

# The Town of Washington

Town Hall  
March 8, 2006  
Council Meeting  
MINUTES  
7:30 p.m.

- CALL TO ORDER: Mayor Leggett: 7:30 p.m. The following Town Council members were present: Mayor Leggett, Vice Mayor Lynch, Jerry Goebel, Alice Butler, Jeff Benson, Claudia Mitchell, and Jean Goodine. Town Attorney John Bennett and Town Clerk Laura Dodd were also present.
- APPROVAL OF MINUTES: Oct. 24, 2005 Joint Public Hearing of the Town Council and Planning Commission: Mayor Leggett asked if there were any additions or corrections to the draft minutes of the Oct. 24 Joint Public Hearing of the Town Council and Planning Commission Meeting. There being none Ms. Goodine made a motion to accept the minutes of the Oct. 24, 2006 Joint Public Hearing of the Town Council and Planning Commission meeting and Mr. Goebel seconded and the motion carried 7-0 and the minutes were approved.

- REPORTS:

**Treasury Report, Jerry Goebel**

Mr. Goebel reviewed the attached Bank Summary Report, the Bills-To-Be Paid List, and the Additional Bills to Be Paid List.

- BANK SUMMARY REPORT: Mr. Goebel reviewed the attached bank summary report. The total consolidated assets of the Town's accounts were \$ 494,598.04.
- WATER USAGE: Mr. Goebel reported that the Town had not received the Feb. Washington Water Works Water Report. He also noted that the water revenue was \$4,329.06 and the past due amount was \$1,551.58 and the total assets of Washington Water Works for Feb. were \$5,860.69.

BILLS TO BE PAID: Mr. Goebel asked the Council to review the list of bills to be paid and the additional bills paid list.

Mayor Leggett asked if there was a motion to accept the Treasurer's Report. Mr. Benson made a motion to accept the Treasurer's Report. Ms. Goodine seconded the motion, and the motion passed 7-0 and the Treasurer's Report was accepted.

Mr. Goebel reported that the Town had received an estimate to service the Tractor mower from Winchester Equipment for \$932.28. After a short discussion, Ms. Mitchell made a motion to approve the bill of \$932.28 to service the tractor. Mr. Benson seconded and the motion passed 7-0.

- PLANNING COMMISSION: Planning Commission Chairman Gary Schwartz was absent and Ms. Goodine reported that the Planning Commission had met on Feb. 26, 2006 for a joint meeting with the ARB and completed the review of a major part of the draft Historic District Ordinance version presented by Cheryl Shepherd. She commented that the Planning Commission and ARB had pointed out areas of where they had questions or concerns but that overall the group felt very positive about the work Ms. Shepherd had done. She discussed about how the Ordinance was moving along to be substantive rather than subjective. Ms. Goodine reported that Ms. Shepherd had presented a revised version based on the previous meeting indicating strikeouts, corrections, additions, and things that the group had wanted included and omitted which would be considered at the next joint meeting of

the Planning Commission and ARB on March 27, 2006. She welcomed any discussion and contributions from citizens and panel members.

Mayor Leggett commented that he had sat in the audience for the meeting and that there were now two new ARB members present and he had been impressed by how well the panel had focused on the subject and that they were working together well and making rapid progress.

- ARCHITECTURAL REVIEW BOARD: Mayor Leggett reported that the ARB had met and approved Ms. Weinberg's new roof application and that they would be meeting the next evening to consider several applications.
- TOWN ATTORNEY: Mr. Bennett reported that the Town had received a draft Ordinance to rezone 4.0 acres of the Avon Hall property to a Governmental Services Zoning District in preparation of selling the four acres to the County.

Ms. Mitchell asked if the County had agreed to all the items the Town had requested.

Mr. Bennett indicated that the County had agreed. He recommended that the Council refer the Ordinance to the Planning Commission and that the a joint public hearing of t he Planning Commission and the Town Council be held on the Ordinance at the next Council meeting.

Ms. Mitchell asked if the Governmental Services District would apply to the current County buildings as well as the four acres being sold to the County.

Mr. Bennett said that the Governmental Services District would apply only to the 4 acres being sold to the County.

Mr. Goebel made am motion that the Town Council hereby referred to the Planning Commission for its recommendations to whether good zoning practices, and public health and safely and welfare require that the Town create a new zoning district know as Governmental Services and what are appropriate by right and special uses within such district and appropriate property set back requirements. Ms. Mitchell seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye"      Mayor Leggett voted "aye"      Ms. Butler voted "aye"

Ms. Goodine voted "aye"      Mr. Goebel voted "aye"      Mr. Lynch voted "aye"

Mr. Benson voted "aye"

and the motion passed 7-0.

The Council agreed by consensus to hold a joint public hearing with the Planning Commission on April 12, 2006 on the draft Governmental Services Zoning District Ordinance and Mr. Bennett agreed to get the notice of the public hearing to the newspaper.

Mr. Bennett commented that the Council would need to authorize the application to rezone according to the plat to Governmental Services.

Ms. Mitchell moved that the Council apply to rezone 4.0 acres to Governmental Services and Mayor Leggett and Vice Mayor Lynch be authorized to execute all necessary documents on such necessary zoning.

Ms. Goodine asked if the Town could enter into negotiations before the Planning Commission had considered it.

Mr. Bennett indicated yes.

Mr. Benson seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye"      Mayor Leggett voted "aye"      Ms. Butler voted "aye"

Ms. Goodine voted "aye"      Mr. Goebel voted "aye"      Mr. Lynch voted "aye"

Mr. Benson voted "aye"

and the motion passed 7-0.

Mr. Bennett discussed a Resolution and Ordinance to renew the bond for Avon Hall (attached) and that there was an existing \$500,000 note to cover the Avon Hall property that came due in April and that SunTrust had agreed to renew the note for a period of two years at 4.2 percent interest with \$750 in refinancing costs.

Ms. Goodine commented that she did not understand item #6 and the language about prepayment.

Mr. Bennett discussed that the costs depended on where the market was if the bond was paid off before the two years and that there was not a significant difference in the rate if paid off in twelve months or two years.

Mr. Benson made a motion to adopt the Ordinance and Resolution relating to the issuing of a \$500,000 bond in form that was before the Council. Mr. Goebel seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye"      Mayor Leggett voted "aye"      Ms. Butler voted "aye"

Ms. Goodine abstained      Mr. Goebel voted "aye"      Mr. Lynch voted "aye"

Mr. Benson voted "aye"

and the motion passed 6-0 with Ms. Goodine abstaining. Ms. Goodine explained that she abstained as she had just received the Resolution and Ordinance and did not understand it.

- OLD BUSINESS:
  - a). RESERVOIR UPDATE: Mayor Leggett reported that he had sent a letter to the Crom Corp. the day before initiating the start of work and the 210 day completion date. He said that there would be a pre-construction meeting on March 9<sup>th</sup> and the Town would proceed and that General Berry would be informed as per the agreement of the pre-construction meeting.

b). WASTEWATER UPDATE; Mayor Leggett reported that the principal activity at that point was that the Town was preparing for the DEQ Public Hearing on the draft permit at 6:30 p.m. at the high school.

Ms. Mitchell asked that all Council members be present at the meeting.

c). CONSIDERATION OF THE DRAFT COMPREHENSIVE PLAN:

Ms. Dodd reported that she had received all the necessary corrections and additions and would compile them into a single document for the Council's consideration by the April Council Meeting by which time Mr. Herd would be able to provide a clean copy of the draft Comprehensive Plan showing those changes and corrections.

Ms. Mitchell made a motion to continue the consideration the Draft Comprehensive Plan to the April 12, 2006 Council meeting when the Council would have a completed clean copy showing additions and changes to vote on. Ms. Goodine seconded and a roll call vote was taken:

Ms. Mitchell voted "aye"      Mayor Leggett voted "aye"

Ms. Goodine voted "aye"      Mr. Benson voted "aye"

Mr. Goebel voted "aye"      Mr. Lynch voted "aye"

Ms. Butler voted "aye"

and the motion passed 7-0.

d). AVON HALL UPDATE: Ms. Mitchell reported that the Avon Hall repairs were under budget and that no additional interior repairs had been done and the termite treatment was underway. She said that over the next thirty days work would be done on an outside porch and the column caps would be done. She said that she had asked that the porch lights be left on.

- NEW BUSINESS: a). AUTHORIZATION OF THE DRAFT CROSS CONNECTION ORDINANCE FOR PUBLIC HEARING: Ms. Dodd reported that the Council had received a draft Cross Connection Program and Ordinance that would replace the current Cross Connection Ordinance and Program which had been done in 1992 so that it would be current with State code.

Ms. Mitchell asked who drafted the new ordinance and Ms. Dodd responded that Environmental Systems Service (ESS) had written it and that Don Hearl, Vice President of ESS was present to answer questions.

Mr. Hearl discussed that the cross connection program called for an annual survey to be sent out by the Town to each water user to see if there were any changes to their systems. He said that ESS would do a risk assessment to see if cross connections existed and that ESS would do an on site visit to those high risk users as well as commercial users such as restaurants, garages, and beauty parlors.

Ms. Mitchell asked if the program and Ordinance was in addition to what Mr. Jenkins was doing as the Town's water operator.

Mr. Hearl indicated that it was completely separate.

Ms. Mitchell asked if apartments were treated differently than houses.

Mr. Hearl said no and that the intent was to look at all users for risk of cross connection.

Mayor Leggett asked Mr. Hearl to give a list of activities in Town which might be vulnerable.

Mr. Hearl said probably a beauty parlor, a garage if there was one, and restaurants.

Mr. Lynch asked why the program wasn't being done by the Health Dept.

Mr. Hearl responded that it was under the purview of the Health Dept. which mandated that the Town as owner of the water system had to, as all water systems did in the state of Virginia, have a cross connection program.

Mr. Monty Tayloe asked about enforcement in case somebody did not respond properly to the survey or did not install backflow protection where it was needed.

Mr. Hearl responded that the Ordinance did allow for disconnection of water if the survey was not returned or if a backflow preventer was not installed where it was needed.

Mr. Goebel asked about inspections and if people with swimming pools would be inspected.

Mr. Hearl discussed that if someone indicated on the survey that they had a swimming pool it did not necessarily mean ESS would inspect that pool unless the pool owner indicated that they had an air gap. He said that normally residents would not be inspected only commercial businesses. He discussed that another concern would be if someone had an old well on their property which they used to water their garden and if that well was tied to the house on the Town water the well would have to be disconnected.

Ms. Mitchell asked when citizens would get the survey.

Mr. Hearl indicated that after the Ordinance was approved by the Town it would be sent out in the mail.

Ms. Mitchell discussed that she felt it was important that the water customers be contacted and informed about the survey before it was sent out.

After a short discussion, it was determined that an explanation of the survey would be sent with the water bills and follow up calls would be made to each customer after the survey went out.

Ms. Goodine made a motion that a public hearing on the Cross Connection Program and Ordinance be held on April 12, 2006. Mr. Goebel seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye" Ms. Butler voted "aye"

Ms. Goodine voted "aye" Mr. Goebel voted "aye" Mr. Lynch voted "aye"

Mr. Benson voted "aye"

and the motion passed 7-0.

b). Authorization of SunTrust Avon Hall Loan: Mayor Leggett commented that this agenda item had been covered under Town Attorney.

- PUBLIC FORUM: Mayor Leggett opened the Public Forum:

Mr. Goebel asked how the flushing of the water lines was going on Mt. Salem Avenue.

Ms. Dodd reported that the lines had been flushed several times and she had sent a letter to the Mt. Salem Ave. water users asking if there had been any improvement in their water quality and had received two responses, one indicating that the water had not improved.

Ms. Mitchell commented that the Washington School Apts. and Ms. Gotteib still had discolored water. She also said that the residents in the apartments also were still complaining of an odor and that might be from the hot water heater which was being flushed.

After a short discussion, Ms. Dodd said that she would arrange for more weekly flushing of the hydrants along Mt. Salem Ave.

Ms. Monira Rifaat, stated she was a County resident who lived in the Covington River watershed and that they were continuing to study the wastewater treatment plant ( she did not indicate who they were) and the discharge into the Rush River of effluent and asked if the cost had been determined per household.

Mayor Leggett discussed that the cost was not possible to know at that time as the system had not been designed or approved. He said that when the system was defined and when the number of users was known and what the design would be the Town would have the various pieces needed to determine the cost except for one, which was what was the cost of the real estate that the Town would be selling to help finance the costs.

Mr. Bennett commented that until all the permits for the plant were in place the Town was unable to determine what grants the system might be awarded which would be a variable for the amount of debt service.

Ms. Rifaat commented that the Town Council meeting minutes reflected that the total estimated cost of the total project as \$4 million and that the Town's plan called for each house to be connected which would be compulsory and no household would be exempt.

Mr. Bennett said that that was not correct.

Ms. Rifaat asked if some households in the Town of Washington could opt out.

Mayor Leggett commented that it might be that some areas would not be included.

Ms. Mitchell commented that it was more a case of eventually everyone would be required to hookup but that it was going to be a stepped system and everyone would not be coming onto it at the same time. She said that the intent was and had always been that eventually and ultimately everyone would have access to system but not from day one.

Ms. Rifaat asked if ultimately meant months or years.

Mayor Leggett said years.

Ms. Rifaat commented that there were no numbers at the moment for the citizens of the Town of Washington to understand their liability in this project.

Mr. Bennett commented that the Town had taken on no liability by applying for the permit.

Ms. Rifaat said correct.

Mr. Bennett said that the Town had not gotten to the stage where the cost could be determined.

Mr. Don Looch asked if the Town was looking at any other options for treatment while it was waiting for the permit.

Ms. Mitchell commented that the Town was not looking at any option in the interim because the Town had already looked at several different options in the past fourteen years. She

commented that a PER had already been done and the Town had spent over \$160,000 on studies of various options and that they would not be looking at anymore options.

Mr. Bennett commented that options had become lack of options.

Ms. Mitchell commented that options that had been looked at had become unavailable to the Town as time went on including not having enough land. She discussed that the Town had looked at sand filters with drainfields, drip systems with drainfields, and also going to the Sperryville, which already had a plant. She commented that those options had been looked at by engineers and the Town and the discharge to the Rush became the only relevant one.

Mr. Bennett commented that for the same reasons drainfields failed, such as poor soil, also made it less possible for the Town for find a site for a mass drainfield that could be approved by the State.

Mr. Lynch commented that the Town was also convinced that a mass drainfieldd would be much more expensive due to real estate costs.

Ms. Mitchell discussed that purchasing the land for the mass drainfield would raise the costs but also that the estimated life of the drainfield would only be twenty-five years if that so it would be a short term not a long term solution. She discussed that the Clopton property had been considered for a mass drainfield but although that would have serviced the Town's immediate needs it would not meet the 100% reserve and if the Town could have purchased the land across the street of sixty-one acres even then the two properties still would not have been enough. She said that the Town had seriously looked at every option and that it had been a long process not a beginning process..

Mr. Loock asked if the drainfield option required that the effluent be treated.

Ms. Mitchell commented that it did have to be treated.

Mr. Paul Farmer discussed that documents on the Town record of January 2006 indicated that the estimated cost for the Avon Hall discharge option was roughly estimated at \$4 million although he realized the plant had not been approved or designed. He said that there were also two documents in the last two years that evaluated the Clopton and Updike properties as having soils that ranged from good, fair, and poor for mass drainfields and that the Updike estimate was 35 to 40,000 gallons with a 100% reserve, that Clopton estimated at 20-25,000 gallons with a 100% reserve and that gave 55-65,000 gallons plus a 100% reserve.

Ms. Mitchell commented that the Town would have to be able to buy the property.

Mr. Farmer commented that he understood that but he felt that he had been hearing that these properties did not have the soil capacity which did not seem to be accurate.

Ms. Mitchell discussed she would have to check the figures but the Town had looked at that for months and months and that even if the soil had worked the Town would have to be able to buy the property.

Mr. Lynch commented what was being overlooked was longevity and the Town was not looking to solve the problem for fifteen years but was looking to solve the problem for the future of the Town.

Ms. Christina Loock asked if the Town was planning to do more research.

Mayor Leggett said no.

Ms. Rifaat commented that the Council was leaving the audience with the impression that there were no other alternatives but that she felt that was not the exact truth and that research showed that there were other alternatives with longevity. She said if the draft permit did not result in a permit the Town would have to go back and figure out the problem of failing septic systems and there were alternatives.

The Council asked what those alternatives were.

Ms. Rifaat commented that those of us who have spent the time and money researching the problem have identified alternatives and that included the alternative of non-charge into the river and that the treated effluent could be disposed of in different ways other than discharge into the river and it could be some sort of subsoil filtration or it could be irrigation. She said she was not going to go into detail of how that could be done but the Town needed to go back to its consultants and engineers because the draft permit might fail and not result in a permit and it would not be her that would tell the town what it needed to do and the Town would have to figure out what to do about those households that were identified in the survey as having failing systems.

She said that there might be less expensive ways of doing it but since the Town did not know what the cost would be to hookup per household there was no comparison at that point.

Mr. Benson commented that the subsurface options were drainfields and sand filters with drainfields and that the Town had explored both and they were both temporary options which also included land purchases.

Mr. Goebel asked who had spent the money and time on the alternatives and could the Town have a contact name to get information.

Mr. Loock commented that both those alternatives had been mentioned by Tom Faha of DEQ.

Mr. Bennett discussed that the Town had spent \$165,000 and fifteen years paying engineers and doing absorption tests and other studies and that while there might be an immediate concept the reality of actually doing that particular location that would serve the Town had not resulted in a viable site.

Mr. Loock commented that he understood that the Town had already spent a lot of money but potentially the County was looking at spending \$4 million of County money.

The Council informed him that it would not be the County but the Town.

Mr. Loock said that the County would have to pay fees and then it would be the County.

Ms. Mitchell commented that the County was one of the customers who wanted and needed the sewage system the most.

Mr. Loock commented that the County residents would be paying taxes to pay for the system

Mr. Bennett commented that the County would not be paying taxes to pay for the system but the County would be paying some user fees just like any other user in the Town and it would not be a tax.

Ms. Mitchell asked who the Town could contact to find out about the alternatives and discussed that it was not the Town versus Ms. Rifaat and she hoped that if Ms. Rifaat had information she would share it with the Town.

Ms. Rifaat said she would be happy to share the alternative mentioned by DEQ.

Mr. Bennett asked that Ms. Rifaat provide the information to the Town.

Ms. Rifaat said she would be happy to share the information she received from DEQ based on her questions if there were alternatives to discharge into the river.

Mr. Farmer commented that he was constantly coming across scores of innovative ways of dealing with wastewater from the DEQ web site and the internet and discussed one alternative using holding tanks where the treated wastewater was used for irrigation and another where the treated effluent was returned to a drinking water reservoir.

Ms. Mitchell asked if drinking it was better than putting it into the river and commented that if it was good enough to drink it was good enough for a fish to swim in.

Mr. Farmer discussed that the water would require further treatment at the reservoir.

Mr. Mitchell thanked everyone for sharing their alternatives and treating each other with respect.

Mr. Lynch discussed that Ms. Rifaat had commented that if the Town failed to get a permit that the Town would have to go back and look at all those failed septic systems identified in the survey from ten years ago and that he felt that the one thing the Town had learned was that all drainfields fail and the Town would not have to go back and solve the problem of the drainfields that had failed but would have to go back and solve the problem of all the drainfields in the Town.

Ms. Rifaat asked if it was possible to address the problem of the current failed systems individually.

Ms. Mitchell discussed that there was no way to correct them individually unless there was something that could correct them without a septic system and a drainfield. She discussed that at a local meeting someone had discussed a town in Massachusetts that had failing systems that had replaced the old soil with 2 or 3 feet of new soil but that she understood that in the state of Virginia it was illegal to do that so that was not a viable option for the Town.

Ms. Goodine discussed that she was a bottom land owner in Town with a new drainfield which was not failing and that she had sewage in her backyard from other systems which were failing. She commented that those failing system owners might not even know their systems were failing but they were to the extent that her grandchildren could not play in the backyard.

Ms. Rifaat commented that she could not argue with Ms. Goodine's facts but it represented anecdotal data and research needed to be done on the cause of sewage in her backyard. She also commented to Ms. Mitchell that the Town's was survey done ten years ago and since then technology and solutions had changed and it was possible that there were solutions today that were not available then that would cost less and would negate the need to discharge into the stream. She said she wanted to point out to the audience and the Mayor the unique thing about this situation was that the Rush River was a zero flow river in the summer and that made the whole situation unique in the Town.

Mr. Bennett discussed that the engineer, Mr. White, had sited figures that did not support the zero flow rate.

Mayor Leggett closed the Public Forum.

- CLOSED MEETING: There was no closed meeting.\_
- ADJOURNMENT: At 10:00 p.m. Ms. Mitchell made a motion to adjourn and Mr. Goebel seconded and the motion carried 7-0.

NEXT REGULARLY SCHEDULED MEETING OF THE COUNCIL: April 12, 2006

JOINT MEETING OF THE PLANNING COMMISSION AND THE ARB ON March 27, 2006 AT 7::30 P.M. TO REVIEW A DRAFT OF THE HISTORIC DISTRICT ORDINANCE

Respectfully submitted,

Eugene S. Leggett  
Mayor

***List of Attachments:***

Bank Summary Report

List of Bills-To-Be-Paid

Additional Bills Paid

Avon Hall SunTrust Refinancing Ordinance and Resolution

Ordinance to Amend various sections of Article 1 and Article 5 to Create a Governmental Services District

Cross Connection Plan and Cross Connection Ordinance