

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

September 14, 2015

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:00 p.m. Council members Jerry Goebel, Gary Schwartz, Mary Ann Kuhn, Katharine Leggett, and Gary Aichele were present. Council member Patrick O'Connell was absent. Town Attorney John Bennett, Town Zoning Administrator John McCarthy, and Town Clerk Laura Dodd were present.

- MINUTES: April 13, 2015 minutes: Ms. Kuhn discussed she had some corrections for Ms. Dodd and made a motion to approve the minutes as corrected and Mr. Aichele seconded and the motion passes 6-0..

- 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.

Ms. Leggett made a motion to accept the Treasurer's Report and Mayor Sullivan seconded and the motion passed 6-0.

Planning Commission: Chairman Schwartz discussed that the Planning Commission had met with the Council on August 24, 2015 at a joint work session to review a possible water and sewer rate increase. He discussed that there was still a vacancy on the Planning Commission if anyone wanted to submit a letter of interest. He reported that the Planning Commission would be meeting on September 28, 2016 at 7:00 p.m.

Architectural Review Board: Mayor Sullivan reported that that at the June ARB meeting applications from George Eatman and Debra Winsor had been approved with modifications. .

Website: Ms. Kuhn had no report.

- TOWN ATTORNEY: No Report.

Mayor Sullivan welcome Jay Brown and Kevin Adams back to town with the opening of the Gay Street Gallery. He reported that the TrinityChurch rectory was undergoing a couple hundred thousand dollars' worth of renovations, that the Raines had done an amazing job of painting the Theatre, and that the RAAC Theatre was also going to be fixing up the front of their building.

- PUBLIC HEARING: TW SU# 15-08-01 Rappahannock Investment Partners Adaptive Re-use: Mayor Sullivan disqualified himself due to his interest in Rappahannock Investment Partners and discussed that he had informed the Council via an email, attached, that indicated that a subject would be coming up that he had an

interest in and that he would not be talking about it, nor had he, to any Town official about the matter. He also discussed that he had submitted a letter, attached, where he had disqualified himself. He left the Council tabled.

Vice Mayor Schwartz took over the meeting.

Mr. McCarthy discussed that the applicant desired to adaptively re-use the portion of the Washington School building that was not currently being used for multi-family housing for professional offices. He discussed that the property was zoned Rural residential and the use was allowed under Section 1-4-h. He recommended approval and discussed that as adequate parking existed and no external alterations to exterior were necessary. He discussed that any signage would have to be approved. He discussed that there was a two page description included in the application that described Rappahannock Partners intentions as well as including a site plan. He discussed that he had not received any communications either for or against the application and that the application had been properly advertised.

Bill Walton, applicant, discussed that the owners had been searching for a good use for the space that would preserve the historic nature of the building and the facade and, maintain the rooms and gym, and that would bring in businesses and families. He discussed that they proposed to rent two classrooms and access to the gym as a soundstage to Forge Studios, a Virginia based film company that produced and digitally distributed original science fiction and fantasy content. He discussed that he hoped the application would be approved.

Ron Newcomb spoke on behalf of Forge Studios and discussed that they made small Indies films and that they hoped to involve members of the community and to create jobs. He discussed that he and his partners planned to relocate their families to the County. He invited people to come by and visit and to become involved.

Vice Mayor Schwartz opened up the Public Hearing:

Jimmy deBergh discussed that he was an owner of a property adjacent to the school building with a shared driveway. He spoke in favor of the application and welcomed the youth and energy into the town.

Fred Catlin discussed that he owned a home across from the school and spoke in favor.

Dana Mathews, resident of the Washington School apartments, spoke in favor.

Robert Ballard, Town resident and business owner spoke in favor.

Vice Mayor Schwartz closed the public hearing.

Ms. Leggett asked how large the films were.

Mr. Newcomb discussed that they produced short films at present to keep costs down and to keep their footprint small. He discussed that the intended to provide on-line streaming. He discussed that larger films might be in the produced in the future.

Skip Lipmann of Forge Studios, discussed that this location would not be the primary production location but would be used for pre-production, development, and post-production plus for operating internet services. He discussed that some small productions would be done using the gym. He discussed if they grew beyond what was described in the application they would come back before the Council.

Mr. Goebel asked how many people would be employed.

Mr. Walton answered 3.

Mr. Newcomb discussed that would also be using actors and members of the artistic community.

Ms. Kuhn asked if how they would use the classrooms and how they would be using the gym.

Mr. Walton discussed that the classrooms would be used as offices and that the gym would be used as a sound stage and for building sets.

Ms. Kuhn asked if they would only be filming in the County.

Mr. Newcomb discussed that was speculative and that they might use the Virginia Film Office that secured sites in Virginia but they could do everything they needed to in the County.

Vice Mayor Schwartz discussed that they had mentioned filming and set as well as internet services.

Mr. Newcomb discussed that they would be using another company to provide internet streaming.

Vice Mayor Schwartz asked if the property was zoned Rural residential and was on the application as being allowed under Section 1.4.4 if it needed to be Section 1.4.5.

Mr. McCarthy discussed that 1.4.4 had been marked off and corrected to 1.4.1.h. He discussed that the Council would have to decide if this was an acceptable adaptive re-use. He discussed that the front of the building had been an adaptive re-use as multi-family housing.

Ms. Leggett asked if the interior would be changed and discussed that people were concerned about the traffic and parking.

Mr. Walton discussed that they intended to keep the space generally the same and they had ample parking.

Mr. McCarthy discussed that they had dramatically more parking than what was required.

Mr. Bennett discussed that as this was a new use, and not a more traditional use, but allowed under the Ordinance, that the Council might wish to consider as condition of the permit a period for renewal and review to make sure everything went as planned.

After a short discussion, Mr. Aichele made a motion to approve based on conditions stated in the applications, with the condition that signage be limited to the existing signage plus new signage not to exceed 25 square feet plus the additional condition that a review be continued to September 2016 for review and renewal by Council.

Mr. Goebel seconded and a roll call vote was taken:

Mr. Aichele voted "yes" Ms. Kuhn voted "yes"

Ms. Leggett voted "yes" Vice Mayor Schwartz voted "yes"

Mr. Goebel voted "yes"

And the permit was approved 5-0 with Mayor Sullivan being disqualified and Mr. O'Connell being absent.

Mayor Sullivan returned to the Council table and Mr. McCarthy left the meeting.

- OLD BUSINESS: a). Avon Hall Update: Mr. Aichele discussed that Dan Clark would be producing a drawing that would be short of a full survey but would provide major features such as easements, existing water routes, pond, and other important features, which he hoped to present to Council at the October meeting. He discussed that he also hoped that the Avon Hall Study Group (the Group) would present a report that detailed 4 options for the Council to consider to move forward and to monetize the property.

He discussed that Milt Herd had been contacted and updated on the Group's progress and he had expressed interest in consulting on the project and had presented a proposal that was in 2 phases. He discussed that phase I was to work with the Group to make a recommendation regarding strategy for deposition of the property and phase II was to help prepare of a conceptual plan and to work with the Town on necessary Comprehensive Plan and Zoning amendments.

He made a motion to approve up to \$1,500 for Mr. Herd and phase I of his proposal.

Mr. Schwartz asked what was the scope of work for phase I and phase II.

Mr. Aichele reviewed the attached proposed scope of work in Mr. Herd's proposal, attached.

Mr. Catlin spoke in favor of having Mr. Herd consult and discussed that it would be helpful to have someone with his experience confirm the Group's strategy.

Ms. deSarno also spoke in favor.

MR. Ray Gooch also spoke in favor and discussed Mr. Herd's contribution in working with the Future's Committee and Comprehensive Plan in the past.

Mr. Aichele discussed that the Group was trying to come up with a report on options for selling the property and as it was one of the largest undeveloped properties in town they wanted to get it right as there wouldn't be another chance and they wanted to get it right.

Ms. Leggett seconded Mr. Aichele's motion.

Mr. Goebel discussed that he would like to see the report before voting and that he would like to see Mr. Herd's proposal.

Mr. Schwartz spoke in favor.

A roll call vote was taken:

Mr. Schwartz voted "yes"

Mr. Goebel voted "no"

Ms. Kuhn voted "yes"

Ms. Leggett voted "yes"

Mayor Sullivan voted "yes"

Mr. Aichele voted "yes"

And the motion passed 5-1.

b). Water and Sewer Rate Increase: Mr. Schwartz discussed that following up on the work session held in August he had come back with some general numbers for the Council to consider. He discussed that the issue of the water and sewer rates needing to be raised was not a new subject and he cited many specific meeting minutes where it had come up.

He reviewed the following numbers as being a possible way to increase rates over two years at 45% per year:

Water	Present charges	2016
2017		
First 3 thousand gallons	\$13.80 (about 82% of users)	\$20.00
\$28.00		
Next 2 thousand gallons	\$18.40 (about 10% of users)	\$26.00
\$37.00		
Each additional thousand gallons	\$23.00 (about 8% of users)	\$33.00
\$46.00		
Sewer		
First 2 thousand gallons	\$19.50	\$28.00
\$40.00		
Additional thousand gallons	\$31.25	\$45.00
\$64.00		
Next additional thousand gallons	\$43.00	\$61.00
\$86.00		

There was a lengthy discussion where the Council discussed the numbers as presented by Mr. Schwartz, and that the Town's current rate was low compared to other jurisdictions, that the loans required that they be paid from user charges, and that the rates

needed to be raised. It was also discussed that although some jurisdictions charged a surcharge for out of Town users, the Town was not contemplating that now. The Council agreed by consensus to eliminate the second tier for water and to make the 3000 minimum gallons charged for first tier the same for both water and sewer.

Mr. Goebel made a motion to authorize a public hearing in October to raise the water and sewer rates up to 50% on January 1, 2016 and up to an additional 50 % on January 1 2017 and Mr. Aichele seconded. 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.

- NEW BUSINESS: a).

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

Ms. deSarno discussed that Christmas in Little Washington was being held on December 6, 2015 and she invited the Council to participate in the parade.

Christa Weeks, Town resident, spoke in favor of the Council raising the Meals and Lodging taxes to 4% to match the County's rates.

Mr. Aichele discussed that the Town's Meals and Lodging taxes were well below other neighboring municipalities and spoke in favor of raising them to 4% and that it was time to have that discussion.

Mayor Sullivan discussed that the Town's taxes were at 2.5%.

Mr. Aichele discussed that in some surrounding counties the rate was at 8%.

Mayor Sullivan asked Mr. Bennett if the Town could legally designate a portion of a tax's revenues to funding wastewater.

Mr. Bennett discussed that a general rule was that one Council could not do anything that bound another Council but could bound to the current Council's term.

Christine Smith discussed that she had lived in another state where a jurisdiction had designated how Meals and Lodging taxes had been spent.

Mr. Schwartz discussed that Cause for Paws had raffle tickets for sale to benefit the RappCats spay and neuter program.

Nancy Buntin asked if the Town was to raise the Meals and Lodging taxes to 4% would they lower the sewer rates.

Mr. Aichele discussed that the water and sewer loans required that user charges pay for the loans and that it would be better to use the additional Meals and Lodging Tax to pay for other things such as sidewalks and lighting.

Mr. Schwartz discussed that the Town had not committed to raising the Meals and Lodging tax.

Mayor Sullivan discussed that Meals and Lodging taxes had a large impact on the largest institution in Town.

Roger Plantadosi, with the Rappahannock News, asked everyone collected 4% and if a portion of the Town's Meals and Lodging taxes went to the County.

Mayor Sullivan discussed that the Town collected 2.5% Meals and Lodging taxes and 5% Sales taxes with a portion of the Sales tax going to the State and that none of the Town's Meals and Lodging taxes went to the County.

Ms. Weeks asked how the Sperryville rates compared to the Town's.

Mayor Sullivan discussed that Sperryville did not have water but the sewer rates were basically about \$30.00 a month with higher rate for larger water users.

Phil Irwin discussed that at least a few years ago Warrenton had designated 100\$ of their Meals and Lodging tax and Culpeper had designated a large % of their Meals and Lodging taxes to tourism and he spoke in favor of the Town using any increase in Meals and Lodging tax to tourism.

Mr. Aichele discussed that the Artisan Trail was a resource to support tourism in Rappahannock County.

Mayor Sullivan discussed that the Town had a record of supporting tourism in the Town and County including a \$5000 donation to the Artisan Trail and a significant donation to the Visitors Center.

Marian Bragg, County resident, asked if any consideration had been given to not raising the rates across the board but to charge less for lower users.

Ms. Smith discussed that she had never received the net operating losses for water and sewer and that she wanted to see the numbers.

Mr. Sullivan discussed that those numbers were public information, which he did not have on hand, but they were available as part of the budget, which could be made available to her.

Mr. Bennett discussed that there had been numerous public meetings where those numbers had been discussed.

Mr. Irwin urged everyone to attend the Farm Tour, which was free, on September 27 and 28, 2015.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION: At 9:05 Mr. Aichele made a motion to go into closed session in accordance with the provisions of Section 2.2-3711.a7 for consultation with the town attorney regarding a specific legal matters requiring the provision of legal advice by such Counsel, namely the VDOT position relative to the Stub Street and the upcoming public hearing relating thereto and also the provision of sewer services within the Town and also under Section .a29 for discussion of the terms and scope of a public contract involving the expenditure of public funds, namely the expenditure of funds for contracts relating to the provision of sewer services where discussion in open session would adversely affect the marketing position and the negotiating strategy of the Town. Mayor Sullivan seconded and 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.

- OPEN SESSION: Mayor Sullivan reconvened the public session at 10:20 p.m. and 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. Schwartz voted "yes" Mr. Goebel voted "yes"
Ms. Kuhn voted "yes" Ms. Leggett voted "yes"
Mayor Sullivan voted "yes" Mr. Aichele voted "yes"

- ADJOURNMENT: At 10:21 p.m. Mr. Goebel made a motion to adjourn and Ms. Kuhn seconded and the motion passed 6-0 and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON OCTOBER 12, 2015

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Mayor Sullivan email and disqualification letter

Milt Herd Proposal