

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

November 14, 2016

7:00 p.m.

Town Council Meeting

Adopted Minutes

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

- MINUTES: September 12, 2016: Ms. Kuhn provided Ms. Dodd with various grammatical and typographic corrections to the draft minutes. Aichele made a motion to approve the September 12, 2016 minutes as corrected and Mayor Sullivan seconded and the motion passed 5-0.

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

Mayor Sullivan discussed that the Town had raised its water and sewer rates by 50% in January and would be raising them another 50% in January 2017. He discussed that water and wastewater revenues had increased and that Meals and Lodging taxes were the same with no growth in the first quarter on the fiscal year. He discussed that the first quarter expenses were running under the first quarter expenses of fiscal year 2015 due to less legal expenses, the Avon Hall being paid off, and on savings in the wastewater operations.

Mr. Aichele discussed that the Council continued to not address capital improvements and expenses and that the Town should begin to set aside money for emergencies.

Ms. Kuhn made a motion to approve the Treasurer's Report and Mr. O'Connell seconded and the motion passed 5-0.

Planning Commission: Chairman Fred Catlin reviewed the attached Summary of Key Ideas from the Comprehensive Public Forums held on October 1 and 3, 2016 from Milt Herd. He also reviewed that attached Comprehensive Plan Review where he summarized the Planning Commission's work on the Comprehensive Plan, which started in the spring of 2015. He discussed that Planning Commission hoped to have a final draft for Council's consideration by July 2017.

Mr. Aichele asked that the Milt Herd's Summary be posted on the Town's website. He encouraged people who were interested in the future development of the Town to check it out as it was an important document and an excellent vehicle for people who might want to enlarge it, add to it, or challenge it.

Architectural Review Board: Mayor Sullivan reported that Butch Zindel had been elected chairman of the ARB due to John MacPherson's

resignation. He discussed that the ARB was looking for candidates for an open seat and Council was looking to receive letters of interest by December 5, 2016.

Mayor Sullivan discussed that the Christmas Parade would be held on December 6<sup>th</sup> and that it was being organized by Keir Whitson with help from Judy deSarno and Thom Pellikaan and others.

He reported that Nancy Buntin's mother, Betty Buntin, had celebrated her 100<sup>th</sup> birthday and he also congratulated Council member O'Connell on the Inn at Little Washington's recent award of two Michelin stars in the first Washington D.C. Michelin Guide..

- TOWN ATTORNEY: Mr. Bennett had no report.
- PUBLIC HEARING: A public hearing on the application by Peters Hospitality Management, LLC, by Klaus Peters, Manager, for a special use permit in accordance with Article 1-4-4(G) and other relevant sections of the Zoning Ordinance of the Town of Washington to serve meals to both guests and non-guests at the existing 10-seat restaurant at the Foster Harris House, 189 Main Street. This would be the successor food service to that of John and Diane MacPherson approved September 16, 2013.

Mayor Sullivan opened the public hearing. He discussed that Mr. Peters, the potential buyer, was unable to be present due to a serious family health issue and that Martin Woodard would be representing the applicant.

Mr. Woodard discussed that Mr. Peters, who was retired from a long career in managing both large and small hotels in Europe and in the United States, had been looking for a small Inn to run and had been impressed by the Foster Harris House. Mr. Woodard discussed that the SUP granting the serving of meals to guests and non-guests did not go with the property and that Mr. Peters desired to do what the MacPhersons' had done and that Mr. Peters intended to live at the inn with his wife, and that he would bring in his own accomplished chef. He discussed that the Foster Harris House would be run the same as with the MacPherson's except that there would be a greater emphasis on marketing. He discussed that meals would not be served to more than ten people and that dinner would start at 6:30 p.m. and end by 11 p.m. and that there would be on-site management and that lighting would be similar.

Ms. Leggett asked if Mr. Peters and his wife planned on living on-site.

Mr. Woodard said yes.

Mayor Sullivan asked if the chef would live on-site.

Mr. Woodard said he did not know.

Judy deSarno spoke in favor and expressed her regret for the loss of the MacPhersons as they were an asset to the community. She discussed that she did not want to lose another wonderful place.

Ray Gooch expressed his concerns that the inn was operating as a restaurant.

Mr. Aichele discussed that Mr. Schwartz had expressed specific concerns that a B&B that served dinner was a restaurant.

Mr. Bennett discussed that this use should not be confused with opening a restaurant and that Mr. MacPherson had made it clear that it was not a restaurant but the use would be to fill empty seats with non-guests.

Mr. Woodard discussed that the language of this SUP was exactly the same as the SUP approved for the MacPhersons.

Mr. Bennett discussed that the ordinance said serve non-guests.

Kevin Adams, a property and business owner in town spoke in favor of the application and discussed that the current owners were a great benefit to the Town and County and that there had not been any complaints.

Robert Ballard, also a property and business owner in town, spoke in favor.

Mr. Aichele asked Nancy Buntin, a next door neighbor to the Foster Harris House, how she felt.

Ms. Buntin discussed that although she had not met the Peters she assumed everything would be fine and that it was an important business. She expressed her concerns about lighting and that she hoped that the guests would not sit outside all night.

Mr. Aichele discussed that he had concerns and about changes in lighting and noise but the Council could put conditions on noise and lighting.

Ms. Leggett expressed that she had some reservations as she had not met the new owners but she spoke in favor of someone continuing the business. She recommended a one year review.

Mayor Sullivan discussed that Mr. Peters could not be present and that the Council could vote that night or wait on Mr. Peters.

Mr. O'Connell asked where was the specific language that the applicant must appear before the Council and expressed his concerns that the Council might create a precedent in approving in the applicant's absence.

Mr. Bennett discussed that there was nothing in the ordinance that the principal be present. He suggested that the Council could do a finding of exception due to an emergency and grant a waiver.

Mayor Sullivan closed the public hearing.

After a long discussion which included whether a condition should be a one year review, and other conditions, Mr. Bennett recommended the following motion: to approve the SUP application of Peters Hospitality management, LLC to serve meals to non-guests or guests for dinner only to a total of 10 persons in accordance with provisions of Article 6-1-2(h) 6 with the following conditions:

1. On-site management is required.
2. Parking as follows: existing parking lot for 10 off street parking spaces.
3. This special use permit is issued subject to review by Council on or before February 12, 2018.
4. This special use permit is issued and restricted to the potential owner only, namely Peters Hospitality Management, LLC, with Klaus Peters being its principal and owner.
5. Hours of serving meals to guests and non-guests, not to exceed 10 persons collectively, shall be as follows: dinner hours limited to 6:30 p.m. to 11:00 p.m.
6. Noise standards as follows: do not unreasonably disturb neighbors.
7. No additional outside lighting to be installed until an overall Lighting Plan Sketch is submitted and approved by the ARB, including the light intensities.

Mr. Aichele made that motion as on the advice of Counsel subject to all conditions and Mayor Sullivan seconded.

A roll call vote was taken on the motion including a roll call vote on the findings under the General Standards of Article 6-1-1 the Special Stands in Article 6-1-2(h)6:

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Aichele voted "yes"

Mayor Sullivan voted "yes"

And the SUP was approved 5-0 with Mr. Goebel being absent.

- OLD BUSINESS: a). Appointment of Council member and Election of Vice Mayor: Mayor Sullivan discussed that the Town had received a letter, attached, from Brad Schneider expressing interest in being appointed to the Council. He discussed that Mr. Schneider was familiar with the Wastewater system which was valuable given Mr. Schwartz's departure and that he would bring his passion and knowledge to the Council. He nominated Mr. Schneider to fulfill Mr. Schwartz term on the Town Council and Mr. Aichele seconded.

A roll call vote was taken:

Mr. O'Connell voted "yes"

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mr. Aichele voted "yes"

Mayor Sullivan voted "yes"

And Mr. Schneider was appointed 5-0 with Mr. Goebel being absent.

Mr. Schneider discussed that he would visit the Clerk of the Court the next day and be sworn in.

Council agreed by consensus to table the election of the Vice Mayor until all Council member could be present.

b). Piedmont Fire Hydrant Update: Mayor Sullivan discussed that there was fire hydrant on Piedmont Avenue that was not functioning but Fire Chief Ann Speaker had discussed that the hydrant further down the road was adequate for meeting the needs of dealing with fires. He discussed that the consensus of Mr. Aichele and others was that at a minimum the old hydrant should be removed and that a new one be installed where Mr. Schwartz had recommended. He discussed that Mr. Aichele had asked that the Town get a new quote from Country Water, which had come in at about \$2000 to remove the old hydrant and \$12,000 to replace it with a new one. He discussed that he was waiting on a quote from Mr. Critzer to do the work. He reviewed a letter from Mr. Goebel, attached, where Mr. Goebel opposed the installation of a new hydrant as it was unnecessary and it would be fiscally irresponsible to spend the money at this time and where he spoke in favor of capping off the old hydrant.

Mr. Aichele made a motion to approve up to \$15,000 to remove the old hydrant and to proceed with installing a new hydrant as per Mr. Schwartz's recommendations and expressed his concerns about a fire breaking out. He discussed that he would seriously like the Town to consider a boundary line adjustment to bring in part of Piedmont Avenue, which would bring in more residents and younger people.

Mayor Sullivan discussed that the idea of expanding was a larger issuer and it might be good to expand. He expressed his concerns regarding installing a new hydrant due to the cost and that the Town didn't have the money.

Mr. Gooch discussed that the Town had tried to bring in Piedmont Avenue in the past but at that time all the residents did not want to be part of the Town.

Mr. Schneider suggested that the Town put the new hydrant problem in his lap and that the job should be done by someone credible.

There was no second to Mr. Aichele motion so the motion died.

Mayor Sullivan made a motion approve the removal the old hydrant at a cost up to \$3000.

Mr Bennett discussed that the old hydrant was in the County and that the Town did not have the responsibility to replace the hydrant and it might not have the authority to remove the old hydrant.

Mr. Aichele seconded Mayor Sullivan’s motion with the condition that he would defer to Counsel’s advice on whether the Town had the authority to do so.

A roll call vote was taken:

Mr. O’Connell voted “yes”

Ms. Leggett voted “yes”

Ms. Kuhn voted “yes”

Mr. Aichele voted “yes”

Mayor Sullivan voted “yes”

And the motion passed 5-0.

c). White Moose Inn Off-site Management Review:

Mayor Sullivan discussed that this was the third time off-site management had come up for review and that the White Moose was requesting that off-site management be allowed at the currently permitted location of the Pullen house, or at 35 Piedmont Ave, Mr. Schwartz’s old home, now owned by Mr. Abdo, owner of the White Moose Inn, and located directly behind the White Moose Inn on Piedmont Avenue, or to across the street at 48 Piedmont Ave.

Mr. Aichele discussed that he was prepared to support all three locations as the all seemed to be equal distances from the White Moose Inn.

Mr. Gooch expressed his concerns that the owner or manager was not present. He also expressed his concerns that more buildings were moving away from residences and were going commercial and turning into Tourists homes and he asked where people were going to live. He discussed that the White Moose Inn’s off –site management had a high rate of turnover and they were related to commercial operations.

Mayor Sullivan discussed that the manager was unable to be present and spoke in favor of approval.

Mr. Bennett discussed that the applicant did not have to be present for a review.

Ms. Leggett discussed that the two new options were consistent with the Pullen house and she made a motion to approve the White Moose’s Inn request to have off-site management at the Pullen house, 35 Piedmont Avenue, or 48 Piedmont Avenue and Mayor Sullivan seconded.

A roll call vote was taken:

Mr. O’Connell voted “yes”

Ms. Leggett voted “yes”

Ms. Kuhn voted “yes”

Mr. Aichele voted “yes”

Mayor Sullivan voted “yes”

And the motion passed 5-0.

- NEW BUSINESS: a). ARB Vacancy and Acceptance of letters of interest in being appointed: This agenda item was covered under Reports: ARB.

b). Comcast Franchise Agreement Update: Mr. Bennett discussed that he was reviewing the Comcast Franchise Agreement and he would be getting back to Council about it.

d). Christmas Greens and Town Party: Mayor Sullivan made a motion to approve up to \$1,800 for Christmas greens and funds for the Town party and Mr. Aichele seconded.

A roll call vote was taken:

Mr. O'Connell voted "yes"  
Ms. Kuhn voted "yes"  
Mayor Sullivan voted "yes"  
And the motion passed 5-0.

Ms. Leggett voted "yes"  
Mr. Aichele voted "yes"

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum:
    - Nancy Buntin asked Mr. Bennett about the Town not being responsible for Fire Service on Piedmont Ave.
      - Mr. Bennett discussed that the Town was not obligated to provide services in the County.
      - Mr. Gooch discussed that the Christmas Parade organizers welcomed the Council to be part of the parade and asked how many Council members would be present.
        - All the Council members present agreed to attend.
        - Sharone Proper asked about what kind of testing the Town did and expressed her concerns that the Wastewater plant was polluting the Rush River.
        - Ms. Dodd discussed that the Town was required to do regular testing of the Rush both above and below the plant and that those tests indicated that the water was cleaner below the plant.
- Mayor Sullivan closed the Public Forum

- CLOSED SESSION: At 9:15 Mr. Aichele made a motion to enter into closed session in accordance with the provisions of Section 2.2-3711.A.7 for consultation with the Town Attorney in regard to a matter requiring the provision of legal advice and in accordance with Section 2.2-3711.A.3 for a discussion and consideration of a sale or possible sale of Parcel 3, 0.5853 acres of the Avon Hall property where a discussion in open session would adversely affect the negotiation strategy of the Town. And Mayor Sullivan seconded and a roll call vote was taken:
  - Mr. O'Connell voted "yes"
  - Ms. Leggett voted "yes"
  - Ms. Kuhn voted "yes"
  - Mr. Aichele voted "yes"
  - Mayor Sullivan voted "yes"And the motion passed 5-0.

After conferring with Town Counsel John Bennett, Mayor Sullivan invited Brad Schneider to attend the closed session, as Schneider had been appointed to the Council by Council action earlier in the meeting to fill the vacancy created by the resignation of Council member Gary Schwartz.

- OPEN SESSION: Mayor Sullivan reconvened the public session at 10:16 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:

Mr. O'Connell voted "yes"  
Ms. Kuhn voted "yes"  
Mayor Sullivan voted "yes"

Ms. Leggett voted "yes"  
Mr. Aichele voted "yes"

- ADJOURNMENT: At 10:20 p.m. Mayor Sullivan moved to adjourn and Mr. O'Connell seconded and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON DECEMBER 12, 2016

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Peters Hospitality SUP

Summary of Key Ideas from the Comprehensive Public Forums

Comprehensive Plan Review by Fred Catlin

Mr. Goebel's letter regarding fire hydrants