

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

January 11, 2021

Council Meeting

Draft Agenda

7:00 p.m.

- CALL TO ORDER Action
- APPROVAL OF THE AGENDA Action
- MINUTES December 14, 2020 Council meeting minutes Action
- REPORTS Mayor's Report: Mayor Catlin Information  
Treasury Report: Ms. Swift  
Planning Commission  
Architectural Review Board
- TOWN ATTORNEY Mr. Bennett Information
- OLD BUSINESS
- NEW BUSINESS
  - a) Northern Piedmont Community Fund discussion for post office enhancement Possible action
  - b) Town council may consider authorizing advertising for one a special use permit for Pattio's café and other uses in the old post office building. So as to permit expanded restaurant and café operations and outdoor seating and food service. Possible action
  - c) Discussion of sidewalks on Main Street
- PUBLIC FORUM
- CLOSED SESSION a) Employee compensation for the new year Possible action
- OPEN SESSION
- ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL  
February 8, 2020

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

January 11, 2021

7:00 p.m.

Approved Minutes

- CALL TO ORDER: Mayor Fred Catlin opened the electronically held meeting at 7:01 p.m. Council members Jean Goodine, Mary Ann Kuhn, Patrick O'Connell, Brad Schneider, Gail Swift and Joe Whited were present. Town Attorney John Bennett and Town Clerk Barbara Batson were present.

John Bennett stated that the Governor of Virginia issued Executive Order 72 on December 10, 2020 extending the State of Emergency to January 31, 2021. During the state of emergency electronic meetings are authorized.

- APPROVAL OF THE AGENDA: Mayor Catlin requested to add item c under new business, Discussion of sidewalks on Main Street.

Mayor Catlin motioned the amended agenda be approved. Ms. Swift seconded and a roll call vote was taken:

Ms. Goodine voted "yes"  
Mr. O'Connell voted "yes"  
Ms. Swift voted "yes"  
Mayor Catlin voted "yes"  
And the motion passed 7-0.

Ms. Kuhn voted "yes"  
Mr. Schneider voted "yes"  
Mr. Whited voted "yes"

- a) MINUTES: Ms. Kuhn motioned to accept the minutes and Ms. Swift seconded and a roll call vote was taken:

Ms. Goodine voted "yes"  
Mr. O'Connell voted "yes"  
Ms. Swift voted "yes"  
Mayor Catlin voted "yes"  
And the motion passed 7-0.

Ms. Kuhn voted "yes"  
Mr. Schneider voted "yes"  
Mr. Whited voted "yes"

- b) REPORTS:

Mayor's Report: Mayor Catlin reported the Town received complaints about the slow process of the construction of the new post office in Town. Residents having to wait in line at the Sperryville Post Office during COVID restrictions has been frustrating. The Mayor reported there has been a delay in construction because of standing water on the soil. The next step is setting the concrete footers. The Mayor and Council member Brad Schneider met with the contractor on Monday at the site to discuss next steps. The contractor anticipates digging on the footers should begin before the end of the week. The Mayor shared that the Town has little leverage

over the building process with the contractor but he will continue to follow-up with the contractor weekly. A late spring 2021 opening date is anticipated.

Treasurer's Report: Ms. Swift brought to the Town Council's (TC) attention there is a payment on the bills to be paid for two months of rent for the Town's office. She explained Washington School misplaced the January check and another check was being reissued.

Ms. Swift shared the high wastewater expenses this month were due to the repair and purchase of four grinder pot pumps. She pointed out our current inventory of pumps shows they are coming to the end of their life cycle and we can expect this expense to continue. Mr. Schneider said that ESS communicates the condition of each pump that needs to be repaired or replaced and that he and Ms. Swift make a decision on whether to repair the pump or replace it with a new pump. Ms. Swift shared that Mr. Schneider is looking for another vendor for new pumps. Mayor Catlin asked how does a resident know if their grinder pot has a problem. Ms. Swift responded that an alarm and a light go off at the grinder pot. Mr. Whited asked if we are tracking the replacements. Ms. Swift responded that ESS tracks the calls and results and provides a log to the Town.

Ms. Kuhn made a motion to accept the treasurer's report and approve the bills to be paid and Mr. Whited seconded and a roll call vote was taken:

Ms. Goodine voted "yes"  
Mr. O'Connell voted "yes"  
Ms. Swift voted "yes"  
Mayor Catlin voted "yes"  
And the motion passed 7-0.

Ms. Kuhn voted "yes"  
Mr. Schneider voted "yes"  
Mr. Whited voted "yes"

Planning Commission Report: Caroline Anstey reported the Planning Commission did not meet in December. She suggested that meeting information be sent to the Town's email distribution list and be posted on the website. Mayor Catlin agreed. The Planning Commission plans to meet on January 25 electronically via Zoom.

Architectural Review Board Report: The ARB is meeting on January 13 to consider an application to install a fence at 195 Main Street.

Town Attorney: Mr. Bennett had no report.

- OLD BUSINESS: There was no old business.
  
- NEW BUSINESS:
  - (a) Northern Piedmont Community Foundation fund discussion for post office enhancement: John Bennett explained there are four funds that were set up and managed by the Northern Piedmont Community Foundation (NPCF) and he wanted to clarify the procedure for how funds are spent. The original agreement stated NPCF would spend the funds as the Town sets forth.

He felt it wasn't clear who had complete control over the funds. He proposed an amendment that states the Town can make a recommendation to NPCF and it can consider and act on that fund. As a practical matter it makes no difference as these are funds owned and operated by NPCF. Mr. Whited clarified these are donated funds and not public funds; we are not relinquishing control over public funds.

Ms. Swift made a motion to accept the amendments for the NPCF agreements and Mayor Catlin seconded and a roll call vote was taken:

|                            |                           |
|----------------------------|---------------------------|
| Ms. Goodine abstained      | Ms. Kuhn voted "yes"      |
| Mr. O'Connell voted "yes"  | Mr. Schneider voted "yes" |
| Ms. Swift voted "yes"      | Mr. Whited voted "yes"    |
| Mayor Catlin voted "yes"   |                           |
| And the motion passed 6-0. |                           |

- (b) Town council may consider authorizing advertising for a special use permit for Pattio's Café and other uses in the old post office building so as to permit expanded restaurant and café operations and outdoor seating and food service: John Bennett shared he has been speaking for some months with a representative for the Inn's new café regarding zoning requirements. He has reviewed the final project plans as the Zoning Administrator. The property was grandfathered out of current zoning rules because the rules were not in place at the time the property began use as a restaurant. The Inn at Little Washington's current plan extends the food service space to the entire first floor of the building plus 1500 sq ft in front of the building that will have tables and umbrellas. This change would be an expansion in the intensity of the original use and therefore requires a special use permit. It's before TC tonight to decide whether to advertise for a public hearing at the next TC meeting to consider a special use permit.

Ms. Kuhn made a motion to approve advertising a public hearing for the February 8, 2021 TC meeting and Ms. Swift seconded and a roll call vote was taken:

|                            |                           |
|----------------------------|---------------------------|
| Ms. Goodine voted "yes"    | Ms. Kuhn voted "yes"      |
| Mr. O'Connell abstained    | Mr. Schneider voted "yes" |
| Ms. Swift voted "yes"      | Mr. Whited voted "yes"    |
| Mayor Catlin voted "yes"   |                           |
| And the motion passed 6-0. |                           |

- (c) Discussion of sidewalks on Main Street: Mr. Schneider shared this was a topic he has raised numerous times. He stated there are a limited number of sidewalks in town and there are some obstructions that he feels need to be removed. He referred to steps located at 322 Main Street as an example. He recently saw an elderly woman with a walker in the road with cars coming up behind her because the steps were blocking her use of the sidewalk. He feels TC should do something to ensure the sidewalks remain clear. He also witnessed a woman with two young children in the road because her stroller wasn't able to make it past the steps obstructing the sidewalk. He doesn't think this is a Virginia Department of Transportation issue. He asked if Mr. Bennett could advise the Council about an ordinance or resolution it could adopt regarding this issue. Mr. Bennett cautioned TC that the Town has long said it does not have authority over the sidewalks and that is the Town's position in a lawsuit currently brought against the Town. The Town does not have the tools or staff to maintain sidewalks. He stated the Town could adopt a

resolution stating the property owner is responsible for the maintenance of their portion of the sidewalk. This would place a higher burden on the property owner if someone was hurt on the sidewalk. Mayor Catlin cautioned against implementing a resolution that creates a responsibility of maintenance on the property owner.

Ms. Goodine suggested as a first step that the Mayor write a letter to the building owner requesting they remove the stairs. She agrees the stairs are a hazard that never should have been approved. Ms. Swift stated she thinks the building owner installed the stairs without approval. Ms. Goodine responded the stairs had been approved and that's why a previous TC couldn't have them removed. Mr. Bennett shared he was not able to find any documentation that approved the stairs placement on the sidewalk.

Mayor Catlin suggested there should be a requirement that sidewalks need to follow Americans with Disabilities Act requirements. Mr. Bennett advised that most of the sidewalks in Town would not meet those requirements due to the unevenness of the sidewalks. Mr. Schneider suggested the Town could be more general in its requirement and state that sidewalks should remain unobstructed instead of discussing maintenance responsibilities.

Ms. Swift suggested we ask the property owner to provide documentation they received approval to build the steps and if they cannot provide proof they be asked to remove the steps. Mr. Bennett said the owner has the burden to show they received the necessary approvals. Mr. Whited mentioned the owner may want the ability to reinstall the steps if needed in the future.

Mayor Catlin said it sounds like there is a consensus that he talk to the property owner first about removing the steps and if they are not agreeable to ask them to provide proof the steps were approved. He'll report back to TC at the February meeting.

Mayor Catlin asked for a voice vote asking TC members if they agreed with his reaching out to the owner. The Council unanimously agreed.

PUBLIC FORUM: Mayor Catlin opened the public forum at 7:52 p.m. He informed anyone interested in speaking should indicate through the chat feature on Zoom.

John Sullivan said he would like to welcome Jean Goodine back to TC. Regarding the subject of the steps, he thinks it's an ARB issue. He also wanted to know if there were going to be discussions of the controversial issue of the Black Kettle property project. He mentioned the Rappahannock County Board of Supervisors (BOS) requested a representative from the Town attend the February meeting to give a presentation on the Town's stance on the project. Mr. Sullivan wanted to know what the process moving forward is regarding this project. Mayor Catlin responded there have been opportunities for the public to provide comments on this project, including at the December 2020 TC meeting when property owner Chuck Akre gave a project overview during the public forum. Mayor Catlin also noted that the Town has not received any application for a boundary line adjustment. He said Mr. Akre was still in the process of collecting the community's input. Mayor Catlin also shared that land use lawyer John Foote on behalf of Mr. Akre is suggesting a committee be formed to include members from all the government entities that would be involved in approving the project.

Caroline Anstey said Keir Whitson, BOS representative for the district the Town is in, wants the Town to answer the question of whether sewer and water services could be extended beyond the Town's boundary. She expressed her opinion that this was an interesting proposal and she'd hate to see it wither on the vine.

Mr. Sullivan commented that how the Town works with the BOS will be extremely important, because at the end of the day the board will have to approve a boundary line adjustment. He feels that someone from the Town should attend the next BOS meeting if it has been requested and he doesn't think it's clear from today's discussion if someone will attend. He feels it's important the Town be proactive in working with the County and the BOS to accomplish what people want regarding this project. Mayor Catlin responded that he has a monthly meeting with Mr. Whitson and Mr. Garrey Curry, Rappahannock County Administrator, and would be meeting with them this Friday and he would discuss this topic. He also said the Town welcomes the boundary line adjustment and the potential housing plan fits in with the Town's comprehensive plan. In fact, many of the things Mr. Ackre is proposing are in the comprehensive plan. Mayor Catlin wants to talk first with Mr. Whitson and Mr. Curry to get clarification on what the BOS is expecting the Town to present in February and then report back to TC. Ms. Kuhn commented that she liked that approach.

Mr. Bennett asked Mr. Sullivan what his opinion was on how to move forward. Mr. Sullivan said he recommends having proactive conversations with Mr. Whitson and to offer opportunities for Town residents to speak on the issue. He suggested someone from the Town should be present at the next BOS meeting to state the Town's opinion.

Ms. Anstey commented that the economics and advantages of the project are endangered by the politics. She suggested the presentation at the BOS meeting should concentrate on facts and not allow county politics derail the project.

Mr. Bennett shared that the water/sewer system was not designed to be an instrument of development rather it was designed to meet the needs of the Town at the time. And when the system was put in place there was no discussion of extending the Town's boundary line. He also shared the Town did not ask the County for money and the County did not contribute financially to the project. The project was fully funded by Town residents as an asset to the Town and was not economically motivated. Ms. Kuhn said some residents are saying the system was only made for the Town and are asking if the capacity will be used all up for this project. She referenced negative comments on Rappnet on this issue, one that said it will be like pitting neighbor against neighbor and others asking what is the County getting out of it, why doesn't the Town just give the water and sewer. Some felt this project will only benefit the Town and not the County.

Mr. Whited commented that we need to understand the facts before engaging in a discussion of this project and should table any discussions now for a later time. This would allow the Town to gather its facts, figures and what implications there are to the Town and County.

Mayor Catlin suggested he and Mr. Bennett attend the next BOS meeting but not provide a formal presentation. He would get clarification from Mr. Whitson on Friday. He suggested continuing today's TC meeting to January 15 to allow further discussion on this issue.

Mayor Catlin closed the public forum at 8:35 p.m.

CLOSED SESSION: John Bennett moved to have TC enter into closed session in accordance with the provisions of section 2.2-3711 A. 1 for discussion and consideration of the performance of a named Town employee.

At 8:43 p.m. Mayor Catlin motioned to go into closed session and Ms. Swift seconded and a roll call vote was taken:

|                            |                           |
|----------------------------|---------------------------|
| Ms. Goodine voted "yes"    | Ms. Kuhn voted "yes"      |
| Mr. O'Connell voted "yes"  | Mr. Schneider voted "yes" |
| Ms. Swift voted "yes"      | Mr. Whited voted "yes"    |
| Mayor Catlin voted "yes"   |                           |
| And the motion passed 7-0. |                           |

OPEN SESSION: At 8:46 p.m. TC came out of closed session.

Mayor Catlin made a motion to approve a \$500 holiday bonus and a pay raise of 1.3% for the Town Clerk and Ms. Swift seconded and a roll call vote was taken:

|                            |                           |
|----------------------------|---------------------------|
| Ms. Goodine voted "yes"    | Ms. Kuhn voted "yes"      |
| Mr. O'Connell voted "yes"  | Mr. Schneider voted "yes" |
| Ms. Swift voted "yes"      | Mr. Whited voted "yes"    |
| Mayor Catlin voted "yes"   |                           |
| And the motion passed 7-0. |                           |

ADJOURNMENT: At 8:47 p.m. Mayor Catlin made a motion to continue the meeting and Ms. Swift seconded and a roll call vote was taken:

|                            |                           |
|----------------------------|---------------------------|
| Ms. Goodine voted "yes"    | Ms. Kuhn voted "yes"      |
| Mr. O'Connell voted "yes"  | Mr. Schneider voted "yes" |
| Ms. Swift voted "yes"      | Mr. Whited voted "yes"    |
| Mayor Catlin voted "yes"   |                           |
| And the motion passed 7-0. |                           |

THE MEETING WAS CONTINUED TILL JANUARY 15, 2021 at 2:00 p.m.

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL IS FEBRUARY 8, 2021.

Barbara Batson, Town Clerk

Attachments:

Treasurer's Report

Bills to be paid

Northern Piedmont Community Fund amended agreements