

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

January 14, 2019

7:00 p.m.

Approved Minutes

- CALL TO ORDER: Mayor Fred Catlin called the Town Council meeting to order at 7:02 p.m. Council members Mary Ann Kuhn, Katharine Leggett, Brad Schneider, Patrick O'Connell, Gail Swift, and Joe Whited were present. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

- RESOLUTIONS: In appreciation of Mayor John Fox Sullivan and Treasurer Jerry Goebel: Mayor Catlin read through the attached Resolution honoring former Treasurer Goebel for his service to the Town and made a motion to pass the resolution and Ms. Kuhn seconded and a roll call vote was taken:

Mr. Schneider voted "yes" Ms. Swift voted "yes"
Mr. O'Connell voted "yes" Ms. Leggett vote "yes"
Ms. Kuhn voted "yes" Mr. Whited voted "yes"
Mayor Catlin voted "yes"
And the Resolution passed 7-0.

Mayor Catlin presented Mr. Goebel with a plaque with much clapping from the audience.

Mayor Catlin read through the attached Resolution honoring former Mayor John Fox Sullivan and made a motion to pass the resolution and Ms. Swift seconded and a roll call vote was taken:

Mr. Schneider voted "yes" Ms. Swift voted "yes"
Mr. O'Connell voted "yes" Ms. Leggett vote "yes"
Ms. Kuhn voted "yes" Mr. Whited voted "yes"
Mayor Catlin voted "yes"
And the Resolution passed 7-0.

Mayor Catlin presented Mr. Sullivan with a plaque again with much clapping from the audience.

Mr. Sullivan thanked the Council and discussed that it had been an honor and a pleasure to serve the Town and that he appreciated the opportunity to do so.

- APPOINTMENT OF VICE MAYOR: Mayor Catlin opened up the floor for nominations for Vice Mayor.

Ms. Leggett nominated Ms. Kuhn and discussed that Ms. Kuhn had both experience on the Council and as Vice Mayor. Mr. O'Connell seconded the nomination.

Mayor Catlin asked if there were any other nominations and there being none closed the nominations and a roll call vote was taken:

Mr. Schneider voted "yes" Ms. Swift voted "yes"
Mr. O'Connell voted "yes" Ms. Leggett vote "yes"
Ms. Kuhn voted "yes" Mr. Whited voted "yes"
Mayor Catlin voted "yes"
And Ms. Kuhn was appointed Vice Mayor 7-0.

Ms. Kuhn discussed that she was honored and that she would do her utmost to uphold the duties of the office.

- MINUTES: October 8, 2018 and November 12, 2018 draft minutes: Ms. Kuhn gave Ms. Dodd some typographical and grammatical corrections for both sets of minutes. October 8, 2018: Mayor Catlin asked that Mr. Cilimberg's name be corrected from Mr. Cilimbert under the Planning Commission Report and that he was the past Director of Planning for Albermarle County not the current Director. Ms. Kuhn asked that Kenner Love's name be corrected from Kennerd Love under the Boxwood Blight agenda item. Mr. Schneider moved to approve the Oct. 8 2018 minutes as corrected and Ms. Kuhn seconded and the motion passed 7-0

November 12, 2018: Ms. Kuhn asked that on page 4, under agenda item c). That in the roll call vote Mayor Leggett voted "yes" be changed to Mayor Sullivan voted "yes" and that on page 1, under office space review, that "Board of Supervisor Frazier" be changed to "Board of Supervisor Ron Frazier". Mayor Catlin asked that under Public Forum that "Gary Aichele commented" be changed to "Gary Aichele commended". Ms. Leggett moved to approve the Nov. 12, 2018 minutes as corrected and Ms. Swift seconded and the motion passed 7-0.

- REPORTS: Mayor's Report: Mayor Catlin discussed that he would be doing updates in a new Mayor's Report. He made a few comments, report attached, where he discussed that the reason he was serving as Mayor was to work with his fellow Town Council members to meet the needs and wants of the town community while preserving the Town's character and values. He discussed that for the Town to navigate between growth and preservation the Town must plan thoughtfully and move expeditiously. He discussed that although he had a full time business to own and run, he wished to be accessible to the community and that he would be hosting a "Coffee with the Mayor" on the first Saturday of each month at Town Hall from 9-11 in the morning. He invited the public to drop in.

Treasury Report: Treasurer Swift reviewed the attached Bank Summary Report, and discussed the Bills-To-Be-Paid list and the Additional Bills to Be Paid List, attached, and asked if there were any questions. There being none Ms. Kuhn made a motion to approve the Treasurer's report and Mr. Whited seconded and the motion passed 7-0.

Mr. O'Connell asked that the dark blocked out areas on the Bank Summary page be removed as they made the report difficult to read.

Planning Commission: There was no report

Architectural Review Board: ARB would not be meeting in January as there were no applications.

- TOWN ATTORNEY: Mr. Bennett reviewed the attached Organization Resolution to establish procedures to continue Council meetings without further action of any kind by the Town Council.

After a short discussion, Council agreed by consensus to change point 2 from "If the meeting falls on a legal holiday, it shall be continued to the following Tuesday without further action by the Council of any type" to "If the meeting falls on a legal holiday, it shall be continued to the following business day without further action by the Council of any type."

Mr. Schneider made a motion to approve the Organization Resolution as amended and Mr. Whited seconded and a roll call vote was taken:

Mr. Schneider voted "yes"	Ms. Swift voted "yes"
Mr. O'Connell voted "yes"	Ms. Leggett vote "yes"
Ms. Kuhn voted "yes"	Mr. Whited voted "yes"
Mayor Catlin voted "yes"	

And the Resolution passed 7-0.

At 7:30 p.m. Mr. O'Connell left the Council meeting before the start of the joint public hearing.

- JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION: Draft Planned Unit Development (PUD) Ordinance: Chairman Caroline Anstey called to order the Planning Commission. Present were Judy de Sarno, Alan Comp, and Gail Swift. She opened up the public hearing for the Planning Commission. She discussed that she felt that the discussion of a PUD Ordinance was as important to the future of the Town as the past discussions of the Sewer system and that she wanted to make sure everyone had had a chance to read the PUD Ordinance in advance and had had access to it. She expressed concerns that the Ordinance had not been made available including that it had not been posted to the web site.

Ms. Dodd discussed that it had been available at the last Council meeting, and that it had been available at Town Hall as advertised, and that there had been no request for copies.

Gary Aichele discussed that going forward if some item in the Ordinance proved inadequate it could be amended and Mr. Bennett agreed.

Chairman Anstey discussed that there had been prior public discussion on the issue of whether or not areas of Town not in the Historic District would be under ARB review, and where Mr. Aichele had discussed that the Council had the power to apply the ARB guidelines to a PUD to any area in Town. She discussed that there was some comfort that with future development the Council, Planning Commission, and ARB would have some control over the look of additional dwellings even outside the Historic District.

Mr. Aichele discussed that, in his opinion, the PUD Ordinance put ultimate authority with the Council and before any proposal was accepted by Council they could impose additional standards or conditions confirming the ARB guidelines regardless if the ARB had jurisdiction. He discussed that the Council could poll the ARB for input.

Chairman Anstey asked if the guidelines would be imposed at the time of the PUD approval or would it be part of the Ordinance.

Mr. Bennett discussed that currently everything available for a PUD was in the Historic District and would have to be reviewed by the ARB and meet the guidelines.

Mayor Catlin discussed that there was concern about properties that might be brought into town in the future that would not be in the Historic District but Mr. Aichele had addressed that concern.

Chairman Anstey discussed that there were already parts of town that were not in the Historic District.

Mr. Bennett discussed that those areas were not part of the Sewer Service District.

Chairman Anstey discussed that that was an important aspect that PUDs had to be within the Sewer Service District.

Ms. Leggett asked if the PUD Ordinance was aimed at affordable housing.

Chairman Anstey discussed that the PUD Ordinance allowed for greater density on a smaller area while maintaining aesthetics. She discussed that the Ordinance did not discuss use and that use would depend on the developer and the Council.

Alan Comp discussed that the PUD Ordinance put a heavy load on the Town Council and while individual structures might have to come under the ARB guidelines there was no direct requirement that the overall look of any future development had to look like it belonged to the town with no design or review other than by the Town Council.

Ms. Swift discussed that there had been some prior discussion that the Council could impose historic district overlays on the entry corridors.

Ms. Kuhn asked if that was in the Ordinance.

Ms. Swift said no and discussed that it had just come up for discussion.

Chairman Anstey asked if the imposition of an overly was arbitrary and should it be incorporated into the Ordinance to make sure that that did happen.

Mayor Catlin discussed that Mr. Aichele had discussed that the Council could poll the ARB to get their input and personally he felt that a Council member, unless they had planning or architectural experience, would want to seek out the advice and expertise of the ARB.

Mr. Comp spoke in favor of seeing it defined as part of the Ordinance.

Mr. Bennett discussed that the ARB had the ability to consider mass and context of structures and that everything would have to go before the ARB.

Mr. Comp expressed his concerns over how development would be integrated into the town.

Mr. Aichele discussed that this was an advertised public hearing on a document and if the Planning Commission was not ready to address that document they should adjourn.

Chairman Anstey discussed that this was a Planning Commission public hearing and their comments that evening were in response to some of Mr. Aichele's comments.

Mr. Aichele spoke in favor of the Ordinance as published and that the Council should approve it and move forward and that it supported the Comprehensive Plan. He discussed that the Town was the only place to support growth with this type of project because of the sewer. He discussed that in the future the Town could use consultants as part of the process.

Nancy Buntin asked if the Town Council felt confident in their ability to meet all the requirements of the Ordinance and see a project through that met all the guidelines.

Ms. Leggett said yes.

Mayor Catlin discussed that whenever the Town Council was faced with a difficult project they had sought out outside guidance from outside consultants or boards just as they had done on the Avon Hall Task Force.

Mr. Bennett discussed that it was still the Planning Commission public hearing and questions should be addressed to the Planning Commission now and to the Town Council later.

Ms. Proper discussed that people near the Fire Department may not know about the PUD Ordinance and the possible assisted living facility.

Chairman Anstey discussed that the topic of an assisted living facility had been brought up at a prior Town Council meeting and that the Town had not received any further information about it and it was not part of the PUD Ordinance conversation that evening.

She discussed that the reason that there was so much discussion on the Ordinance that evening by the Planning Commission was that, while they did want to balance expediency and participation, they had expected some language regarding ARB oversight of properties brought into town that were being considered for a PUD.

Mr. Bennett discussed that areas not considered by the ARB at the current time were not in the Sewer Service District and couldn't be considered for a PUD and that nothing in the Ordinance diminished the authority of the ARB including the consideration of mass and context.

Ms. Anstey asked if the Town boundaries were expanded would the PUD Ordinance be required.

Mr. Bennett discussed that the PUD Ordinance would not have to be amended but the Sewer Service District would.

Ms. Proper asked if the Town were expanded would the sewer system have to expand too as it already seemed stressed when it was really wet.

Mr. Schneider discussed that the sewer system was not affected by infiltration of water as it was a sealed system but that there were occasional problems with broken grinder pots.

Mayor Catlin discussed that the capacity of the sewer system was at less than 30% capacity and was estimated to be able to handle a population of 250 people.

Chairman Anstey closed the public hearing for the Planning Commission.

Mr. Comp discussed that he had concerns as a Commissioner that there were unresolved issues and that there was no clear process to resolve them. He spoke in favor of the Planning Commission delaying their recommendations and after some further work they come back at the next Council meeting.

Ms. Anstey asked if that would require a further public hearing.

Mr. Bennett discussed that if there were no decision by the Planning Commission, the Council would have to carry its public hearing over to the next Council meeting. He discussed that nothing in the PUD Ordinance diminished the Historic District Ordinance but actually added another layer of review.

Mr. Comp asked about properties brought in by boundary line adjustments and where that design process was outlined.

Ms. deSarno discussed that she felt Mr. Comp's issues had been addressed at the Planning Commission December meeting and she spoke in favor of moving forward.

Ms. Swift agreed with Ms. deSarno.

Ms. deSarno moved that the Planning Commission recommend approval of the PUD Ordinance to the Town Council and Ms. Swift seconded and a roll call vote was taken:

Ms. deSarno vote “aye”

Chairman Anstey voted “aye”

Mr. Comp voted “no”

Ms. Swift voted “aye”

And the motion passed 3-1.

Mr. Bennett discussed that, unrelated to the PUD Ordinance, the Planning Commission needed to hold an Organization meeting and adopt an Organization Resolution such as the Council had adopted that evening.

Ms. Anstey adjourned the Planning Commission and Ms. deSarno seconded and the Planning Commission adjourned.

Mayor Catlin opened up the Town Council public hearing.

Mr. Aichele again spoke in favor of approving the Ordinance based on his statement of support during the Planning Commission public hearing.

Mayor Catlin closed the public hearing.

Ms. Swift made a motion to approve the PUD Ordinance as presented and Mr. Whited seconded.

Mr. Schneider discussed Mr. Comp’s concerns regarding the ARB and multi-structural projects or a PUD and asked if the Historic District Ordinance needed to be amended to be clear that it would be looking at multi-structural projects as a whole.

Mr. Bennett discussed that as he recalled the Historic District Ordinance required that the ARB had to look at massing and how structures integrated into the fabric of the Town. He discussed that as Zoning Administrator, with a project of this type of scope, he would have everyone review it including the ARB.

At 8:17 p.m. Mr. O’Connell returned to the Council table.

Mayor Catlin spoke in favor of a resolution or list of protocols on how the process of a PUD application would work and Mr. Schneider agreed with him.

Ms. Kuhn asked if the idea of ARB oversight of multiple dwellings could be put into the PUD Ordinance.

Mr. Bennett discussed that it was already under the ARB.

Mr. Catlin discussed that although the Town was not at present at a point where it was financially feasible, many communities had a master plan which allowed making sure everything was in context with everything else.

Ms. Leggett discussed that might be overkill right now as new structures already had to be considered under the Historic District Ordinance.

Mr. Bennett discussed that a master plan was a huge undertaking which included all future streets and parking.

Ms. Kuhn discussed that she felt that the Ordinance needed more spine and that the Town could be opening the door to development and that was huge. She discussed that the Town needed to be extra careful. She asked that the Council look at section numbers 9 and 2. She recommended delaying the vote for thirty days.

Mayor Catlin discussed that the PUD Ordinance had been in front of the Council for over a month and before the Planning Commission for 3 or 4 months. He discussed that the more barriers you put into the document the more they might drive the few people interested away.

Ms. Kuhn discussed that the Town might not want those people if they did not want to abide by the ordinance.

Mayor Catlin discussed that there had been a lot of deliberate discussion of the Ordinance beginning in April 2018 with the Housing Task Force.

Ms. Kuhn discussed that the Council had not reviewed the final document together until that evening and that she felt there needed to be further discussion to get the document the Town wanted.

Ms. Leggett discussed that while she had some of the same concerns as Ms. Kuhn, she felt that some things not described in the PUD Ordinance were covered by other documents.

Mr. Comp expressed his concerns that the opportunity to do boundary line adjustments and with sewer services meant that the Town was faced with development that was not protected by

the PUD Ordinance.

Mr. Bennett discussed the issue was that the PUD Ordinance was not to be an instrument of sprawl and development and consequently PUDs were limited to the Sewer Service District. He discussed that the larger properties on the outskirts of Town were limited to 5 acres and did not have sewer.

Mr. O'Connell asked about the definition of a PUD and if PUDs would allow assisted living facilities, nursing homes, and suburban type development.

There was a short discussion of the fact that the PUD Ordinance would allow nursing homes, and assisted living facilities. Mr. Bennett discussed the definition of a PUD from the Ordinance and that the Ordinance would allow some mixed-use but it would mainly be residential. He discussed that it would not allow suburban sprawl as all uses would have to be integrated.

After some further discussion, Mayor Catlin asked for a vote on Ms. Swift's motion and a roll call vote was taken:

Mr. Schneider voted "yes"	Ms. Swift voted "yes"
Mr. O'Connell abstained	Ms. Leggett voted "yes"
Ms. Kuhn voted "no" saying she wanted a stronger document.	Mr. Whited voted "yes"
Mayor Catlin voted "yes"	

And the motion passed 5-1 with Mr. O'Connell abstaining and the Ordinance was approved.

- **PUBLIC HEARING:** Eatman/Eagle Gay Street Application for the Vacation of Gay Street Stub Street: Mayor Catlin opened the public hearing.

Mr. Aichele spoke in favor and discussed that there had been a careful process with the application with questions asked and answered.

Ms. Buntin also spoke in favor.

Mr. Brown, representing the applicant, reviewed the application and that the applicants had diligently tried to address all on the Council concerns including that the Town would receive \$7,000, that the stub was not used, that the terrain behind the stub street would never allow it to be used, that Ms. Eagle had cleaned up the barn, and that all adjacent land owners had agreed to the vacation of the stub street. He discussed that Ms. Eagle could not be present due to the state of the roads caused to the bad weather.

Mayor Catlin closed the public hearing.

Mr. Whited made a motion to approve the abandonment and sale of the Gay Street Stub Street and Mr. Schneider seconded.

Ms. Leggett asked if Ms. Leftwich would still have access.

Mr. Bennett said yes.

Mayor Catlin discussed that there had been no opposition from the neighbors and that the Town had already vacated the part of the stub street that ran across the property adjacent to the current stub street.

A roll call vote was taken:

Mr. Schneider voted "yes"	Ms. Swift abstained
Mr. O'Connell voted "yes"	Ms. Leggett vote "yes"
Ms. Kuhn voted "yes"	Mr. Whited voted "yes"
Mayor Catlin voted "yes"	

And the motion passed 6-0 with Gail Swift abstaining.

- **OLD BUSINESS**
 - a). Planning Commission Vacancy: Mayor Catlin discussed that the Town was looking for letters of interest from residents interested in being appointed to the Planning Commission to be considered at the February Council meeting.

b). Town office space review: Ms. Swift discussed that she had looked at space next to the spa but it was \$900 a month plus utilities. She discussed she was continuing to discuss with the owners of the Kramer building renting space there and would get back to Council when she had some news.

- NEW BUSINESS: a). Resolution Authorizing New Bank Signatures: Mr. Schneider made a motion to authorize the Mayor, Vice Mayor, and Treasurer, to become signatories on the four Town bank accounts and Ms. Leggett seconded and a roll call vote was taken:

Mr. Schneider voted “yes” Ms. Swift voted “yes”
 Mr. O’Connell voted “yes” Ms. Leggett vote “yes”
 Ms. Kuhn voted “yes” Mr. Whited voted ‘yes”
 Mayor Catlin voted “yes”
 And the motion passed 7-0.

b). Possible discussion of OSHA items to be completed at the Wastewater Plant: Ms. Swift discussed that she had been working with ESS and County Water systems to address items from the Infrastructure Task Force recommendation, one of which was OSHA requirements and that she would be coming back to Council with detailed proposals.

Mr. Schneider discussed the need for electrical arc flashing labeling at both the Water Treatment Plant and the Wastewater Treatment Plant as required by OSHA.

Ms. Swift discussed that safety issues regarding fall zones also needed to be addressed with railings and safety hook-ups.

- PUBLIC FORUM: Mayor Catlin opened up the public forum.

Ms. Proper discussed that the town seemed dark with street lights out and particularly at the Court House and discussed RLEP’s Dark Skies project.

Ms. Dodd discussed that the Town would be meeting with REC to discuss how to address the current street light situation and what new kind of bulbs could be used with the current fixtures without having to use ballasts, as they were no longer available. She discussed that the Town hoped to find replacement LED bulbs that would also satisfy RLEP Dark Skies program.

Mayor Catlin closed the public forum.

- CLOSED SESSION: There was no closed session.

- ADJOURNMENT: At 9:05 p.m. Ms. Swift made a motion to adjourn and Mr. Schneider seconded and the motion passed 7-0.

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL
 FEBRUARY 11, 2019

Laura Dodd

Attachments:

- Treasurer’s report
- Additional Bills to be Paid
- Bills to be Paid
- Approved Resolutions in Appreciation of Mayor John Fox Sullivan and Treasurer Jerry Goebel
- Mayor Catlin’s Mayor’s Report
- Approved Organizational Resolution
- Approved PUD Ordinance

