

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

April 12, 2021

Council Meeting

APPROVED Agenda

7:00 p.m.

- CALL TO ORDER Action
- APPROVAL OF THE AGENDA Action
- MINUTES March 8, 2021 Council meeting minutes Action
- REPORTS Mayor's Report: Mayor Catlin Information  
Treasurer's Report: Ms. Swift  
    • March 2021  
    • April 2021  
Planning Commission  
Architectural Review Board
- TOWN ATTORNEY Mr. Bennett Information
- OLD BUSINESS a)
- NEW BUSINESS
  - a) Public Hearing for FEMA floodplain ordinance Action
  - b) Public Hearing for water and sewer rate review Action
  - c) Town council may consider authorizing advertising for a public hearing for the FY 21/22 Town budget Action
  - d) Discussion of guidelines for fireworks displays Discussion/possible action
- PUBLIC FORUM
- ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL  
May 10, 2020

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

April 12, 2021

7:00 p.m.

Draft Minutes

- CALL TO ORDER: Mayor Fred Catlin opened the meeting at 7:07 p.m. Council members Jean Goodine, Mary Ann Kuhn, Patrick O'Connell, Brad Schneider and Joe Whited were present with, Gail Swift absent. Town Attorney John Bennett and Town Clerk Barbara Batson were present.
- APPROVAL OF THE AGENDA: Mr. Whited motioned the agenda be approved. Ms. Kuhn 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"

Mr. Whited voted "yes"

Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

- MINUTES: Ms. Kuhn motioned to accept the minutes and Mr. Whited 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"

Mr. Whited voted "yes"

Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

## REPORTS:

Mayor's Report: Mayor Catlin reported there's a lot of work being done at the post office. The Town sold the property and is not in charge of the construction process but has been trying to facilitate the construction on behalf of the citizens. Currently more than \$60,000 has been raised for the building enhancement fund. This money is intended to have the post office building match the surrounding beauty. The bricks have been delivered and the curbs have been poured but construction is still at the mercy of the weather. Mayor Catlin spoke with the builder last week and he is anticipating he'll be done in three to four weeks and then the interior work will begin. The builder is still anticipating June 1 as the opening date.

Treasurer's Report: In Ms. Swift's absence, Mayor Catlin reviewed the Treasurer's report and brought to the Council's attention four bills. 1. Butler Septic took six loads of sludge from the wastewater treatment plant, instead of the usual two to four loads. 2. Town Council (TC) members received their quarterly stipends for attending meetings. 3. Environmental Service System's (ESS) bill was higher than normal due to unexpected repairs. 4. Semi-annual wastewater system loan payment.

Mayor Catlin made a motion to approve the bills to be paid and accept the Treasurer's report and Mr. Schneider seconded and a roll call vote was taken:

Ms. Goodine voted "yes"  
Mr. O'Connell voted "yes"  
Mr. Whited voted "yes"

Ms. Kuhn voted "yes"  
Mr. Schneider voted "yes"  
Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

Planning Commission Report: Judy DeSarno reported the Planning Commission (PC) met in March and discussed the planning protocols mentioned at the March TC meeting. They are concerned if only one member from a committee is present at a planning protocol meeting it may circumvent the approval process required by a full committee. Ms. DeSarno also mentioned the PC would be reviewing the Comprehensive Plan. She also suggested a document be created that instructs an applicant of what is needed when they wish to do a building project in Town. Mr. Bennett responded that he is working on these types of instructions. The next PC meeting will be held on April 26.

Architectural Review Board Report: Drew Mitchell reported the ARB will meet on April 14 and has three applications to review.

Town Attorney: Mr. Bennett had no report.

- OLD BUSINESS: There was no old business.
  
- NEW BUSINESS:
  - (a) Public Hearing for FEMA floodplain ordinance: Mr. Schneider asked Mr. Bennett if he could provide a brief overview of the ordinance. Mr. Bennett said he was informed by the State of Virginia that even though the Town has no property in the floodplain, the Town is required to adopt a floodplain ordinance in the format provided to TC. If an ordinance is not adopted the Town would be ineligible to receive disaster relief funds and residents could be denied flood insurance. Ms. Kuhn asked why the TC needs to adopt a floodplain ordinance when the town is not in the floodplain. Mr. Bennett responded he had asked that same question and Richmond (VA state capital) responded the ordinance was required in order to have the before mentioned items available. Ms. Kuhn asked if he had anything in writing and expressed that she thought the situation was peculiar. Mr. Bennett responded he did not have anything in writing. Ms. Goodine asked if there was any drawback to approving the ordinance? Mr. Bennett advised there was not and if there was a property in the floodplain the ordinance would provide a lot of protections. Mr. Schneider said it sounded like it was a requirement to be in compliance with Richmond and Washington. Ms. Kuhn asked what agency this request was from and Mr. Bennett replied it was from the Director of Natural Resources.

Mayor Catlin open the discussion to the public. Ms. Nancy Buntin, a Town resident, asked if there was a cost to adopt the ordinance and Mayor Catlin responded, there was not. Ms.

DeSarno, a Town resident, said her opinion was the ordinance should be adopted based on what Mr. Bennett had reported. Mr. Keir Whitson, Rappahannock County Board of Supervisors member for the Hampton District, said Rappahannock County adopted a similar ordinance four or five months ago and it's his opinion it's benign. Sharron Proper mentioned that Richmond is at a lower elevation than the Town and why would they impose something that relates to Richmond and not the Town. Mayor Catlin responded the ordinance is a pro-forma thing that the state wants every jurisdiction within the Commonwealth of Virginia to do. Mr. Bennett agreed and said that if the floodplain boundaries were ever adjusted that Article 5 has exceptions that would cover the Town should it ever decide to build on a property. Mayor Catlin reminded TC that the town currently has a floodplain ordinance and this one was to replace it.

Mayor Catlin closed the public hearing at 7:28 p.m.

Ms. Goodine made a motion to approve the floodplain ordinance and Mr. Schneider 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"
Mr. Whited voted "yes"	Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

- (b) Public Hearing for water and sewer rate review: Mr. Whited reported that for four straight years the Town has run triple digit losses for the wastewater treatment plant. The water system has lost approximately \$87,203.50 each year and the wastewater system has lost approximately \$96,915.05 each year. He mentioned the Town's budget runs on a "tight-ship" that allows the funds to be transferred from the General fund into the water and wastewater funds. This has slowly been draining the town's capital reserve fund. The year 2020 shows that it's not a sustainable idea. The town was able to defer two wastewater loan payments last year. At the end of this fiscal year there will only be a quarter of a year's expenses in reserves. The proposed water and sewer rate increase would raise approximately \$43,576 in revenue. This would not cover the entire deficit; the Town would need another \$10,000 to \$20,000 to balance the budget. He suggested the TC approves the rate adjustment as presented then pause and see if any additional revenue sources become available or if another rate adjustment was needed. The first rate increase would be \$9.50 in June for most users and a second increase of \$7.50 in January for a total of \$17.00 for most residential water and sewer users. He also mentioned as the Town begins to pay off its water loans it will be in a better position financially. Mr. Whited said an annual review could be part of the rate ordinance and rates could be adjusted up or down accordingly. Mayor Catlin asked Mr. Bennett if an ordinance was needed and he responded that there is an ordinance that allows the TC to change the rate via a resolution but he advises that an ordinance be approved. Ms. Kuhn said the rate ordinance had been adopted in 2015.

Mr. O'Connell stated that one entity in Town pays more than half of the revenue for the sewer and water, approximately \$8,900 a month. He feels this is targeted at commercial users and specifically the Inn at Little Washington (Inn) as its largest commercial user. The Inn to date has paid more than six million dollars to the Town in meals and lodging (M&L) taxes. Despite COVID

restrictions, it paid 14% more in taxes this year than the previous year and paid an increase of 35% in taxes since 2015 and the combined M&L taxes and water/sewer payment is \$440,000 per year. He questioned why the Town was broke, why was it struggling, where was the money going and was the rate increase the only way to raise funds? He said the Town makes it difficult to attract a business because the Town is difficult and overly taxes businesses. He felt considerations should be given to commercial users. He also stated the facts about these numbers are not known and the money is not easily earned. He said he works seven days a week and doesn't take personal trips. This past year, he said, both he and his staff have worked harder than ever before to keep his business open and entice guests to visit Washington, VA. He said he isn't asking for special consideration but wonders when enough-is-enough.

Mr. O'Connell said when the M&L tax was created, a lawyer advised him it was illegal to tax one entity but he advised Mr. O'Connell to pay the M&L tax because the Town of Washington would recognize it was entering into a partnership with the Inn. The thought was, what benefits the Inn benefits the Town and perhaps in the future the Town would not impede the Inn's progress if it wanted to do something. Mr. O'Connell said he felt the lawyer was wrong. He does feel relations have improved and is grateful for the support the Inn currently receives. He also shared that few people understand what expenses it takes to produce the dollars: five gardeners, three horticulturists, a public advertising agency in New York to generate stories about the beautiful destination and continually fixing-up one after another properties. He said he has received requests from other towns asking if the Inn would consider opening a branch in their town. He said they have offered to waive all restrictions and taxes and provide a stipend. He suggested the TC look hard at the numbers, that the Town is penalizing the primary user of the sewer and water, and take into consideration the other benefits that user is providing to the Town. He said he feels other businesses would be discouraged to come to the Town if they are taxed differently from homeowners, if the businesses are taxed more for using more water and sewer. He said that most municipalities charge less the more usage they have. The Inn, he said, would appreciate any consideration the TC may wish to provide.

Mr. Whited said that he did not get elected to office to raise taxes. He recalls during the 2020 budget cycle he thought things were in good shape after reviewing the general budget but then saw the deficits in the water and wastewater budgets. He said the TC's predecessors approved taking on the debt for the water and wastewater systems. Mr. Whited said he welcomes suggestions from other TC members but the books just don't balance. He stated the rate increase is slightly lower for the corporate customers. Residents would see a 25% increase and commercial users would have a 23.5% increase, thus giving a 1.5% discount to commercial users.

Mr. O'Connell suggested the original plan for the system was to add additional users. He questioned whether the Town was opened to growth. Mr. Whited supports adding more users to the system and Mayor Catlin said it's included in the Comprehensive Plan.

Mayor Catlin asked Mr. Schneider to address the issue of the cost to run the wastewater treatment plant. Mr. Schneider said there is capacity in the system to add new users but that wasn't an immediate solution to the shortfall in the wastewater budget. Any plan for additional growth most likely wouldn't be completed in the next six months. He shared that he was looking into a solution that could potentially bring in a new revenue stream regarding processing sludge from the plant. He is also working on negotiating a new contract with ESS to help reduce the

overall expense for the work it performs. Currently any work done outside the contracted hours is billed at a higher rate. Mr. Schneider is working to increase the contracted hours and thus reduce the higher billing work done by ESS. He also said there was a possibility that water and sewer rates could be rolled back once some of the loans have been retired.

Mr. Schneider also mentioned that there are consequences should the Town default on the loan. Mr. Whited shared that if the Town defaults on the loan it will be required to institute a property tax on all its citizens to meet the obligations of the loan. Ms. Kuhn asked where that requirement comes from and Mr. Whited said it is part of the loan documents. Ms. Kuhn asked if the M&L tax was raised could that revenue be used to pay the loan. Mr. Whited said any revenue that comes into Town can be used. He also shared that increasing the water and sewer rates was done to spread the costs over all its citizens versus just businesses. He also responded that the Town has been transferring revenue from the general account to the wastewater account to cover the deficit. Ms. Kuhn mentioned the M&L tax has never been raised. Mr. O'Connell said that it does not need to be raised because the Inn pays an additional 15% each year in meals and lodging taxes but that doesn't seem to be enough to satisfy the Town.

Mr. Whited said actions were taking by TC in years prior to 2019 in installing the water and wastewater system and now those bills for those actions need to be paid. The members of TC and the citizens of the Town decided to implement the system and take on debt to do so and the servicing of that debt has outstripped the ability to pay that debt. The Town has been lucky in the past to have windfalls - such as selling some property - that have helped pay for the system. But those times are gone and the reserve funds are very low. He said that if there were an incident within the Town there would be no reserve funds to draw from to pay for it.

Bob Fasce, General Manager for the Inn, said he guesses the rate increase would equal \$400 per household per year. Mr. Whited said it would be approximately \$300. Mr. Fasce said the Inn's additional charges would be in excess of \$36,000. That money would come right out of the owner's profit. He said it's equivalent to passing the hat around Town and asking each citizen to pay \$36,000, which he doesn't believe is fair or right. He said the system was put in and maintained poorly and questioned why would the Inn have to pay for that. He suggested, although he wasn't making any promises, that the momentum the Inn was feeling is increasing because of the upcoming opening of the new Patty O's Café and the opening of the Inn seven days a week. He said that occupancy is increasing; there are no available rooms until June. He said the Inn anticipates record revenue this year. Patty O's Café will be coming online and he anticipates that's another two million in sales. He suggested waiting and watching to see the M&L tax increase more than expected. The Inn also plans on opening an event center next year.

Mr. Whited reiterated that the Town was proposing increasing the rates in two steps, and it would be reviewed annually. Mr. Fasce said he's never seen a government entity reduce taxes because it met its goals. Mayor Catlin said the Town was unique and Mr. Fasce responded it was unique because one entity pays for everything. Mr. Schneider asked if the Town implements the first increase and then sees the revenue is higher than expected, is there anything stopping the Town from not implementing the second increase. Mr. Whited said there was no requirement to implement the second increase. Mr. Schneider suggested to do the first increase and then review the numbers in three to four months. Mr. Whited thought that was a reasonable suggestion.

Keir Whitson, Hampton District representative on the Rappahannock County Board of Supervisors, stated he previously served on the Rappahannock County Water and Sewer Authority (RCWSA) and has spoken to TC previously about what he thinks is a missed opportunity to work with the RCWSA, which operates the Sperryville wastewater treatment plant and the two school systems. He said instead of focusing on revenue it would be better to focus on costs. He noted that on the Treasurer's report there was \$20,000 in expenses. He noted monthly payments to companies like Univar and USA Bluebook for chemicals and ESS for services. He said it would be a disservice to citizens to not open discussions with the RCWSA. Mr. Whitson said it does not make common or fiscal sense to operate two wastewater treatment plants within five miles of each other independently. Instead of putting a painful rate increase into effect the TC should be focusing on reducing costs. He thinks that the \$20,000 in monthly costs could be reduced to \$40,000 or \$50,000 annually. He urged TC to contact RCWSA to see if the Town can use RCWSA staff to maintain the Town's system instead of a contractor. He thinks working with RCWSA to share costs for chemicals and perhaps staff to maintain both systems would be a cost savings.

Mr. Schneider responded he has already been to the Sperryville plant to discuss the chemicals it uses and possibly buying chemicals in bulk to reduce costs. Mr. Schneider also pointed out that during ESS contract hours they are also rebuilding equipment that reduces the need for purchasing new equipment. He also mentioned that he is looking into a new process for hauling sludge that may save money. He spoke with the Sperryville plant about its sludge removal process to see if it could be combined with the Town's. He stated he is digging through all of these options to see what's available; he has an environmental degree and has designed these types of facilities. He cautioned that no matter what is done it cannot impact the quality of the affluent that is produced at the plant. Mr. Whitson said the greatest cost is the monthly contract with ESS and that we should look into the Sperryville plant operating our system. He recognizes that ESS provides the Town great service but could the Sperryville staff also provide great service at a significant cost savings to the Town's citizens.

Mr. Bennett stated he was involved on behalf of the Town with the previous negotiations with the Sperryville plant and took a close look at the proposal from RCWSA. The contract it presented treated the Town as a profit center and not a partner. Mr. Whitson said there are new people on the board and he recommends revisiting the issue. Mr. Whited said it's not as if the Town has been ignoring this issue; it had spent considerable time working with the County but it did not work out. He reiterated to Mr. Whitson that the Town did do its due diligence. Mr. Bennett shared that the Town during the time of negotiations was paying a separate contractor \$30,000 to maintain the water system. When the Town renegotiated the ESS contract ESS absorbed the cost of maintaining the water system and saved the Town \$30,000. Mr. Bennett also said the Town was under pressure from the Health Department to do something because they thought there was a public health threat. They arranged an interest free loan and gave the Town a \$400,000.00 grant.

Judy DeSarno, Town resident, said the Treasurer's report showed that year-to-date expenses were less than revenue and wanted to know what the surplus would be used for. Mr. Whited said \$153,047 will go to pay water and sewer expenses. Mr. Whited provided some history on the revenue transferred from the Town's general account to water and wastewater. In 2018 the amount transferred was \$154,000, in 2017 it was \$215,634 and in 2016 it was \$240,119. Ms. DeSarno asked if that was the cost of the wastewater loan payment and Mr. Whited responded

that it was the cost of operating the system above the revenue received. Ms. DeSarno asked how much is the note for the wastewater system and Mr. Whited responded it was \$198,000 a year. Ms. DeSarno agreed the water and sewer rate does need to be increased.

Ms. Goodine asked who came up with the percentages for the proposed rate increase and how was it determined. Mr. Whited said it was a rough estimate to get the Town closer to a balanced budget without it being too extreme. He said the idea is to share the cost of operating the systems across all residents instead of just commercial users. He said the proposed increase will get the revenue into the targeted range without making things too difficult on users.

Jeanne Kauffmann, Town resident, commented that at the last TC meeting it was mentioned there was a possibility of applying for government funding to cover the shortfalls and she wanted to know if anyone followed up on it. Mr. Schneider responded that there may be a new round of money coming from Washington but it's unknown how the money will be distributed. Mr. Whited said that if the ratio remains the same as the previous round of funding, it may be close to enough to retire one of the loans. Ms. Kauffmann also asked if there was a different rate between the residential and commercial users of the water and wastewater systems. Mr. Whited said commercial users were paying 1.5% less than residential users.

Mr. Schneider shared that ESS is reviewing the water and wastewater systems to create a complete list of all the repairs, upgrades and scheduled maintenance needed. Once that's done, the Town can start to research if there is a grant available to help with those costs.

Ms. Goodine said in her opinion it makes sense to do the first rate increase and hold off on the second increase until later. Mr. Whited responded that would require a second public hearing. Mr. Bennett asked what the average residential water bill was. Mr. Whited responded it was \$67.00 for someone who uses less than 3,000 gallons. If one increment is done the cost would go up to \$76.50 and \$84.00 if both increments were approved.

Mr. Fasce said if the Inn continues to grow as expected it will add an additional \$77,000 to the Town's coffers between M&L taxes and the increased water rates. He suggests TC consider a total amount contribution from the Inn instead of a total combined growth because it's a substantial amount. He feels a consideration should be made for a tax break at a certain level of revenue generated from the Inn. Mr. O'Connell said during the warm months approximately 12% to 15% of the Inn's water consumption is to water plants, flowers and shrubbery throughout the Town. People on Mr. O'Connell's team have suggested he extinguish that program. He is reluctant to do that because he feels the flowers enhance the Town's image. The water the Inn uses to water the plants is going into the ground but they are also paying for the sewer portion of the charges on that water when it is not going through the sewer system. He thinks consideration should be given on how that could be monitored and accounted for in the billing or perhaps digging artesian wells to be used for agricultural uses. It would help reduce the anticipated charges of \$15,000 a month with the water and sewer rate increase.

Ms. Goodine said the rates were reduced for Trinity Church because they were also watering plants. Mr. Schneider said it may be possible to monitor the amount of sewage being pumped from the main building at the Inn. He also suggested there could be consideration made to give a break to the water and sewer charges during warmer months.



Mr. O'Connell asked if Mr. Schneider were employed by ESS. Mr. Schneider said he was not, that he was self-employed and volunteering his time by serving on TC. Mr. O'Connell thanked Mr. Schneider for his time. Mayor Catlin suggested the rate increase be tabled till the next TC meeting. Mr. Bennett advised that a motion was not required to continue the topic to the next meeting. The TC could leave the public hearing open.

Mayor Catlin said the new budget needed to be approved by July 1, 2021. He suggested there was a possibility a special meeting to consider the budget may be needed before July 1. He said TC may consider doing the first rate increase and table implementing the second increase until there is a clearer understanding of any cost savings that may be available and any increases coming in through M&L taxes. He reminded the TC there was a hard deadline to deal with the deficit. He understands there is a potential increase in revenue from Patty O's Café that Mr. O'Connell and Mr. Fasce mentioned. He said there was nothing officially submitted yet for the Black Kettle property that allows TC to determine what the offset might be in terms of income. Mayor Catlin also stated the Town was painted into a corner when it needed to install the water and wastewater systems 10 years ago. He believes that ESS has helped the Town run the systems as efficiently as possible. He said although it was said the system was poorly setup and run, he would agree with the former but takes umbrage with the later statement. He feels the Town has done its best to run the system as best it can.

Ms. Sharon Proper asked if the water and wastewater systems were able to take on more users. Mayor Catlin said an assessment was done last year and the system runs at approximately 50% capacity. She expressed her opinion that if it wasn't for the Inn, she doesn't know where the Town would be.

Kevin Adams, business owner in Town, said that businesses in Town have a responsibility to take care of the water and wastewater systems with or without the Inn. He feels the residential users should be paying a higher rate taking into consideration what the Inn contributes to the Town. He also asked how much additional affluent could be released into the river. Mr. Schneider said there is no limit on affluent released into the river. Mr. Bennett said a condition of the grant is keeping the nitrogen level below a certain limit which is a strict standard.

Mayor Catlin made a motion to table the discussion on a water and sewer rate increase until the May 10 TC meeting and Mr. O'Connell 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"
Mr. Whited voted "yes"	Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

(c) Town Council may consider authorizing advertising for a public hearing for the FY 21/22 Town budget:

Mr. Whited made a motion to authorize advertising for a public hearing for the FY 21/22 Town budget and Ms. Goodine seconded and a roll call vote was taken:

Ms. Goodine voted "yes"  
Mr. O'Connell voted "yes"  
Mr. Whited voted "yes"

Ms. Kuhn voted "yes"  
Mr. Schneider voted "yes"  
Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

- (d) Discussion of guidelines for fireworks displays: Ms. Kuhn said the issue before the TC is to decide whether the Town wants to regulate fireworks displays within the Town. Currently the Town has no say in issuing permits; it all falls under the County's purview. If a resident or business wants to have a fireworks display in Town they have to apply to the County for a permit. The County approves the permit based on fire safety and the permit then goes to the fire and sheriff departments. Last summer the County received five complaints about the fireworks in the Town. The complaints ranged from the late hour, frequency, to pets being traumatized. The County reached out to the Town asking it to come up with guidelines or an ordinance regarding this issue. If the Town does decide to regulate the frequency, timing and duration, the County would still be responsible for approving the permit regarding the fire safety issue.

Mr. O'Connell gave a history of the fireworks at the Inn going back to 2015: one display in 2015, 0 in 2016, 0 in 2017, one in 2018, 0 in 2019, five in 2020 and one so far in 2021. Does a town of 133 residents need to control something that happens so infrequently, he asked. We should pause, he said, to reflect that we live in a town where the only thing we have to complain about is fireworks; we have our knickers in a twist about fireworks. He confirmed that residents were notified in advance by the Town Clerk about the four-minute display on Saturday. He said he has received thanks from residents for the fireworks displays at the Inn. He shared the Inn endeavors to limit the displays to four minutes and works with the pyrotechnic to reduce the amount of noise. The Inn has agreed not to allow the displays after 10:00 p.m. Ms. Kuhn said she has lived in Town for almost 25 years and agrees with everything Mr. O'Connell said but she thinks complaints were made because there were five displays from June 13 to September 7 last year and residents are worried that same frequency will occur this summer. She shared most of the complaints were from pet owners and when the fireworks do not go off in the advertised time frame. The last display was supposed to be between 10:15 and 10:50 p.m. but went off at 9:20 p.m. Ms. Kuhn said the task force has been working with Mr. Fasce at the Inn. There are other individuals who have wanted to have fireworks displays but did not submit their application in time. Ms. Kuhn addressed Mr. O'Connell and said this is not a Town versus Inn issue. She feels there needs to be something in writing documenting guidelines for anyone wanting to have a fireworks display within the Town.

Ms. Kauffmann asked what does the County due regarding these displays. Ms. Kuhn replied they verify a licensed pyrotechnic operator is conducting the display and that it's safe. But if you wanted to have a limit on what time the displays could be scheduled, the County does not regulate that. The Town could regulate, how many displays, how long the displays could last and what the decibel level could be. She also commented that last year the decibel level was reduced but the display last month was very loud. Mayor Catlin said that he had spoken to Mr. Fasce and due to COVID the smaller cannons were not available. He reminded the TC and

audience that the discussion was among TC members and the public would have an opportunity to speak during the Public Forum. He reminded everyone that if an ordinance were implemented it was not to be punitive but was to help provide a guidance to anyone who wants to have a fireworks display. He mentioned a resident's cat went missing for 1 ½ days due to being traumatized by the fireworks. He also said that the Inn has been working with the Town and they are going to have all displays be completed by 10:00 p.m. and give the Town as much advance notice as possible. Mayor Catlin said he has received comments in person, by phone and email that some residents would prefer one or no displays at all and others were saying 6-10 displays.

Ms. Kuhn said another point she discussed with Mr. Fasce was having a 30-minute window for the displays. Mr. O'Connell said the Inn was considering providing a seated viewing area for residents to watch the fireworks. He cautioned the TC from over restricting the Town with ordinances especially when maybe it's not necessary. Mr. O'Connell believes the increase in displays last year was a result of the COVID global pandemic. The Inn does not advertise this service and the guest can call the pyrotechnic on their own. He thinks this will phase-out on its own. Mr. Whited commented that he didn't see a reason to regulate fireworks unless there are some legal repercussions. Mr. Bennett said if the County gives the okay there is no legal responsibility for the Town.

Mayor Catlin said he understands an ordinance seems officious but this is the only way the Town could set up guidelines. He reiterated this is not geared towards the Inn, instead it is a way to establish guidelines for anyone who wants to have a fireworks display. Ms. Goodine feels an ordinance is unnecessary but if the Town is overwhelmed with complaints the topic could be revisited. She personally enjoys the fireworks. Mr. Schneider commented he brought his pets inside at 9:00 p.m. because the notice he received said the fireworks were going off at 10:00 p.m. but they went off at 9:20. They lasted only four minutes but were the loudest fireworks to-date in his opinion. He feels the Town is "growing up" and verbal agreements are no longer appropriate especially with a litigious society and something needs to be put in place regarding guidelines. In his opinion this topic is not against the Inn. Mr. Schneider stated his property borders the Inn's on three sides but he is concerned about the number of events. Mayor Catlin said the Inn is a great neighbor but if someone other than the inn wanted to set off fireworks at midnight there is nothing the Town can do. Mr. Bennett has a pet and understands the Inn's dilemma trying to time the fireworks. He suggested having a larger window of time to offer the Inn more flexibility. Mayor Catlin said the scenario he previously mentioned, fireworks at midnight, was not currently governed. He said he's willing to defer the discussion regarding an ordinance. Ms. Kuhn said the Rappahannock County Administrator urged the Town to take a step to implement guidelines. Mayor Catlin wants to have a set of guidelines. Ms. Kuhn thinks there should be a public hearing on this issue so the public will have an opportunity to express their opinion. Mayor Catlin said he would work with Ms. Kuhn to put together rough guidelines to bring to the July TC meeting.

Mayor Catlin made a motion to defer drafting an ordinance and Ms. Goodine seconded and a roll call vote was taken:

Ms. Goodine voted "yes"  
Mr. O'Connell voted "yes"  
Mr. Whited voted "yes"

Ms. Kuhn voted "yes"  
Mr. Schneider voted "yes"  
Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

PUBLIC FORUM: Mayor Catlin opened the public forum at 9:18 p.m.

Ms. DeSarno said she loves the fireworks and thinks it's appropriate to put time limits on the displays. For example, residents would know to keep their animals indoors from 9:00 p.m. to 10:00 p.m.

Ms. Proper shared she remembers as a child going around the County on the 4<sup>th</sup> of July to watch fireworks and she feels it's nice to have them in Town.

Jay Brown, who operates a business in Town, commented the TC stands on a slippery slope if it regulates noise in Town. There is another institution in Town, he said, that regularly creates noise that might disturb pets. This institution has increased the volume of noise twice in the last month after receiving complaints. The noise occurs daily every hour,  $\frac{1}{4}$  hour,  $\frac{1}{2}$  hour and  $\frac{3}{4}$  on the hour and requires businesses to place customers on hold because they cannot hear whomever is speaking on the phone over the noise. The noise Mr. Brown is referring to is the recorded chimes of the Trinity Episcopal Church. He suggested that if the TC wants to regulate noise, it can expect to receive a flood of complaints. He cautioned the TC to consider if it wanted to take that on before singling out one source of noise.

Ms. Kauffmann said she didn't know if an ordinance were necessary because of five complaints out of a population of 133.

Drew Mitchell, Town resident, said sound travels and has no concept of Town boundaries. His dog was frightened over the weekend by people having target practice nearby. He said the Town can pass an ordinance but that doesn't prevent someone in the County from having a display. He is uncomfortable about regulating the Town and if an ordinance is needed that it be a County ordinance. He questioned what would be the repercussion if someone didn't follow the rules? At some point he plans to have a modest 4<sup>th</sup> of July fireworks display at Avon Hall. There aren't many places in Town that will allow you to hire a pyrotechnic. He asked the TC to consider if it's really necessary for a Town of 130 people to create an ordinance.

Mr. Fasce shared that the Inn does not hire the pyrotechnic, it's the guest's responsibility, the Inn makes zero money on the fireworks. He is willing to continue working with Ms. Kuhn and the Town. He said Ryan Francisco is the pyrotechnic who manages the displays. He contacts Barbara Batson, Town Clerk, and she sends out an email to residents letting them know about the schedule. Mr. Fasce shared there was a miscommunication regarding the time the fireworks were going to be displayed the past Saturday. The impression of the complaints in his opinion is people are surprised. He's suggesting that a warning shot be done five minutes prior to the display thus alerting residents to the impending fireworks. He feels the majority of residents are in favor of the fireworks and also thinks some flexibility would need to be considered regarding the length of the displays on the 4<sup>th</sup> of July and if a regular guest requests a longer display. He mentioned he takes exception to comments that the Inn doesn't care about the residents. The Inn contributes to local charities and feels it is part of the Town. The last two shows in 2020

used 1/2-inch mortars to reduce the noise, but for the last show they were only able to get 1-inch mortars.

Nancy Buntin, Town resident, asked Mr. O'Connell how long the Inn has been in Town. He responded, 43 years. She said you cannot separate the Town from the Inn. The Town installed the sewer system for the Inn and the residents accepted it and are responsible for it. She said it's a small group of people paying for the sewer system but it must be done because we are all part of a whole entity. She feels any complaints received that the Inn doesn't care are not valid because the Inn has been doing stuff for the Town as early as she can remember.

Mayor Catlin closed the public hearing at 9:38 p.m.

ADJOURNMENT: At 9:39 p.m. Mr. Whited made a motion to adjourn the meeting and Ms. Goodine 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"
Mr. Whited voted "yes"	Mayor Catlin voted "yes"

And the motion passed 6-0 with Ms. Swift absent

THE NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL IS  
May 10, 2021.

Barbara Batson, Town Clerk

Attachments:  
Treasurer's Report  
Bills to be paid