING TM 20A-1-107 CONTAINING 0.3576 ACRES WOULD BE INCREASED IN SIZE TO 0.5415 ACRES, A CONFORMING LOT, AND TM 20A-1-107A CONTAINING .3115 ACRES WOULD BE REDUCED IN SIZE TO 0.127 ACRES, A REDUCTION IN SIZE TO A NON-CONFORMING LOT. THESE ARE COMMONLY CALLED THE "SUNNYSIDE LOTS": Planning Commission Chairman Gary Schwartz discussed that the Planning Commission had closed its public hearing but would be making a recommendation to Council once the Council closed its public hearing.

Mayor Sullivan discussed a map, attached, which showed the parcels under discussion, and discussed that there was a piece of property, located between the Clopton House property and the Kramer building, which consisted of a frame house on Gay Street known by various names such as the Rush River, Sunnyside, and Stonyman properties and a remaining parcel which was largely empty except for several small buildings. He discussed that the property had previously been owned by Jimmy deBergh and David Cole and was now owned by Patrick O'Connell, the owner of the Inn at Little Washington. He discussed that it was Mr. O'Connell's intention to sell a piece of the property containing the Sunnyside building to Jay Brown and Kevin Adams, who desired to open a gallery.

At 7:06 Mr O'Connell recused himself and withdrew from the discussion.

Mayor Sullivan discussed that the desire was to adjust a lot and that the Town Zoning Administrator John McCarthy had been dealing with the issue for some time and was fully aware of the legal issues raised by Mr. David Konick and he asked Mr. McCarthy to address the Council.

Mr. McCarthy discussed that the ongoing discussions regarding the property were related to a series of provisions in the Town's combined Ordinance Definitions section as well as the Zoning Ordinance and Subdivision Ordinance. He discussed that the Combined Ordinance Definition basically exempted boundary line adjustments from the definition of subdivision but only in certain limited circumstances. He discussed that when a boundary adjustment was done that involved lots above the minimum lot size and would remain above the minimum lot size it could be administratively approved by him as Zoning Administrator and it would not have to come before the Council in a public hearing. He discussed that both of the current parcels were below the minimum lot size

and that one would become even smaller. He reviewed the definition of a subdivision and Section 4-1-5 Variations, Modifications, and Waivers from the Zoning Ordinance.

He discussed that he based most of his judgement and value on the phrase “the public interest secured” and he discussed that there were many circumstances under which two parcels where if you adjusted the boundaries there would be either additional potential development created or further setback violations created. He hypothesized that if you had two parcels, both below the minimum lot size, and you adjusted the boundaries such that all the buildings and improvements were on one parcel and created development potential on the now empty remaining parcel that might or might not be in the interest of the Town but there might be some public interest involved and the Council would have to determine if the development potential was good, bad, or indifferent and could grant a modification, waiver, or variance if it choose to do so. He discussed that in this case in the boundary line adjustment proposed nothing changed on the ground where the structures on both parcels remained the same and while one lot would become larger and one smaller no additional developmental potential would be created and nor did any setback violations already exist and there be no additional impact on the public interest.

He discussed that there were several circumstances where a lot was created under a boundary line adjustment that did not have improvements where the standards for variance articulated by Mr. Konick and others would apply and proof of hardship would have to be shown as one of the standards used in granting the request. He discussed that the Council could also consider granting a variance, a modification, or a waiver. He discussed that from his point of view there was not much impact on the public interest as it did not create more intensive use.

Mr. Bennett concurred with Mr. McCarthy’s remarks about what public interest was hurt by the application and discussed that, in fact, it advanced many of the goals and policies of the Town’s Comp Plan.

Mayor Sullivan asked if there were any comments from the Council or Planning Commission and there were none. He reopened the public hearing.

Margaret Robbins, a County resident, spoke in favor of the ordinance and discussed that she was embarrassed by the opposition at Monday’s meeting and discussed that no one would notice the difference.

Michelle Schwartz, a Town resident, spoke in favor and discussed that she had not heard a single Town resident speak in opposition to this- only County residents.

Susan Stoltzman, a Town resident, spoke in favor and urged the Council to approve.

Robert Ballard, a property owner in Town, spoke in favor, and discussed that the opposition was absurd and encouraged the Council to approve. He discussed that he felt the Council did a wonderful job.

John MacPherson, a Town resident, spoke in favor and discussed that most of the opposition came from County residents and that some were from outside the County and that the conversation had gone on for too long. He discussed that he was looking forward to having the gallery in town.

Nancy Buntin, a Town resident, discussed that she had looked at some other Counties’ Ordinances and that she had often seen that they did not allow making a non-conforming lot more non-conforming but she spoke in favor of approval even if it should go to court and if it went to court perhaps it would be put aside since it was a small issue. She discussed that she wanted to see the gallery as it would be an asset.

Christine Smith, a County resident, asked how many lots were this size or smaller or was the Town creating an anomaly.

Mr. Bennett discussed that Ms. Smith could make a statement.

Mayor Sullivan discussed that Mr. McCarthy had left and that he did not know the answer.

Ms. Smith discussed that the Town's Zoning Ordinances didn't address the subject of approaching confiscation and that perhaps the Town's Ordinance needed to be updated.

Demaris Miller, a property owner in Town, discussed that if she bought more property in Town and her neighbors with a non-conforming lot wanted to sell her part of his non-conforming lot and make his lot smaller than if this ordinance was adopted that could happen. She discussed that if passed this ordinance could cause changes in Town of unintended consequences. She discussed that she had heard that of course it was going to pass because the "biggest dog" in town wanted it which she thought was unfair.

Mayor Sullivan discussed that Ms. Miller's remarks were offensive.

Ernesto Flores, a County resident, discussed that he was Chair of the ARB and that he had reviewed projects of Mr. Adam's and Mr. Brown's in the past and that they had nothing but the utmost respect for the Town's Ordinances and wanted to make the Town better and more beautiful and he urged the Council to pass the proposed ordinance.

Mayor Sullivan closed the public hearing.

Chairman Schwartz opened the continued meeting of the Planning Commission. In attendance were Brad Schneider, Fred Catlin, and Judy deSarno.

Chairman Schwartz discussed that he understood that Mr. McCarthy had concurred by Mr. Bennett that the proposed ordinance advanced the stated goals and policies of the Comp Plan and that as Planning Commissioners they knew that pretty well and that the public interest was not diminished. He opened up the discussion to the Planning Commission.

Ms. deSarno discussed that the process had been an interesting one and that she wondered at the motives of some of the speakers. She discussed that she felt that the change would benefit the Town.

Mr. Schneider discussed that basically it was a simple process of moving a property line and that he was in favor and it would benefit the Town and its residents.

Mr. Catlin discussed that he appreciated Mr. McCarthy's comments about the fact that the Ordinance would not have a detrimental impact on the public interest and that he appreciated Mr. Schneider's comments that it was a simple process and it should be taken care of expeditiously.

Chairman Schwartz discussed that he believed that this was not the smallest non-conforming lot and that there were others with and without structures.

Mr. Schneider made a motion to recommend approval of the boundary line change and Ms. deSarno seconded and a roll call vote was taken:

Ms. deSarno voted "yes"      Mr. Schneider voted "yes"

Mr. Catlin voted "yes"      Chairman Schwartz voted "yes"

And the motion passed 4-0.

The Planning Commission adjourned at 7:35 p.m.

Mr. Aichele discussed that he was partially responsible for the continued public hearing and that at the prior meeting a serious question had been raised about whether it was properly before the Council for consideration and that Mr. Bennett had not been present. He discussed that when he came onto Council he had pledged publicly that he was for open, honest, and transparent business in Town and though he had no reason to believe that there wasn't happening there was some concern, especially out in the county, about how the Town was being run. He discussed that although he didn't have particular concerns about the Ordinance a month ago, since then a serious question had been raised,

and since Council was without benefit of counsel at that meeting, he had moved that the discussion be tabled until both the Zoning Administrator and Town Counsel could address the Council as to whether this petition was appropriately before the Council and if they had the authority to resolve it. He discussed that he had heard from both John McCarthy and Counsel that it was appropriately before them and that the Council did have the authority to resolve it.

He discussed that the only question now before the Council was whether it was in the best interest of the Town to approve or to deny the petition. He discussed that it was now time to vote. He made the following motion: whereas, there now exists two lots of record, both non-conforming, TM 20A-1-107 containing 0.3576 acres, and TM 20A-1-107A containing .3115 acres; and whereas, there is now pending an application that would result in a revised TM 20A-1-107 to contain 0.5415 acres, and TM 20A-1-107A-1 to contain 0.1276 acres; and whereas, a public hearing of the Town Council and the Planning Commission after due advertisement as required by statute was held by each of the Planning Commission and the Town Council; and whereas, the Planning Commission did after such public hearing recommend to the Town Council the approval of such application upon a roll call vote; let it now be ordained, that the Town Council hereby approves the application so that TM 20A-1-107A-1, as shown on the Plat of Sunny View, LLC shall hereafter contain 0.1276 acres, and Parcel 107A-2 containing 0.1839 acres shall become part of the existing TM 20A-1-107, hereafter to be considered but a single lot in all respects, to contain 0.5415 acres, as also shown on the aforesaid plat.

In relation to the above, the Council finds that the approval of such application is unique to the parcels and structures involved and shall not constitute a precedent for any other purpose, and

1. is consistent with the Town's Comprehensive Plan.
2. promotes in-fill development consistent with the Comprehensive Plan and the historic characteristics of the Town.
3. is made to allow the use of two historic structures for new business purposes, which constitutes adaptive re-uses of such structures, also encouraged by the Town Comprehensive Plan.
4. no new development density is created by the application.

This Ordinance shall be effective upon adoption.

Mr. Aichele discussed that there had been multiple public hearings and to the best of his knowledge not a single Town resident had spoken against the adoption and that every member of Town who was present, and there were many, had spoken in favor, which was an important representation of the Town and that secondly, many people in Town prayed that someone with funds, vision, confidence and courage would come in and invest lots of money in their historic structures, so rather than falling down around us, they continued to not only be beautiful but vibrant offering employment, offering overnight places to stay, and the work was important to the people who live here and who have jobs, and that the visitors were important for the people who served them. He discussed that he was glad to see Mr. Adams coming back into town and that he was a benefit. He discussed that if the Council were to do anything it was to ensure the best outcomes in each case for the residents of the Town, for the residents of the County as it is the County Seat, and for the visitors that came here. He discussed that he strongly endorsed the Council's approval.

Ms. Leggett seconded Mr. Aichele motion.

Ms. Buntin discussed that when she was growing up the town was very poor and the buildings were run down. She discussed that the Town had been in bad shape for a long time and then the Inn had come and that Mr. O'Connell had faced a lot of ugly criticism but he had stayed and had stayed for thirty-six years and that the town was now beautiful and that they wanted to keep that going.

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. Schwartz voted "yes"

And the motion passed 6-0 with Mr. O'Connell being recused.

At 7:45 Mr. O'Connell rejoined the Council.

CONTINUED TOWN COUNCIL MEETING:

Council agreed by consensus to postpone considering following five agenda items above until later in the evening.

- Consideration of and entering into an engagement or retainer agreement with legal counsel to represent the Town in a matter, Konick v. The Town of Washington and any and all related matters as the Town may designate from time to time, and legal issues and possible litigation related to the "Sunnyside Lots" now under consideration by Council.
- A possible motion to enter into and if adopted, to hold a closed session in accordance with the provisions of Section 2.2-3711A.7 namely, consultation with legal counsel employed and/or retained by the Town pertaining to actual litigation, namely, Konick v. The Town of Washington, when such consultation in open meeting would adversely affect negotiating and litigating posture of the Town Council.
- A possible motion to enter into and if adopted, to hold a closed session in accordance with the provisions of Section 2.2-3711A.7 namely, for consideration with legal counsel employed and/or retained by the Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, namely, legal issues relating to the Ordinance under consideration by Town Council as to the "Sunnyside Lots" and all related matters.
- Consideration and adoption of appropriate actions, relating to the Beautification Project and appropriation of \$20,000 for such Project.
- Consideration and adoption of appropriate actions related to vacation and/or conveyance of "Stub Street".

Mayor Sullivan discussed that it was important for the Town that Avon Hall be financially rewarding to the Town in a more civic sense in that it would be used for something that the Town and County would enjoy having. He discussed that that subject

had been discussed for many years and Council members Kuhn and Aichele were organizing a group that would focus on what the options were.

- MINUTES: February 9, 2015: Ms. Dodd discussed that the Council had just received the draft minutes for February 9, 2015 and asked the Council to review them and get back to her with any comments or changes so they could be considered for approval at the next meeting.

Mayor Sullivan discussed that it had been a trying and time consuming period for Ms. Dodd with her parents having recently died and he had had the burden of providing information for FOIA requests and he thanked her for her work.

- REPORTS: Treasury Report: Mr. Goebel reviewed the attached Bank Summary Report, and asked the Council to review the Bills-To-Be Paid List, and the Additional Bills to Be Paid List.

Ms. Kuhn made a motion to accept the Treasurer's Report and Mayor Sullivan seconded and the motion passed 7-0.

Planning Commission: Chairman Schwartz reported that a short Planning course was coming up with ten participants from the Town and County with five sessions with the first session of five sessions to be held on April 21, 2015 at 6:30 p.m.

Architectural Review Board: Mayor Sullivan discussed that the minutes for the last ARB meeting had been distributed.

Website: Ms. Kuhn had no report.

- TOWN ATTORNEY: Mr. Bennett had no report.
- OLD BUSINESS. a). Appointment of an ARB member: Mayor Sullivan discussed that the Town had received two applications for the vacant ARB seat from Cindy Hodges and Raym Crow and he nominated Mr. Crow and Mr. Schwartz seconded and a roll call vote was taken:
  - Mr. Aichele voted "yes" Ms. Kuhn voted "yes"
  - Ms. Leggett voted "yes" Mr. Schwartz voted "yes"
  - Mr. Goebel voted "yes" Mr. O'Connell voted "yes"
  - Mayor Sullivan voted "yes"

And Mr. Crow was appointed to the ARB by a vote of 7-0.

b). Town Square Update: Mayor Sullivan discussed that there were several lawsuits pending and that the Town had hired Robert Mitchell on Monday, as Mr. Bennett might be called as a witness. He discussed that Mr. Mitchell would not be covered by the Virginia Municipal League, the Town's insurance provider, and so the Town would have to pay.

Mr. Bennett asked that this item be carried over along with the stub street issue until later in the evening.

- c). FY 2015/2016 Budget: Authorize  
Public Hearing : Mayor Sullivan discussed that the

Council would be voting on the Budget in June. He discussed that the Town had three budget categories: wastewater, waterworks, and Town operations which had to be done in such a way so as to balance out. He discussed that as they went through the budget process they would be looking carefully at the water rates that had not been raised in over ten years and also at the wastewater rates which had not been raised since 2010.

Mr. Aichele discussed that in looking at the budget you had to look at where the revenue came from, which for the Town's general budget came mainly from Meals and Lodging Taxes. He discussed that he had come to realize that water and sewer were being subsidized by the people who came to eat and then left, which he felt was unusual and that would have to change. He discussed that there would be no budget for beautification projects if there were no Meals and Lodging taxes coming into the Town. He discussed that there was a fundamental relationship between the Meals and Lodging taxes and Town operations.

Mr. Schwartz discussed that of the 5% Sales collected in the Town 1% came back to the Rappahannock County.

Mr. Aichele made a motion to authorize a public hearing for the budget on Monday, May 11, 2015 and that it be advertised as required. Ms. Kuhn seconded and a roll vote was taken:

Mr. Schwartz voted "aye"	Mr. Goebel voted "aye"
Mr. O'Connell voted "aye"	Ms. Leggett voted "aye"
Ms. Kuhn voted "aye"	Mr. Aichele voted "aye"
Mayor Sullivan voted "aye"	

And the motion passed 7-0.

• NEW BUSINESS: a). Consideration of the Off-line Fire Hydrant on Piedmont Avenue: Mayor Sullivan discussed that as part of the water service the Town provided water outside of Town to Piedmont Avenue where there is an old hydrant that had been abandoned when the old cast iron pipes had been taken off-line. He discussed that there were two issues at stake, one, are homes in that area sufficiently served by the Fire Department without this non-functioning hydrant. He discussed that the reality was that within several hundred feet was a functioning hydrant and the Fire Department had hoses that go up to 1000 feet so it was the view of the Fire Department that they could serve that area without a new hydrant. He discussed that there was also the issue of a non-functioning hydrant that the Fire Department knew about but there was a chance that someone might try to connect to that hydrant in the event of a fire and that was not good. He discussed that an estimate to remove the hydrant had come in at between \$1,500 and \$2,000 and he discussed that it would have to be done. He discussed that the Town had received an estimate to put in a new hydrant a few years ago for almost \$17,000 and that Country Water had given the Town a new estimate to remove the old hydrant and replace it for \$24,242. He discussed that that was a substantial number and he suggested that the Town should get other estimates.

Bill Metcalf, a County resident living on Piedmont Avenue, discussed that he had known for several years that the hydrant was not working and as a father with a growing family he was concerned. He urged the Town to replace the hydrant and discussed that the possibility of connecting to a hydrant further away might cause delays.

Mr. Aichele asked if there had been a conversation with the Fire Department about the hydrant on Piedmont Avenue.

Mayor Sullivan discussed that he had met with Ann Spieker of the Fire Department and that she had reassured him that the Fire Department had hoses that ran 1000 feet and that there was a usable fire hydrant in a known location within 300 to 400 feet of the

abandoned hydrant and that they were capable of dealing with the issue and that although they were not indifferent to the issue the Fire Department mainly served areas with no hydrants.

Mr. Aichele made a motion that the Town solicit additional bids to be considered at the next Council meeting and Mayor Sullivan seconded.

Mr. Schwartz discussed that he would look into finding some ways to cut the cost of installing a new hydrant and would get back to Council.

After a short discussion a roll call vote was taken:

Mr. Schwartz voted "aye"	Mr. Goebel voted "aye"
Mr. O'Connell voted "aye"	Ms. Leggett voted "aye"
Ms. Kuhn voted "aye"	Mr. Aichele voted "aye"
Mayor Sullivan voted "aye"	

And the motion passed 7-0.

b). CCLC Avon Hall Rental: Mayor Sullivan discussed that CCLC would be holding its annual fundraising event on June 20, 2015 at Avon Hall and that they would be paying rent. He discussed that it would allow a larger group of people to see the building.

c). May 9, 2015 Food Pantry Day: Mayor Sullivan discussed that Food Pantry Day was on May 9, 2015 and that the Town had contributed \$1,500 the year before last and \$1,750 last year. He asked the Council if they would like to contribute again and if so how much.

Mr. O'Connell made a motion to contribute \$1,750 to the Food Pantry and Mr. Goebel seconded and a roll vote was taken:

Mr. Schwartz voted "aye"	Mr. Goebel voted "aye"
Mr. O'Connell voted "aye"	Ms. Leggett voted "aye"
Ms. Kuhn voted "aye"	Mr. Aichele voted "aye"
Mayor Sullivan voted "aye"	

And the motion passed 7-0.

d). Pittsburg Tank Reservoir Proposal: Mayor Sullivan discussed that the Town had received a proposal to do some maintenance at the reservoir mandated by the Health Department from Pittsburg Tank and Tower for \$8,725.

Mr. Aichele made a motion to authorize up to \$8,725 to complete those items raised by the Health Department during its inspection and Mr. O'Connell seconded.

Mr. Schwartz asked what was the plan for emptying out the tank so it could be cleaned out and discussed that he wanted to see it.

Ms. Dodd discussed that she would coordinate with Pittsburg Tank and Tower on a plan to use the water before the reservoir was emptied before cleaning.

Mr. Schwartz discussed that he would be abstaining as he felt unclear as to the sequence of events for cleaning out the tank and was unsure of the motion.

A roll call vote was taken:

Mr. Schwartz abstained	Mr. Goebel voted "aye"
Mr. O'Connell voted "aye"	Ms. Leggett voted "aye"
Ms. Kuhn voted "aye"	Mr. Aichele voted "aye"
Mayor Sullivan voted "aye"	

And the motion passed 6-0 with Mr. Schwartz abstaining.

e). ESS Proposal to Replace Holding Tank Piping and Diffusers at the Wastewater Plant: Mr. Schwartz discussed that the proposal from ESS seemed reasonable and was to upgrade and replace holding tank piping. He made a motion authorizing up to \$2,514.00 for the ESS proposal to replace holding tank piping and a diffuser and the Wastewater Treatment Plant. Ms. Kuhn seconded and a roll call vote was taken:

Mr. Schwartz voted “aye”	Mr. Goebel voted “aye”
Mr. O’Connell voted “aye”	Ms. Leggett voted “aye”
Ms. Kuhn voted “aye”	Mr. Aichele voted “aye”
Mayor Sullivan voted “aye”	

And the motion passed 7-0.

Mr. Schwartz discussed that the sludge pump needed to be replaced and he made a motion to authorize up to \$2,533.44 for a proposal from Aqua Aerobic Systems to replace the pump. Mr. Gary Aichele seconded.

Mayor Sullivan discussed that the Town and Council were fortunate to have the advice of Mr. Schwartz, who was extremely knowledgeable and professional advice on the water and wastewater water systems and that he did not know where the Town would be without it.

A roll call vote was taken:

Mr. Schwartz voted “aye”	Mr. Goebel voted “aye”
Mr. O’Connell voted “aye”	Ms. Leggett voted “aye”
Ms. Kuhn voted “aye”	Mr. Aichele voted “aye”
Mayor Sullivan voted “aye”	

And the motion passed 7-0.

- PUBLIC FORUM: Mayor Sullivan opened up the public forum:

Ms. Kuhn asked what would be discussed if the Council went into closed session and would the public be able to comment on those items.

Mr. Bennett discussed that the Council had carried over the stub street and the \$20,000 contribution from the last meeting and that it was up to the discretion of the Mayor if he would allow public comment once the Council returned to an open session.

Mayor Sullivan discussed that the Council needed to discuss some procedural items and that he did not know if there would be a vote on anything.

Beth Gyorgy, a County resident, asked if the Council would be addressing the stub street and/or the beautification issue when they came into open session and would they come under the lawsuit agenda item.

Mr. Aichele discussed that those were the subjects of the closed session so yes they would be discussed if Council decided to make a motion.

Jeff Benson thanked the Council for their hard work and due diligence that they had put in over the last few months. He asked if there was a maintenance program for the Wastewater Plant.

Mr. Schwartz said yes and discussed that ESS was under contract to perform scheduled maintenance which was both proactive and reactive. He discussed that the Town had put together a critical and a non-critical list.

Mr. Benson discussed that he would be willing to help out with the Avon Hall group.

Mr. Aichele discussed that they would be putting together a group of 5-6 people that would be coming back to the Council with a report.

Eric Tollefson discussed that the a letter from Mr. Goff to Mayor Sullivan from January 2013 where Mr. Goff discussed conflict of interest issues and gave guidelines on ethical behavior and discussed that if you owned a large business that was under discussion and were a voting member you had to abstain and take yourself out of the actions and discussions. He discussed that he took this very seriously.

Mr. Goebel asked what was his point and asked if it had anything to do with what was happening that evening.

Mr. Tollefson discussed that he wanted to know if the letter had been distributed to Council.

Mr. Bennett discussed that he could make a statement but it was not the time for a debate.

Mr. Tollefson discussed that it had to do with the stub street issue.

Mayor Sullivan discussed that that was a subject of lawsuits and what was going through the court and it was not a subject for debate that evening.

Ms. Gyorgy discussed that the reason this was coming up was that The Mayor and Mr. Spethmann had received a letter from the Commonwealth Attorney after the Mayor had asked him for some advice as they were investors in the Washington School Building when it came up before the Council for a SUP. She discussed a quote from Mayor Sullivan in the newspaper where he discussed that he and Mr. Spethmann would be unable to discuss the SUP with other Council members. She discussed that there had been discussions on emails by Council members on RappNet about emails released during FOIA requests.

Mr. Goebel asked her what was her and Mr. Tollefson's point.

Ms. Gyorgy discussed that it was that there had been emails from June 2014 posted between Mayor Sullivan and Mr. O'Connell on RappNet.

Mr. Aichele asked if she was concerned about apparent potential conflicts of interest on this Board.

Ms. Gyorgy said yes.

Mr. Aichele discussed that that was duly noted and that they would do their best to observe the law and to the extent that anyone thought they were not doing their job they could go to the Commonwealth Attorney as well and if he agreed he could do his duty.

Ms. Buntin discussed that she had attended the 2013 Council meetings and remembered that the Mayor and Mr. Spethmann had set themselves apart and Council had voted without them.

Mr. MacPherson discussed that there was a small handful of non-residents who seemed to be dead set against the beautification and stub street projects. He presented the Council with a petition, attached, signed by 135 people including 31 Town residents, 5 Town business owners, 17 employed in the Town, and 31 plus County residents who supported the Town's efforts to beautify the town's center.

Roger Pantadosi asked if the Council could decide not to vote when they came out of closed session before going into closed session.

Mr. Bennett discussed that they would have to leave that option open.

Mayor Sullivan discussed that if they voted it would probably be a procedural motion that scheduled further actions.

Mr. Aichele discussed that in order to put something on the next month's agenda it might have to be decided that night.

Mayor Sullivan closed the public forum.

- CLOSED SESSION: At 9:15 p.m. Mr. Goebel made a motion to enter into a closed session in accordance with the provisions of Section 2.2-3711A.7 namely, consultation with legal counsel employed and/or retained by the Town pertaining to actual litigation, namely, Konick v. The Town of Washington, when such consultation in open meeting would adversely affect the negotiating and litigating posture of the Town Council and Mr. Aichele seconded and a roll call vote was taken:

Mr. Schwartz voted "aye"            Mr. Goebel voted "aye"  
Mr. O'Connell voted "aye"        Ms. Leggett voted "aye"  
Ms. Kuhn voted "aye"            Mr. Aichele voted "aye"  
Mayor Sullivan voted "aye"

And the motion passed 7-0.

Mr. O'Connell left during the closed session and did not return to the meeting.

- OPEN SESSION: Mr. Bennett asked the Council to certify that only public business matters lawfully exempted from open meeting 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. Aichele voted "yes"            Mayor Sullivan voted "yes"  
Ms. Leggett voted "yes"           Ms. Kuhn voted "yes"  
Mr. Goebel voted "yes"            Mr. Schwartz voted "yes"  
Mr. O'Connell was absent

Mr. Aichele made a motion that the Town Council at its next regular meeting on May 11, 2015 would add to the agenda reconsideration of the \$20,000 for the Town beautification. Ms. Kuhn seconded and a roll call was taken:

Mr. Aichele voted "yes"            Mayor Sullivan voted "yes"  
Ms. Leggett voted "yes"           Ms. Kuhn voted "yes"  
Mr. Goebel voted "yes"            Mr. Schwartz voted "yes"  
Mr. O'Connell was absent

And the motion passed 6-0.

Ms. Kuhn made a motion to authorize advertising for a public hearing for the vacation and/or reconfirmation of the vacation of a property that is commonly called a stub street and Mr. Aichele 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. Schwartz voted "yes"  
Mr. O'Connell was absent

And the motion passed 6-0.

- ADJOURNMENT: At 10:25 Mr. Goebel made a motion to adjourn and Ms. Kuhn seconded and the motion passes 6-0.

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL ON MAY 11, 2015

Respectfully submitted,

Laura Dodd  
Town Clerk

Attachments:

Bills to be Paid, Additional Bills to be Paid, Monthly Financial Reprot  
Aqua Aerobic Systems Proposal  
Pittsburg Tank and Tower Proposal  
MacPherson Petition.