

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

September 12, 2016

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor John Sullivan called the Town Council to order at 7:05 p.m. Council members Gary Schwartz, Jerry Goebel, Mary Ann Kuhn, Patrick O'Connell, and Gary Aichele were present. Council member Katharine Leggett was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were also present.

- MINUTES: June 13, 2016 and August 8, 2016: Ms. Kuhn made a motion to approve the June 13, 2016 minutes and Mr. Aichele seconded and the motion passed 6-0.

Ms. Kuhn discussed that she had some typographical and grammar corrections for the August 8, 2016 minutes and also asked that on page 3, paragraph 7, that the sentence "He discussed that in some places if the sidewalk was on private property it was the property owner's responsibility to maintain it." to "He discussed that in some jurisdictions if the sidewalks were on private property it was property owner's responsibility to maintain it."

She also asked that on page 3, paragraph 4, be changed from "Ms. Dodd suggested that the Town could try and get a Transportation Enhancement grant to get sidewalks." to "Ms. Dodd suggested that the Town could try and get a Transportation Enhancement grant to get and maintain sidewalks." Mr. Aichele made a motion to approve the August 8, 2016 minutes as corrected and Ms. Kuhn seconded and the motion passed 5-0 with Mayor Sullivan abstaining as he was absent at that meeting.

- 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.

Mayor Sullivan made a motion to approve the Treasurer's Report and Ms. Kuhn seconded seconded and the motion passed 6-0.

Planning Commission: Chairman Schwartz discussed that the Planning Commission has met in August to continue the Comprehensive Plan review and as the Planning Commission was looking for more public input from the public the Planning would be holding two special meetings on the Comprehensive Plan on Saturday, October 1, 2016 at 2 p.m. and on Monday, October 3, 2016 at 7 p.m. He discussed that Milt Herd would be facilitating both meetings and he encouraged people to attend.

Mayor Sullivan also encouraged those present to attend and to also encourage others to attend.

Mr. Aichele also encouraged people to attend and discussed that the input from the public at the Avon Hall Study Group meetings had shaped the Town decision on the outcome of the sale of Avon Hall.

Chairman Schwartz also discussed that he was resigning as of September 30, 2016 from the Planning Commission and also from the Town Council due to health reasons.

He discussed that the Planning Commission would now be seeking two new members.

Architectural Review Board: Mayor Sullivan discussed that the ARB would be meeting on Wednesday, September 14, 2016 to consider an application from the Acres for solar panels at Mt. Prospect.

- TOWN ATTORNEY: Mr. Bennett had no report.
- PUBLIC HEARING: SUP # 16-08-01 Gary R. Schwartz and Michelle J. Schwartz, owners, and Ridge 35, LLC or assigns, contract owner, for a special use permit in accordance with Article 1-4-3(d) of the Zoning Ordinance of the Town of Washington to use the existing two bedroom house commonly known as 35 Piedmont Avenue as a bed and breakfast: Mayor Sullivan opened the public hearing.

Mr. Schwartz recused himself as a Council member from the discussion. He discussed that on behalf of himself, his wife, and the Ridge at 35, LLC he was asking for a Special Use Permit to use the structure at 35 Piedmont Avenue as a two bedroom bed and breakfast. He discussed that the building was zoned village mixed use and was directly behind the White Moose Inn. He discussed that they were asking for the condition that the management of the bed and breakfast be provided by the Inn at the Ridge, doing business as the White Moose Inn. He discussed that there was adequate parking and that the application met all the general and additional standards. He discussed that the building had the larger sized grinder pot for sewer. He discussed that it was adjacent to two existing bed and breakfasts that were operating with off-site management. He asked that the special use permit be permitted to go with the property.

Robert Ballard discussed that he was an adjacent property owner and spoke in favor of the application.

A Sperryville resident, name unknown, thanked Mr. Schwartz and his wife, Michelle, for all their work over the years of volunteering for Cause for Paws which had resulted in hundreds of cats being neutered. She also thanked Ms. Kuhn and Mr. O'Connell for their donations of over-night stays at their inns.

Mr. Aichele discussed that he intended to support the application. He discussed that he had had some concerns when the White Moose Inn was granted off-site management and again when the Winsor property was also granted off-site management by the White Moose Inn as it was even further down the block and now a third property was being considered for off-site management by the same entity. He discussed that he had concerns that the precedent of having multiple small buildings with off-site management would move the Town away from the historical pattern of an owner occupied bed and breakfast. He discussed that the application appeared to be in order and given that the property had a history of being associated with White Moose Inn, which had a good management record, he supported the application but he had some concerns as to whether the special use permit would go with the property or with the owner.

Ms. Kuhn asked if it was typical for the special use permit to go with the property and not the owner.

Mr. Bennett discussed that the condition of off-site management typically was specific to the owner.

Mayor Sullivan discussed that a bed and breakfast that he had owned that had had a special use permit had gone with the property that included off-site management by the Middleton Inn.

Mike Brown, an attorney representing the applicants, discussed that the permit could be fashioned so that the off-site management could go with current owners and the Ridge 35, LLC.

Ms. Kuhn discussed that there were some current special use permits, such as the Foster Harris House's special use permit to serve meals to non-guests, which had gone with the owners.

Mr. Sullivan asked if the White Moose Inn special use permit went with the owner.

Mr. Bennett discussed that he thought it went with the owner.

Mr. O'Connell discussed that needed to clarified and that he recalled a discussion where it had been discussed that it was illegal to have a bed and breakfast special use permit go with the owner and not the property as the permit was based on whether the property was suitable not the owner.

Mr. Schwartz discussed that he did not have to get a special use permit when he purchased the Heritage House as it carried with the property and that he remembered when he had purchased 35 Piedmont Avenue it had been a bed and breakfast but that use had expired as it had not been used as a bed and breakfast for over two years.

Mr. Bennett discussed that there were now several bed and breakfasts that had off-site management that had conditions that they be reviewed by the Council after a year but off-site management didn't necessarily go with the property.

Mr. Aichele discussed that he was trying to reconcile that some special use permits ran with the property owner versus some running with the property.

Mr. Brown discussed that the bed and breakfast use itself ran with the property but the off-site management would be a condition restricted to the Inn at the Ridge, LLC.

Mr. Aichele discussed that the special use permit for a bed and breakfast could go with the property but off-site management and also restaurant use like Foster Harris House could be restricted to the operator with a one or two year review and the use itself could also be reviewed in a few years.

Mr. Brown discussed that any special use permit could have a time restriction.

Mayor Sullivan discussed that the use and management could be reviewed in a year.

Mr. Bennett discussed that the bed and breakfast use could run with the property and the condition of off-site management being reviewed in a year.

Mr. Schwartz discussed that he was asking that the special use permit to operate a bed and breakfast be issued to run with the property with the off-site management a condition that would go with the owner with a review in a year.

Jay Brown discussed that when he had purchased the Gay Street Inn Mr. McCarthy had stated that the bed and breakfast ran with the property and that it had also gone with the property when he had sold it. He discussed that the Council was required to approve the special use permit based on precedent but he encouraged the Council to require the condition of off-site management to go with the owner and be reviewed.

Mr. Bennett asked if that was acceptable to Mr. Schwartz.

Mr. Schwartz said yes.

Mayor Sullivan closed the public hearing.

Mayor Sullivan discussed that he supported that the bed and breakfast special use permit should run with the property and should not run to a judgement of the owners.

Mr. Aichele discussed that all special use permits came with conditions which if violated could cause the loss of the permit.

After a short discussion, Mr. Aichele made a motion to grant a special use permit to run with the property for 35 Piedmont Avenue to operate a Bed and Breakfast with the condition that the management of the Bed and Breakfast be provided by Inn at the Ridge, LLC t/a The White Moose Inn, and that such condition be reviewed by Council at its

September 2017 Council meeting or at such time as the Council may require and Ms. Kuhn seconded the motion.

Mr. O'Connell discussed that perhaps the Council should consider having the White Moose Inn have all its off-site management reviews at the same time.

After a short discussion, the Council decided by consensus that the need for White Moose Inn's off-site management special use permit annual review needed to be verified.

Council considered the following General Standards in Section 6.1.1:

a. Will not be hazardous or injurious to, or in conflict with, the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved, the site layout and access roads.

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

b. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

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

c. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to the quiet enjoyment of property or improvements in the neighborhood.

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

d. Will be in accord with the provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing body.

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

Council considered the following Additional Standards 6.1.2.h:

1. Use shall be limited to occupancy by no more than five rooms for let.

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

2 Virginia Department of Health approvals shall be obtained and maintained throughout use.

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

3. Such use shall have the exterior appearance of a single-family dwelling.

Mr. O'Connell voted "yes"      Mr. Goebel voted "yes"

Ms. Kuhn voted “yes”  
Mayor Sullivan voted “yes”

Mr. Aichele voted “yes”

4. Adequate vehicular parking shall be provided.

Mr. O’Connell voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Mr. Aichele voted “yes”

Mayor Sullivan voted “yes”

5. Vehicular ingress and egress shall be reviewed and approved by the Virginia Department Of Transportation (VDOT)...

Mr. O’Connell voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Mr. Aichele voted “yes”

Mayor Sullivan voted “yes”

There was a short discussion on whether or not VDOT had approved ingress and egress where Mike Brown discussed that Mr. Schwartz had contacted VDOT and VDOT had indicated that ingress and egress was sufficient but had not yet formally approved it.

Mr. Bennett discussed that VDOT might not have jurisdiction on that type of street.

Council took a roll call vote on Mr. Aichele motion:

Mr. O’Connell voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Mr. Aichele voted “yes”

Mayor Sullivan voted “yes”

And the motion passed 5-0 and the special use permit was approved.

- OLD BUSINESS: a). Rappahannock Investment Partners SUP#15-08-01 Adaptive Re-Use Review: Mayor Sullivan recused himself and handed over the meeting to Vice Mayor Schwartz, who asked Ms. Dodd to update the Council on the review.

Ms. Dodd discussed that the Council had approved an adaptive re-use special permit to Rappahannock Investment Partners that allowed for commercial use, a change from the school use, with the condition of a review in one year, which was now before the Council. She discussed that the Town had not received any complaints.

Mr. Bill Walton, applicant and part owner, discussed that although they were disappointed to have lost the Forge film making company, there were still offices rented to Racer Construction and Rapp at Home. He discussed that the space had also been used by the Food Pantry and had been used for events such as the Rappahannock Farm Tour, the film festival, the high school prom, the Benevolent Fund dinner, and had been used by the 4 H Club and for senior exercise programs.

Mr. Aichele moved that it was an acceptable review with no issues and unless a complaint came into the Town there was no longer a need for an annual review and the annual review was terminated. Mr. Schwartz seconded and a roll call vote was taken

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Mr. O’Connell voted “yes”

Mr. Aichele voted “yes”

Ms. Kuhn voted “yes”

And the motion passed 5-0 with Mayor Sullivan being recused.

Mr. Aichele discussed that all the uses of the building including businesses and events had only enriched the community and he thanked Mr. Walton and his partners.

Mayor Sullivan returned to the Council table and resumed chairing the meeting.

- b). Piedmont Avenue Fire Hydrant Update: Mayor Sullivan discussed that at a recent Council meeting, at which he had been absent, the

subject of the fire hydrant issue on Piedmont Avenue had come up and he suggested that the Town talk to the Fire Department about removing the old off-line hydrant. After a short discussion, the Council agreed by consensus to talk to the Fire Department and to Country Water Systems and get updated quotes for removing the old hydrant and for installing a new hydrant in a location further up Piedmont Avenue as suggested by Mr. Schwartz.

• NEW BUSINESS: a). Council member Schwartz Resignation effective September 30, 2016: Mr. Schwartz discussed that it was bittersweet that he had decided to resign due to significant health issues and that he and his wife, Michelle, had decided to relocate closer to family in North Carolina and to sell their house in town. He discussed that since moving into town 13 years ago, he had decided that he needed to give back to the community. He discussed that he had been on the Planning Commission since 2003 and had been chair for many years and had come onto the Council into 2009 as a council member and as vice mayor. He discussed that he hoped the citizens would continue to do well and encouraged the Council and all the board members to work to make the town a great place to live.

Mayor Sullivan discussed that Mr. Schwartz had been on the Planning Commission since 2003 and on the Council since 2009 and had overseen the Comprehensive Plan revision, had helped design the wastewater system, had implemented the operation of the wastewater system, and was involved with the water system. He discussed that he was unsure of how the Town was going to replace the knowledge, talent, and good spirit that Mr. Schwartz had brought to the table. He discussed that Mr. Schwartz had spent endless hours working on issues and the Town had benefited from that and that he was a perfect example of someone who lived in a community who gave thousands of dollars' worth of time as shown by his work on the wastewater system, and who did it for the remarkable sum of \$5.00 a meeting. He discussed that Mr. Schwartz represented the best of people in the community who volunteered and who collaborated with other people and got good stuff done and in the process had to put up with a lot of negativity along the way including aspersions on one's character. He discussed that the Town wished both Mr. and Mrs. Schwartz the best and thanked them for their contribution to RappCats. He discussed that he had relied on Mr. Schwartz more than most people knew and that he would be missed. He gave Mr. Schwartz a Washington hat.

Mr. O'Connell discussed that he echoed everything the Mayor had said and that he had been going to reference all the many hats that Mr. Schwartz had worn over the years and how much the Town had benefited and appreciated what both Mr. and Mrs. Schwartz had done for the Town. He discussed how much money Mr. Schwartz had saved the Town where they would have had to gone out and hire experts and where Mr. Schwartz had provided his expertise free of charge. He discussed that anyone who knew anything about water and sewer knew that the Town would have been in hot water without Mr. Schwartz's assistance. He discussed that Mr. Schwartz had proved a reasonable and balanced perspective on all the hot issues the Town had faced and it had helped stabilize the Town. He said that it had been an enormous privilege to have worked with him and that the Town wished him and Michelle the very best in their new home. He also discussed that the Town appreciated Michelle Schwartz's contribution to the Town while serving on the ARB.

Mr. Aichele discussed that before he had come onto the Council he had come to recognize that Mr. Schwartz had had a solid understanding of what needed to be done and why the Council depended and deferred to him so much. He discussed that since he had come onto the Council he had come to understand that when Mr. Schwartz said

something it could be relied on and that it was not an opinion, not a personal preference, but it happened to be the truth and the facts and that Mr. Schwartz had integrity and credibility which was rare in any public forum, especially in a citizens forum in a town less than 140 people. He thanked him for his time and expertise.

Ms. Kuhn seconded what had already been said and discussed that Mr. Schwartz had always done his homework and had come to meetings prepared. She discussed that another contribution that Mr. and Mrs. Schwartz had made that would be remembered was their concerns about speeding their work and help in getting the stop sign installed at Porter and Main Streets.

Mr. Goebel discussed that he also would miss them both.

b). Current Planning Commission vacancy/appointment:

Mayor Sullivan discussed that Mr. Schwartz's leaving would open up seats on both the Planning Commission and the Town Council and that would be dealt with soon. He discussed that there was already an existing vacancy on the Planning Commission and that Gail Swift, a resident of Main Street, had volunteered to be appointed. He discussed that Ms. Swift was now president of the local chapter of the Master Naturalists and had worked on the nature trail and had recently retired from Hilton Hotels and that she an excellent candidate.

After a short discussion, Mr. Aichele made a motion to appoint Ms. Swift to the Planning Commission and Mr. Schwartz seconded and a roll call vote was taken;

Mr. Schwartz voted "yes"      Mayor Sullivan voted "yes"

Mr. O'Connell voted "yes"      Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"      Mr. Aichele voted "yes"

And the motion passed 6-0.

c). October meeting date change: After a short

discussion, Mayor Sullivan made a motion to change the October meeting date from Monday, October 11, 2016, the Columbus Day holiday, to Tuesday, October 12, 2016 and Mr. Goebel seconded and a roll call vote was taken:

Mr. Schwartz voted "yes"      Mayor Sullivan voted "yes"

Mr. O'Connell voted "yes"      Mr. Goebel voted "yes"

Ms. Kuhn voted "yes"      Mr. Aichele voted "yes"

And the motion passed 6-0

d). Consideration and possible authorization of

advertising for sale the corner lot, located at the corner of Warren Avenue and Leggett Lane, containing 0.5853 acres, more or less, shown as Parcel 3 on the survey of Clark Land Surveying, with the existing structure thereon, it being one of the two residue lots of the Avon Hall Property, the other being the rear lot of 5.28823 acres, more or less, known as Parcel 4: Mayor Sullivan discussed that the Town had been looking at the two remaining parcels of the Avon Hall property and was now looking at selling the corner lot at Warren Avenue and Leggett Lane and that there had been some expressions of interest in the property.

After a short discussion, Mr. Aichele made a motion to authorize Mr. Bennett to place the appropriate advertisement to sell the lot at the corner of Warren Avenue and Leggett Lane and Mayor Sullivan seconded.

Mr. O'Connell asked about the price.

Mr. Bennett discussed that price would be determined by density and use and that potential buyers would be encouraged to submit conceptual plans, which the Council

would have the opportunity to zone around, which could be residential, commercial or mixed use with one or two structures. He discussed that it could be advertised to encourage offers of conceptual plans for creative uses of the property that was consistent with the historical character and Comprehensive Plan of the Town. He discussed that the market would come up with the best use of the property. He discussed that it would be advertised in the Rappahannock News and on various websites.

Mr. Sullivan discussed that the building was in bad shape and the issue of it being restored was an open issue.

After some further discussion, a roll call vote was taken on Mr. Aichele's motion:

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

And the motion passed 6-0.

e). Resolution to Amend the Charter Agreement of the Rappahannock-Rapidan Regional Commission: Mayor Sullivan discussed that the Council had received a request from the Rappahannock-Rapidan Regional Commission, of which he was a member and which was involved in regional planning, to pass a resolution to allow for two members from each County instead on just one. Mayor Sullivan made a motion to approve the attached Charter member resolution and Ms. Kuhn seconded and a roll call vote was taken:

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

And the motion passed 6-0

- **PUBLIC FORUM:** Mayor Sullivan opened the Public Forum:

Nancy Buntin discussed that the other two house in front of Avon Hall besides the house at Warren Avenue and Leggett Lane were historically significant to the Town as having been owned by black people associated with the Avon Hall plantation and that it should researched by the Historical Society.

Mr. Aichele discussed there was already some history on the property and that it had been owned by a free black family during the Civil War who been subdivided it and created a black enclave. He also discussed that the creek that fed into the Avon Hall pond was associated with a tannery which might have been connected to the black community. He discussed that the current black owners had expressed interest in restoring at least one of the building and some interest had been expressed in making one of the building a black history museum.

Phil Irwin reported that the Farm Tour would be held on Saturday, September 24, 2016 from 10 a.m.-5 p.m. and on Sunday, September 25<sup>th</sup> from 11 a.m.-5 p.m. He reported that on Friday, September 30, 2016 there would be a Dark Skies Festival held at Caledonia Farms celebrating the idea of dark skies.

Mayor Sullivan closed the public forum

- **ADJOURNMENT:** At 8:50 p.m. Mr. Schwartz moved to adjourn and Mr. Goebel seconded and the motion passed 6-0.



NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON October 10, 2016

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Schwartz SUP #16-08-01 Application

Rappahannock-Rapidan Regional Commission Charter Amendment Resolution

Swift letter of interest in being appointed to the Planning Commission

Mr. Schwartz's resignation letter