

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

July 11, 2016

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Vice Mayor Gary Schwartz called the Town Council to order at 7:06 p.m. Council members Jerry Goebel, Mary Ann Kuhn, Katharine Leggett, Gary Aichele, and Patrick O'Connell were present. Mayor John Fox Sullivan was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were also present.

At Vice Mayor Schwartz's request, Council agreed by consensus to move the two items under Closed Session, Old Business, to Open Session under Old Business.

- MINUTES: March 14, 2016: Mr. Aichele and Ms. Kuhn gave Ms. Dodd grammar and typing corrections to the March 14, 2016 minutes and Ms. Kuhn made a motion to approve as corrected and Mr. Aichele 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. He made a correction to the Rural Development Administration's bill to be paid from \$8000 to \$2117 and the corrected the total to be paid for the Water Works account from \$14,465.47 to \$8582.47.
Mr. Aichele asked when was the settlement of the Avon Hall sale and would the proceeds of the sale would go into the Town accounts.
Mr. Bennett discussed that settlement was scheduled for July 15th and that the SunTrust loan and the bridge loan from Union would be paid off, the settlement costs deducted, and then remainder would be deposited in Town accounts.
Mr. Goebel discussed that the proceeds would be deposited into the Local Government Investment Pool wastewater reserve account.
Mr. Aichele made a motion to approve the Treasurer's Report and Ms. Leggett seconded and the motion passed 6-0.

Planning Commission: Chairman Schwartz reported that the Planning Commission had met in a joint public hearing with the Town Council in June and would be holding their regular meeting on July 25, 2016 to continue the Comprehensive Plan review and to move the Avon Hall goals and implementation into a more historical portion of the Comprehensive Plan rather than goals and objectives.

Architectural Review Board: Vice Mayor Schwartz discussed that there would not be an ARB meeting that month and that the ARB annual report was in the packet.

- TOWN ATTORNEY:
- OLD BUSINESS: a). Konick v. the Town of Washington:

Mr. O'Connell recused himself and left the Council table.

Mr. Bennett discussed that Mr. Konick had submitted to the Town council a proposed settlement agreement mutual release and that Mr. Konick had recited that here was continued litigation between Mr. Konick and the Town that was on a petition for appeal for the Virginia Supreme Court. He discussed that after the proposed settlement agreement was submitted the petition was denied by the Supreme Court thereby resolving the matter and that the time for a petition to rehear the matter to the Court had also expired so matters of Konick vs the Town were in fact resolved as a legal matter at this time. He discussed that the proposed settlement agreement was mote as there was nothing to settle or compromise on at this time regarding impending litigation against the Town. He recommended that the Council decline the settlement agreement proposal as it was not mote.

Mr. Aichele discussed that as all outstanding issues with Konick vs the Town had been resolved and that no action was necessary.

Mr. Bennett discussed that the Town's response would be that there would be no response.

Vice Mayor Schwartz discussed that at this time the Council would not be taking any action on the settlement agreement.

Mr. O'Connell returned to the Council table.

b). Potential zoning violations: Mr. Bennett discussed that the Council had discussed in detail in closed session possible zoning violations and that after the last meeting he had taken certain steps in relation to matters expressed and that those matters had not been addressed. He advised the Council to table the matter to the next meeting to allow for sufficient time for the concerns of Council to be addressed in one fashion or another.

Mr. Aichele made a motion to table the matter and hold it over until the next Council meeting and Mr. O'Connell seconded and the motion passed 6-0.

- NEW BUSINESS: a).
- PUBLIC FORUM: Vice Mayor Schwartz opened the Public Forum:
Vice Mayor Schwartz closed the public forum
- CLOSED SESSION: (OLD BUSINESS) The Council may enter into closed session in accordance with the provisions of Section 2.2-3711A.7 for consultation with the Town Attorney relating to actual litigation, namely, Konick v. the Town of Washington. And also under the provisions of Section 2.2-3711A.7 for consultation with the Town Attorney regarding the provision of legal advice namely legal options related to potential zoning violations: There was no closed session.
- ADJOURNMENT: At 7:22 p.m. Mr. Goebel moved to adjourn and Mr. O'Connell seconded and the motion passed 6-0.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON AUGUST 8, 2016

Respectfully submitted,

Laura Dodd

Attachments:
Treasurer's report
Additional Bills to be Paid
Bills to be Paid