

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

June 8, 2015

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:08 p.m. Council members Jerry Goebel, Gary Schwartz, Patrick O'Connell, Mary Ann Kuhn, Katharine Leggett, and Gary Aichele were present. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

- MINUTES: March 9, 2015: Ms. Kuhn and Mr. Schwartz discussed that they had typos and grammatical errors that were not related to content to give to Ms. Dodd. Ms. Kuhn made a motion to approve the March 9, 2015 minutes as corrected and Mr. Goebel seconded the motion 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 accept the Treasurer's Report and Mayor Sullivan seconded and the motion passed 7-0.

Planning Commission: Chairman Schwartz discussed that the Planning Commission had completed five short planning course meetings with Michael Chandler that had included thirteen people, including and Planning Commission and Town Council members as well as four County officials. He discussed that the last two meetings had been open work sessions that looked at the Town's Comp Plan and Town maps and planning exercises. He discussed that the Planning Commission would be starting the Comp Plan review at its Monday, June 22, 2015 regularly scheduled meeting.

Architectural Review Board: Mayor Sullivan reported that the ARB would be meeting to discuss three applications at their meeting that week.

Website: Ms. Kuhn discussed that the website update should be finished by next month.

Mayor Sullivan read through a letter, attached, from David Fiske, the Inn at Little Washington's lawyer, regarding the status of the Post Office and that construction of the new entrance could only proceed until the Inn had unquestioned ownership of the stub street. He discussed that there had been two court proceedings regarding the Konick lawsuit against the Town.

- TOWN ATTORNEY: Mr. Bennett discussed that the parties involved in the lawsuit had signed a consent order asking that the date for filing an appeal be delayed until June 18th, 2015. He asked that the Council defer any further consideration of the

stub street vacation and the \$20,000 appropriation as discussions amongst the various parties were ongoing.

- OLD BUSINESS: a). Consideration and approval of the FY 2015-2016 Budget: Mayor Sullivan discussed that there had been an advertised public hearing on the budget at which there had been no public comment. He asked if the Council had any questions or comments and there were none.

Ms. Leggett made a motion to approve the FY2015-2016 Budget and Mr. O’Connell seconded.

Mr. Aichele discussed that the Council had done a responsible job creating the budget based mainly on projected Meals and Lodging taxes revenue but it was only an estimate and it could change.

Mayor Sullivan discussed that revenue was also generated from water and wastewater, which was dedicated to those entities’ budgets, but mainly the Town’s operating budget came from Meals and Lodging taxes.

A roll call vote was taken:

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

And the Budget was approved 7-0.

- b). Consideration and Adoption of appropriate actions, relating to the Beautification Project and appropriation of \$20,000 for such project: Mr. Aichele made a motion to table this agenda item until the next meeting and Mayor Sullivan seconded.

Mr. O’Connell disqualified himself from the discussion.

A roll call vote was taken:

Mr. Schwartz voted “yes”	Mr. Goebel voted “yes”
Ms. Kuhn voted “yes”	Ms. Leggett voted “yes”
Mayor Sullivan voted “yes”	Mr. Aichele voted “yes”

And the motion passed 6-0 with Mr. O’Connell disqualified.

- c). Fire Hydrant Relocation on Piedmont Avenue: Mayor Sullivan discussed that the Town had received an initial proposal to remove the old abandoned fire hydrant on Piedmont Avenue and replace it with a new one. He discussed that a change in the proposal to move the hydrant off the street onto Town property had caused the proposal to go down to about \$13,000 from \$21,000. He discussed that the Town was waiting on a bid from another contractor.

- d). Avon Hall Update: Mr. Aichele reported that the Avon Hall Study Group had met on May 15, and May 30, 2015 and that the notes, attached, from the two meetings were available to the public. He discussed that the Group had agreed by consensus to hold two advertised public meetings on Avon Hall on Monday, June 29, 2015 from 7-9 p.m. at Town Hall and on Sunday, July 12, 2015 from 3-5 p.m. at Avon Hall.

After a short discussion, Mr. Aichele made a motion to advertise two joint work sessions with the Council and the Avon Hall Study Group to be held on June 29, and July 12, 2015 and Ms. Kuhn seconded.

Mayor Sullivan discussed that the Town needed to monetize Avon Hall in a way where it could be positively used and still be a benefit to the Town and County. He discussed that no decisions on the property had been made yet and he encouraged everyone who might have an interest to attend the work sessions.

A roll call vote was taken:

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

And the motion passed 7-0.

- NEW BUSINESS: a). Consideration and Adoption of Policies for fees, copying, and staff for FOIA requests as permitted by Virginia Law: Mayor Sullivan discussed that the Town had received several FOIA requests in the last several months that had taken up a lot of staff time. He discussed that there had never been a policy in place for charges for FOIA requests and that it was now time to consider one so that the Town could recover costs.

There was a short discussion of how various municipalities charged for FOIA requests and how to impose charges, in which all Council members spoke in favor of imposing charges. Ms. Kuhn made a motion that the Clerk be allowed to charge for staff time and copy charges for FOIA requests and Mr. Goebel seconded.

The Council agreed by consensus that Mr. Bennett would come back with the exact wording of the policy, attached, and a roll call was taken:

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

And the motion passed 7-0.

- b). Water and Sewer Rate Increase Update: Mayor Sullivan discussed that the water and sewer rates had not been increase for several years and that the Town had postponed raising the water rates while residents became used to paying the sewer charges but now the Town was in a situation where it had to raise rates to cover costs.

Mr. Schwartz spoke in favor of raising the rates to cover operational costs, particularly since money from the general fund was covering costs and also there were upgrades such as having to paint the reservoir coming up in the future.

After a short discussion, Ms. Kuhn made a motion to hold a work session on water and sewer rate increases at the next Council meeting and Mr. Goebel seconded and a roll call vote was taken:

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

And the motion passed 7-0.

- c). Pittsburg Tank and Tower Maintenance Proposal
Change Order: Ms. Dodd discussed that the Town had approved a proposal from

Pittsburg Tank and Tower Maintenance to preform work on the Reservoir, including cleaning out the tank for \$2,000. She discussed that to clean out the tank as proposed the Town would have to by-pass the tank to continue providing water to the Town as the tank would have to be drained. She discussed that the Town had received a proposal from Country Water to by-pass the tank and provide water to the Town for an estimate of \$13,000. She discussed that Pittsburg Tank and Tower had come back with an offer to send in a scuba diver in to clean the tank where the tank would not have to be emptied while cleaning or by-passed for an additional \$2,000. After a short discussion, Mr. Aichele made a motion that the Mayor, in consultation with Mr. Schwartz, be authorized to spend up to an additional \$2,500 for Pittsburg Tank and Tower Maintenance to clean out the Reservoir and Ms. Leggett seconded and a roll call vote was taken:

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

And the motion passed 7-0.

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

Mr. Fred Catlin discussed that the Council should look at recovering Mr. Bennett’s costs as well regarding charges for FOIA costs.

Mr. Bennett discussed that he did not believe that was allowed by statue.

Mr. John Lesinski, County School Board member, discussed that the School Board charged by the quarter hour for staff time and a copy charge of 15 cents per copy for FOIA request charges. He also discussed that their policy also allowed for if the costs were estimated to be over \$200 a deposit would be required.

Ms. Christa Weeks discussed that there was a FOIA.gov website that laid out what costs were recoverable.

Mr. Jay Brown discussed that a lawyer he had a lot of experience with FOIA requests and he spoke in favor of charges for FOIA requests. He discussed that lawyer fees were rarely recoverable.

Mr. Thom Pellikaan, a County resident, discussed that he had trouble reading the Town street signs and asked that the Town make the letters on the signs more visible. He gave the Town a check to help cover the costs.

Mayor Sullivan acknowledged that the signs were difficult to read and by consensus the Council agreed to look at repainting them with a more reflective paint. The Council thanked Mr. Pellikaan for his check but refused to accept it.

Mr. Catlin thanked the Town Council for allowing CCLC to hold their garden party on June 12, 2015 at Avon Hall. He also thanked Butch Zindell for doing a lot of work on the building to get it ready for the party.

Mayor Sullivan also thanked Mr. Zindell and his volunteers for having donated their time in making the building look so good.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION: At 8:25 Mr. Aichele made a motion to go into closed session in accordance with the provisions of Section 2.2-3711A.7 namely, consultation with legal counsel, namely the Town Attorney, 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. Goebel seconded.

A roll call vote was taken:

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

And the motion passed 7-0.

Mr. Bennett discussed that Mr. O'Connell had disqualified himself from certain proceedings and that he would attend the closed session but if those matters came up he would leave the meeting.

Mr. O'Connell absented himself from the meeting at 9:28 p.m. and returned when the Council came back into open session.

- OPEN SESSION: At 9:43 pm the Council returned to open session and Mr. Bennett asked the Council certify that only public business matters lawfully exempted from open meeting requirements under the Code of Virginia, were heard, discussed, or considered by the Town Council during the closed session and that Mr. O'Connell did not participate in any matter in which he had previously disqualified himself:

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 voted "yes"	

Mr. Bennett asked the Council to certify that 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 and that for Council member O'Connell this applied to the portions of the closed session which he attended and that he attended no portion where the matters where he had previously disqualified himself were discussed:

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 voted "yes"	

- CONTINUED MEETING: At 9:47 p.m. Mr. Aichele made a motion to continue the Council meeting until 7:00 p.m. on Wednesday, June 17, 2015 and Mr. Goebel seconded and the motion passed 7-0 and the meeting was continued.

On June 17, 2015 Mayor Sullivan cancelled the Continued meeting. See attached email.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON July 13, 2015

Respectfully submitted,

Laura Dodd
Town Clerk

Attachments:

Treasurer's report
Additional Bills to be Paid
Bills to be Paid
Letter from Mr. Fiske
Avon Hall Study Group notes
FOIA Charges Resolution
Pittsburg Tank and Tower Change Order
Approved FY 2015-2016 Budget
Cancelled Continued Meeting Notice