

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

February 8, 2016

7:00 p.m.

Town Council Meeting

Draft Minutes

- CALL TO ORDER: Mayor John Fox Sullivan called the Town Council to order at 7:03 p.m. Council members Gary Schwartz, Jerry Goebel, Mary Ann Kuhn, Katharine Leggett, and Gary Aichele were present. Council member Patrick O'Connell was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were also present.

- SCOTT LEAKE: Representative for Congressman Robert Hurt: Mayor Sullivan introduced Scott Leake and thanked him and Congressman Hurt for the remarkable amount of time and attention Congressman Hurt spent on such a small county.

Mr. Leake discussed that although Congressman Hurt was not running for re-election he would still be in Congress through the end of the year and he urged people to continue to contact the congressman with their concerns. He invited the Council to attend an elected official's appreciation breakfast being held by Congressman Hurt at Graves Mountain Lodge.

Mayor Sullivan discussed that a town resident, Joseph Whited, a republican, was running for Congressman Hurt's office.

- MINUTES: August 10, 2015, August 24, 2105, and September 14, 2015: Ms. Kuhn discussed that she had given Ms. Dodd some typo and grammar corrections for all three sets of minutes. August 10, 2015: Mayor Sullivan discussed that on page 2 it should be noted that the acreage for the Avon Hall should be 12 acres. Ms. Leggett made a motion to approve the August 10, 2015 minutes and Mr. Goebel seconded and the motion passed 6-0.

August 24, 2015: Mayor Sullivan made a motion to approve the August 24, 2015 minutes and Ms. Kuhn seconded and the motion passed 6-0.

September 14, 2015: Mr. Goebel asked that Ms. Dana Mathews name be corrected to Donna Mathews and made a motion to approve the September 24, 2015 minutes and Mr. Schwartz seconded and the motion passed 6-0.

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

Mr. Schwartz discussed that the meter readings for February 1<sup>st</sup> were actually done on the 2<sup>nd</sup> and 3<sup>rd</sup> due to the snow storm.

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

Planning Commission: Chairman Schwartz reported that the Planning Commission had met in January and would be meeting on February 22nd to continue the Comprehensive Plan review.

Architectural Review Board: Mayor Sullivan reported that the ARB minutes were available for November. He discussed that the ARB would be meeting to consider renovations to the Trinity Church rectory and that this would be the 20<sup>th</sup> building out of 110 buildings in town to have had significant renovations in the last 4 years.

He discussed that there was a vacancy on the ARB due to the resignation of Chairman Flores, who had done an extraordinary job, and that this seat would be available to someone who did not have to be a town resident who had expertise in architecture or construction.

- TOWN ATTORNEY: Mr. Bennett reported that he would be discussing Avon Hall as part of the next agenda item.

- OLD BUSINESS:
  - a). Continued discussion of marketing and sale of Avon Hall property and possible adoption of resolutions relating to and authorizing marketing and offering for sale of the Avon Hall property: Mr. Bennett discussed that there had been a fair amount of interest in Avon Hall. He discussed that someone who had requested that he ask the Council that if the entire Avon Hall property was purchased would the Council consider a density of 35 plus houses with the Avon Hall property becoming a club house for those properties plus a portion available for a community center for the public for a fee. He discussed that the prospective purchasers had stated that the benefits to the Town would be additional residents and the services that would follow would be necessary for the Town's growth and ability to thrive in the future with the style of housing of a character in keeping with the ARB guidelines and other houses in town. Mr. Bennett discussed that the prospective buyers felt that this number of houses would not only provide tap fees for the water and sewer systems but would also provide user fees to help with operational costs as well as adding to the county tax base. He discussed that the prospective buyers also stated that this type of housing was in keeping with the Town and County's Comprehensive Plans by providing density around the village.

Mayor Sullivan discussed that while he and many others had walked and looked at the property many times he wondered what 35 houses might look like.

Mr. Bennett discussed that it would substantially be the entire site with houses clustered all around the Avon Hall building.

Ms. Leggett asked if the pond and trail would be maintained.

Mr. Bennett discussed that they would probably be retained but there would be housing built around them.

Mr. Aichele discussed that the Avon Hall Study Group, the Council, and Milt Herd had looked at various options including clustered housing as well as extending the grid and building out the entire area but he didn't recall any of those plans reaching a density of a magnitude of 35. He discussed that it had been discussed that when you increased the density you lost something such as the view or a sense of the character of the site. He discussed that based on the previous studies and expertise, he was not comfortable with and could not support a density of 35 houses and that it would not be in the best interest of the Town.

Mr. Goebel discussed that the wastewater treatment plant had a limited capacity and might not support 35 houses.

Mr. Schwartz discussed that there was capacity for an additional 30-35 houses. He discussed that if Avon Hall had 12 acres without consideration of existing buildings then

talking about an additional 3 units per acre would require a variance to the Zoning Ordinance.

Ms. Kuhn discussed that the density proposed was too great and that magnitude of density had never previously been discussed and she couldn't support it. She discussed that she felt that the prospective buyers needed to present an actual proposal.

Mr. Aichele discussed that development proposals could cost thousands of dollars and it made sense for the buyers to raise the question of that type of development.

Mr. Goebel asked if it was specifically single family homes.

Mr. Bennett discussed that it would probably be attached housing.

Mr. Aichele asked if Avon Hall zoning allowed for duplex housing.

Mr. Schwartz discussed that it would require special action.

Ms. Leggett asked if there was a written offer.

Mr. Bennett discussed that there was not an offer but an expression of interest.

Mayor Sullivan discussed that this was a serious expression of interest of an idea of such a magnitude that it needed to be publically discussed.

Fred Catlin discussed that he felt that he needed more information particularly he wanted to know if they were going to provide green space and a density that would benefit the town.

Alan Comp discussed that in previous public meetings when it was proposed up to 10 to 12 units, it had become clear that people did not want to see something that became a separate enclave of the town and did not want to see new roads. He discussed that regardless of the number of units it needed to be explored whether it looked different from the town. He expressed his concern about selling public property in a way that the town lost the public benefit of the trail or trail system. He also cautioned that the term restoration had many meanings and before the Town accepted any offer it needed to define what was meant by the word restoration.

Sharone Proper expressed her concerns about the 35 houses and that the pond would probably be lost.

Mr. Aichele asked if the pond was retained and the 35 houses were carefully platted out would that address her concerns.

Ms. Proper discussed that 35 houses were quite a lot for the property.

Selma Thompson asked if the entire 12 acres was buildable.

Mr. Schwartz discussed that if you included the pond it was not.

Mr. Aichele discussed that the concern was did you keep the pond, did you keep Avon Hall cottage and the tenant houses, and if you did so and included the buffer around the wastewater treatment plant then the high end of the buildable area would be 6 to 7 acres and the low end would be about 5 acres.

Judy deSarno discussed that she felt that no one was comfortable with 35 structures and asked if the Town could go back and ask for 24 structures.

Mayor Sullivan discussed that the prospective buyers felt that the only way something like this was economically possible was to have something like 34 houses and that 24 would not be economically feasible.

Christa Weeks discussed that she liked the idea of the community center and that she would like to see what the buyers' ideas were and whether the houses could be seen and would they be architecturally compatible.

Mayor Sullivan discussed that there would be buildings in the front of the property which would easily be seen.

After some further discussion, Mayor Sullivan discussed that the Town needed to generate money from the sale of Avon Hall, that the Town needed more residents, and that he was in synch with the County's Comprehensive Plan that more people were

needed around the villages. He discussed that to the extent that these might be “affordable” housing that would be good. He discussed that it was desirable that something was organic and that if it fit into the Town that was also desirable. He discussed that he did not see 35 units in that space as naturally fitting into the town and it was too much. He discussed that he did not sense from any of the previous meetings that there was public support for something of this size and scope and he himself was uncomfortable with it.

After some further discussion, Mr. Goebel discussed that the Town should get back to the prospective buyers and say that 35 units were too many.

Mayor Sullivan discussed that Mr. Bennett would get back to them.

b).

• NEW BUSINESS:

a). ESS Technical Consulting Services Proposal

b). ESS Contract Renewal Proposal

c). Aqua-Aerobics Systems Proposal: Mr. Schwartz reviewed the two ESS proposals and the Aqua-Aerobics Systems proposal (attached) and conditions at the wastewater treatment plant. He made a motion to approve all three proposals and 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.

• PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

- Ms. Proper expressed her concern about sewer smells in town after the snow storm.

Mr. Schwartz discussed that sewage only smelled when they sat and became septic and that usually happened if a pump failed and that there had been a pump failure.

Ms. Buntin asked if the red light was on did that mean the pump was not working.

Mr. Schwartz said yes and if the light and alarm came on then someone needed to call for repairs.

Mr. Catlin asked about the Homeowner’s Guild to the grinder pumps and if they were available.

After a short discussion, it was decided by consensus that when houses were sold Ms. Dodd should send the new owners a copy of the Guild.

Ms. Proper expressed her concerns about Christmas lights still being up and that they should be taken down after Valentine’s Day.

Ms. Weeks expressed her concerns about cracks in the road.

Mayor Sullivan discussed that pot holes should be reported to Ms. Dodd so she could report them to VDOT for repairs and that although the roads needed to be repaved it was a subject for discussion who was financial responsible.

Ms. Weeks discussed that an increase in Meals and Lodging Taxes might cover the costs of repaving.

• CLOSED SESSION: At 8:25 p.m. Mr. Goebel made a motion that the Council enter into closed session in accordance with the provisions of Section 2.2-3711.3 to discuss and

consider the deposition of public property, namely all or a portion of the Avon Hall property, where the discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of the Town Council, and further in accordance with the provisions of Section 2.2-3711.7 for consultation with the town attorney regarding a specific legal matter, namely contract matters relating to Avon Hall, requiring the provision of legal advice by the town attorney, and also under Section 223711.7 for consultation with the town attorney for advice about actual litigation, namely Konick vs. the Town of Washington. Mr. Schwartz seconded the motion 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 9:43 p.m. and Mr. Bennett 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 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”

Mr. Aichele made a motion to authorize the town attorney to authorize substantial and serious prospective purchasers to conduct inspections of the Avon Hall property and the Avon Hall improvements provided that they execute a written agreement that indemnifies the Town for any damages and injuries standard with any indemnification clause and that any invasive testing be first approved by the Mayor or Gary Aichele and that such inspection period not exceed sixty days. Mr. Goebel seconded the motion 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.

There was a short discussion of how the Mayor and Mr. Aichele would handle inspection requests.

Council discussed that they wanted to see current meeting minutes every month as well as at least one past due set of meeting minutes every month.

Mayor Sullivan discussed that the Council needed to get someone good on the ARB and they didn’t necessarily have to be a town or county resident if they had architectural experience and he asked the Council to seriously consider possible candidates.

There was a short discussion of potential candidates and credentials..

- **ADJOURNMENT:** At 10:03 p.m. Mr. Goebel moved to adjourn and Mr. Aichele seconded and the motion passed 6-0.

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NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON APRIL 11, 2016

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

ESS Technical Consulting Services Proposal

ESS Water Contract Renewal Proposal

Aqua-Aerobics Systems Proposal