



MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



Thursday, February 12, 2015
PENDING APPROVAL

PRESENT: Mayor Betsy A. Davis
Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Erik J. Scheps
Councilmember Mark T. Snyder
Councilmember Kathy Jo Shea

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner
Cindy C. Pearson, Economic Development Coordinator
Debbie J. Wheeler, Town Treasurer
A. J. Panebianco, Chief of Police

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, February 12, 2015 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Public Comment

Eric Noble, of Round Hill, appeared before Council to announce his candidacy for Sheriff. He noted that he spent twenty-seven years working for the Sheriff's Department, many of which were in Middleburg. Mr. Noble opined that Middleburg had a great Chief of Police and noted that he hoped to be blessed to have a chance to work with him on joint issues as he was impressed with the work he has done.

At the request of Mayor Davis, Town Clerk North summarized the Council's Rules of Procedure with regard to public hearings.

Public Hearings

Zoning Map Amendment 14-03 – Ordinance to amend proffers associated with conditionally zoned land – 500 North Pendleton Street – Salamander Development, LLC

Town Planner Moore noted that in 2007, the Council approved the rezoning of the land of Salamander Development, LLC that included the designation of certain zoning districts that consisted of an R-1 Residential, R-3 Residential and MUV District, with this land being located closest to the town. He further noted that the resort was located on agriculturally zoned land to the north of the property. Mr. Moore advised that this was a conditional zoning meaning proffers were included. He explained that the application before the Council was to amend certain aspects of the proffers. Mr. Moore advised that two substantive elements were being proposed for change. He noted that the plan that was proffered showed a conceptual layout for the street network within the three zones. Mr. Moore explained that the plan showed connections from the two residential districts to Stonewall Avenue, one of which was through an extension of Chestnut Street. He advised that no change was proposed to that connection. Mr. Moore reported that this was previously approved and that the Town would

expect to see that going forward with the development. He advised that a second connection was proffered through property owned by the Middleburg Community Center, which was part of the amendments. Mr. Moore explained that the applicant wished to relocate that connection from the Community Center's property to an existing right-of-way, which would be an extension of Reed Street. He reported that the other element that Salamander wished to change was that the street network within both the residential and MUV Districts was shown on the current proffered plan as public streets; however, the applicant wished for them to be privately owned and maintained. Mr. Moore advised that there were a number of discussion items related to those which were outlined in his report.

Town Planner Moore noted that the Planning Commission focused a lot on the concept of a private street network versus a public one and what that meant. He advised that they asked a number of questions, in particular why the applicant wanted to do so, to which the applicant responded that there were two main reasons - to control maintenance of the streets as they thought they would do a better job than VDOT and for more flexibility in the design of the streets. Mr. Moore advised that he has asked the applicant to provide more details on the kind of flexibility they were seeking that they could not get under VDOT's standards. He noted that the Town's ordinance that allowed for the consideration of private streets stated that they could be considered to provide for more flexibility in design. Mr. Moore further noted that this ordinance was adopted in 2002 and advised that since that time, there have been changes to VDOT's standards that allowed for more flexibility than in the past. He reiterated that he has asked the applicant to provide specific information as opposed to generally saying "they would like more flexibility". He advised that he placed a memorandum on Council's desks from J2 Engineering and noted that J2 was acting on behalf of the applicant, not in his capacity as Town Engineer. He advised that the technical memorandum outlined the issues related to design that they thought they could use in order to have more design flexibility than they could achieve under VDOT's standards. Mr. Moore noted that this memorandum was just received an hour ago; therefore, the staff had not had time to review it. He opined that he needed to review it and consult with VDOT so he could advise Council on the legitimacy of the points. Mr. Moore advised Council that there were also some small, non-substantive elements included in the proffer amendment request, such as an adjustment to the identification of the parcels as there has been a consolidation of some of the outlying parcels.

Town Planner Moore reported that the Planning Commission forwarded a favorable recommendation for this request based upon the proffers dated January 20th, with the understanding that they would be revised to address their discussions during their meeting. He noted that the discussions dealt with two elements, the first of which was to not gate off the private streets. Mr. Moore explained that this was based upon the discussion related to whether this was an extension of the town or a gated community. He reported that the applicant was clear with the Commission that they had no intention of restricting access to the public and verbally indicated they would amend the proffer to state that there would be no gates from Stonewall Avenue into the residential property. Mr. Moore noted that a draft version of the revised proffers was submitted to him and the Town Attorney; however, the Town had not formally received it as a revised proffer. Mr. Moore advised that the second element the Commission hoped to address was the language in the current proffer regarding consent to enforce traffic laws on the private streets. He noted that there was a section in the State Code that said that an HOA that maintained a private street network could request or consent to the enforcement of traffic laws on their private streets. Mr. Moore reminded Council that the Police Chief stated in December to the Council, as well as to the staff and Planning Commission, that he had some concern about the Department's ability to enforce the traffic laws. He advised that the applicant has agreed to proffer that consent would be given. Mr. Moore noted that the staff wanted the proffer to be worded the best way possible to ensure the consent was not likely to be rescinded. He advised that the staff was concerned that the way the language was currently worded was not the best. Mr. Moore further advised that some revised language has been submitted and was under review.

Town Planner Moore summarized that because the revised proffers and memorandum that was just received required staff review, his recommendation was that the Council not take action during this meeting and wait until a future meeting, possibly the March meeting, to consider it. He noted that the Council could close or continue the public hearing and recommended they continue it so the public could comment upon any information that may come in as the result of the review.

Stephen Plescow, a representative of Salamander Development, LLC, requested that they be given twenty minutes for their presentation.

Vice Mayor Kirk moved, seconded by Commissioner Scheps, to give Salamander twenty minutes.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Scheps and Shea

No – Councilmembers Murdock and Snyder

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Mr. Plescow reminded Council that several proffer amendments were being requested, the first of which was to move the road from the Community Center’s property to an existing right-of-way for Reed Street. He reported that Salamander did consult with the Community Center’s representative to see if access could be acquired and was told “no”. Mr. Plescow noted that they recommended this connection be moved to Reed Street. He advised that an associated minor change was to put in signage for four-way stops at Chestnut and Reed Streets if warranted by VDOT. Mr. Plescow noted that the last amendment they were seeking was that they would like to have public access roads that were privately constructed and owned.

Mr. Plescow displayed an exhibit from 2007 that showed the zoning and noted that they were not asking for a change to the number of units that was approved. He displayed an exhibit from the original rezoning that showed the proposed road network, including the connections at Chestnut Street and through the Community Center’s property. Mr. Plescow also displayed an exhibit of the Fox Hill Subdivision, which was approved by the Town in 1962, and noted that it showed the road connections at Chestnut and Reed Streets. He displayed an exhibit that showed the proposed change to move the road from the Community Center’s property to the extension of Reed Street and opined that this would be good engineering, good planning and would extend the Town grid. Mr. Plescow reminded Council of the ordinance that required that new streets connect to the existing roads. He displayed photographs of the existing right-of-way. Mr. Plescow advised that when Salamander constructed the new road, it would be responsible for the construction and relocation of the utilities and would remove the fences that were in the right-of-way at their cost.

Mr. Plescow advised Council that the biggest reason that Salamander liked private roads was that they gave them the ability to maintain the roads at a higher level of quality than VDOT provided the town. He noted that the resort was world class. Mr. Plescow opined that the purchasers of the homes would be resort guests or people who wanted to move back into town and advised that they wanted to maintain the same level of quality in the residential area as was in the resort. He advised that using private design standards would allow Salamander to better meet the Town’s ordinances and opined that they were more stringent than VDOT’s regulations. Mr. Plescow noted that for Salamander, this was about making the new neighborhoods fit and be integrated with the town.

Mr. Plescow displayed photographs of other luxury resort projects and noted that they all had private roads. He advised that private street maintenance would not cost the Town or VDOT as the cost would be borne by the applicant initially and then the HOA. Mr. Plescow opined that the maintenance of the roads would never come back to the Town unless its population exceeded 3,500. He noted that the State Code said that a town did not maintain its roads; therefore, he opined that there was no choice. Mr. Plescow further opined that the HOA could never come to the Town to say “take care of the roads”. He suggested it could go to VDOT; however, he noted that there would be a lot of hoops to jump through and advised that little, if any, roads that were built after 1990 have been taken over by VDOT for maintenance.

Mr. Plescow reminded Council that the Town Code contained specific requirements for private roads. He noted that all roads must have a construction bond and advised that private roads were also required to have an additional two-year maintenance bond. Mr. Plescow further noted that it required the applicant to work with the HOA to set up a budget and provide initial funding for emergency repairs so the HOA would not be at a disadvantage if repairs were needed. He advised that the roads would not be turned over to the HOA until most of the homes were built, which could take several years. Mr. Plescow opined that in the beginning, when most problems occurred, the developer would still be there to take care of the roads.

Mr. Plescow advised that another protection so that purchasers were not surprised by the need to maintain the streets was that all of the documents must contain a statement that the roads were private and the owners must pay for their maintenance. He noted that this statement must also be contained in any resale documents; therefore, a property owner could never say “they did not know about this”. Mr. Plescow suggested that some people would question whether private roads would be as good as VDOT roads and noted that the ordinance required that the physical construction must be the same or better than VDOT required. He noted that, in addition, the applicant must pay the Town to hire a private third party inspector to inspect the construction so it would know the roads were constructed to VDOT’s standards.

Mr. Plescow advised that as to life safety, the geometric design must meet the same design standards as a public road so emergency vehicles and buses could get through them. He noted that the Town would review the plans and consult with their engineers to make sure they were technically sound. Mr. Plescow advised that the developer was not trying to do short cuts or build the roads so they were not to Town standards. He reported that Salamander has added a proffer to make certain the roads would not be gated and noted that the Salamander Resort was not gated. Mr. Plescow stressed that the proffers guaranteed there would be no gates on the residential roads and advised that they wanted the neighborhoods to feel like they were a part of Middleburg. He noted that the Town Planner talked about police enforcement and reported that Salamander has submitted a stronger proffer. Mr. Plescow advised that they would work with the staff to get a proffer with which everyone would be happy. He stressed that the public would be able to come onto the roads.

Mr. Plescow displayed a copy of the concept plan from 2007. He noted that Salamander has always known it would be a place holder that would be refined. Mr. Plescow advised that before starting the design, he spent months evaluating the grounds so he could understand it and how it related to Middleburg. He noted that he did a site analysis for each neighborhood before preparing the plans. Mr. Plescow advised that he also studied the Town’s ordinances and reported that several were more stringent than VDOT’s regulations. He noted that Salamander had to grade the streets so the buildings would be above the street level. Mr. Plescow further noted that it must grade them to conform as closely as possible to the topography. He advised that they were trying to meet the Town’s criteria. Mr. Plescow noted that when there were several sets of requirements, an engineer typically must design to the most stringent one.

Mr. Plescow displayed a photograph of the site and noted that it was not flat but rather contained steep grades and trees that they wanted to preserve. He advised that they also wanted to take the views into consideration. Mr. Plescow explained that private street design standards would give Salamander more flexibility to achieve their design. He advised Council that they wanted this to be a “world class neighborhood” and were hiring architects to develop conceptual plans that were high quality. Mr. Plescow noted that they also wanted to meet Middleburg standards. He opined that they could have a nice, unusual project that felt right and like it was a part of the town. Mr. Plescow advised that the homes would be elegant and upscale and would feel like they belonged in Middleburg.

Mr. Plescow displayed a copy of Salamander’s new plan. He noted that they worked with the Planning Commission to go through the planning details and advised that they had their unanimous vote of support. Mr. Plescow opined that the new plan responded better than the conceptual one and allowed them to preserve key elements such as the trees. He advised that splitting the road allowed Salamander to meet the grading requirements and explained that instead of cutting and filling the site, Salamander could keep the houses on the high side, in proportion with the road.

Jim Bishoff, of J2 Engineering, displayed a plan that showed the grid pattern for the R-3 area that met the minimum VDOT standards and noted that it contained straight roads with no large radius curves. He advised that the R-1 area contained cul-de-sacs that fed the parcels associated with the development. Mr. Bishoff opined that VDOT's standards focused more on the road and less on the development, which made it difficult to be creative. He acknowledged that VDOT has relaxed its standards; however, he opined that their criteria were more for roads than development. Mr. Bishoff opined that using a VDOT road would not honor the natural terrain. He noted that the cul-de-sacs would require more grading and clearing. Mr. Bishoff opined that there were advantages to bifurcating the roads as it would change how things were laid out vertically. He advised that it would save a lot of land disturbance and would allow Salamander to salvage the existing features. Mr. Bishoff reported that the use of one-way streets would allow for flexibility to minimize the impacts to the existing site. He advised that under the Town's current design radii for public streets, it would be difficult to implement traffic calming without physical measures and noted that they have proposed the use of two roundabouts with tight turn radii. Mr. Bishoff noted that this would require a motorist to maneuver slower; therefore, it would be traffic calming. He advised that reducing the street widths would also be a traffic calming measure.

Mr. Plescow advised Council that the existing proffer did not allow construction traffic to travel through the Ridgeview Subdivision and noted that it must take Foxcroft Road. He advised that the plan was still a work in process. Mr. Plescow reiterated that they wanted the ability to use private design standards and advised that, if approved, they would work with the Planning Commission. He further advised that they wanted input from everyone and reiterated that they wanted to maintain the roads.

Prem Devadas, of Salamander, noted that seven years ago, fears and concerns were expressed by people about the resort. He advised that they were consistent in talking about creating a world class place that did not exist in this area and expressed appreciation for the opportunity to prove itself. Mr. Devadas opined that at the end of the day, the concerns about the resort did not happen. He advised that a lot of people have said the resort has added to their enjoyment of Middleburg, has helped businesses and that the architecture fit with Middleburg. He advised that the vision for the residential development was the same and noted that it was meant to be "world class". Mr. Devadas opined that nothing like it existed in the Middleburg area or in the mid-Atlantic. He noted the press that the resort has received and advised that they were trying to do something special. Mr. Devadas opined that this development could not be compared to others. He advised that their concerns about VDOT were real.

Cathy Bernache, a resident who lived at the corner of Pendleton and Marshall Streets, noted that she also owned property on Reed Street. She opined that the use of private roads was probably a good idea; however, she questioned whether the extensions would be turned over to VDOT for maintenance or whether they would be private. Ms. Bernache noted that she was still dealing with an immense amount of traffic on Pendleton Street and reported that Salamander's employees and delivery trucks could be seen using that road. She acknowledged that when the resort was under construction, the contractors did use Foxcroft Road. Ms. Bernache expressed concern that Reed Street would need to be widened. She advised that late at night, employees from the resort cut through this area while speeding. Ms. Bernache opined that nothing could be done to prevent it and suggested it was an accident waiting to happen. She further suggested that speed control would be wonderful. Ms. Bernache noted that Salamander was proposing to have traffic calming in its residential area; however, there was none in the rest of the town. She advised that motorists ran the stop signs and "gunned it", which was a concern.

Mike Morency, of Landmark School Road, noted that he and his wife owned a house on Reed Street, across from the library. He further noted that his family owned property on Washington Street. Mr. Morency advised that his family has lived here a long time and noted that his father owned a business here for over fifty years. He advised that his house on Reed Street was where his parents lived for thirty years. Mr. Morency noted that he sent the Council a letter earlier in the day outlining his reasons for opposing the change to private streets, which he believed would be a mistake for the town. He suggested it was important for the Council to have all of the

documentation necessary before making a decision. Mr. Morency noted that Salamander has offered good reasons for what they wanted to do and opined that it would undoubtedly be good for them; however, he suggested that before the Council could evaluate the proposals, it needed to see the drawings and evidence of what Salamander wanted to do in terms of streets so VDOT could review the drawings and comment upon them. He acknowledged the language covering the access by the public and the maintenance of the streets; however, he asked what would happen in the event of non-payment. Mr. Morency suggested the Council should not say that Salamander could have private streets before it had the documents that covered them. He opined that the resort has done an excellent job and has brought business into the town. Mr. Morency advised that in terms of the residential development, it was important to remember that it would be a part of the town. He noted that what he heard in Salamander's presentation was that it would be part of the resort. Mr. Morency advised that while it may be associated with the resort, it would be a part of the town – not separate from it.

Patty Thomas, a resident who lived at the corner of Blue Ridge and Chestnut Streets, concurred with the comments of Mr. Morency. She noted that she heard during the presentation that the focus would be on what took place on Salamander's property; however, she opined that it was really on what took place on the adjoining properties. Ms. Thomas noted that the proffer included a connection through the Community Center's property and suggested the Town should ask for evidence of how Salamander's request to the Center occurred. She reiterated that the Town needed to see a copy of the contract that was presented to the Community Center and opined that they were "starving for money". Ms. Thomas suggested it was disingenuous to say "just use Reed Street". She asked the Council to use this opportunity to step back and look at the issues. Ms. Thomas reminded them that she gave them a five page letter that she hoped they would consider. She advised that she had concerns about the street layout and the minimization of the connections into the existing neighborhoods. Ms. Thomas noted that there has been no reference to Salamander using its own roads, including the one to Foxcroft Road which was suitable for forty-nine houses. She reminded Council that this issue was not just about forty-nine houses and noted that sixty more were planned in the MUV District. Ms. Thomas suggested the need to look at traffic as a whole and recommended the Town hire an independent traffic consultant. She noted that resort traffic was already using the residential streets to get to Route 50. Ms. Thomas advised that the Pendleton Street connection was designed to accommodate Salamander traffic; however, that traffic did not use it for some reason. She noted that she saw a downturn in the real estate market in 2008 and suggested the Council must be cognizant that the project could fail. Ms. Thomas questioned what would occur if the developer/HOA could not fund the road improvements or maintenance because only one or two lots were sold. She noted that the developer/HOA had a responsibility; however, she suggested there were ways the Town could be protected in the HOA documents. Ms. Thomas opined that the Council did not have enough information. She expressed disappointment that the Planning Commission sent this matter forward without much revision. Ms. Thomas advised that the Council had an opportunity to make it right for all of the citizens, not just for Salamander. She opined that Chestnut and Reed Streets, which were currently not passable, could not accommodate the additional seven to eight vehicle trips per house per day plus construction traffic. Ms. Thomas noted that these concerns have not been addressed and suggested the Council not rush a decision.

Terry Milton, 408 Stonewall Drive, advised Council that her concern was primarily safety at Reed Street. She opined that this was already a dangerous intersection and advised that motorists thought of Stonewall Drive as a major thoroughfare. Ms. Milton noted that the right-of-way for Reed Street was not an exact straight line. She further noted that Reed Street was a narrow street with no sidewalks but a lot of foot traffic. Ms. Milton reminded Council that the schools dropped off children in this area so they could be met by their parents. She advised that two cars could not pass easily and noted that because the stop sign was obstructed, motorists rarely stopped. Ms. Milton advised that the same occurred at Pendleton Street. She reported that motorists turning from Reed Street onto Stonewall Avenue came out quickly without looking. Ms. Milton noted that the jog to get to the easement was slightly to the left and advised that major traffic would be coming from the right. She questioned what would occur if someone was not looking. Ms. Milton noted that motorists coming from Stonewall Avenue would make a sharp turn onto Reed Street and advised that if a car was waiting on Reed Street to make the turn, it may be narrowly missed. She noted that she also had a question about water runoff and drainage and noted that she and her neighbor already experienced a lot of runoff. Ms. Milton advised that the roads sloped from Route 50, resulting in runoff down her driveway that came into her house. She

acknowledged that the area from Salamander was a significant downhill area and questioned where the drainage would connect. Ms. Milton noted that once the current grass areas were turned to pavement, there would be more water flowing through the area and suggested that something must be raised. She questioned what would happen to the lower homes on the road. Ms. Milton further questioned whether there would be a potential for the pooling of water. She reiterated that she was already experiencing the challenges of water coming into her house. Ms. Milton noted that safety was her biggest concern; however, she advised that she would also like to see the plans related to the drainage.

Phillip Thomas, 704 Blue Ridge Avenue, advised Council that he has resided in Middleburg since 1964. He further advised that he owned commercial property at the corner of Washington and Madison Streets, as well as other properties in the town limits. Mr. Thomas expressed concern about the effects of more traffic on the existing streets, the quality of life, safety and property values. He advised that the present day village concept was the reason for the town's appeal. Mr. Thomas suggested the residents needed more time to understand the negative effects of this proposal and asked that the Council table consideration of it.

Leonard Lund, 708 Stonewall Avenue, noted that he lived at the intersection with Chestnut Street. He advised that he shared the same concerns as those already presented. Mr. Lund advised that it was unclear to him whether the extension of Chestnut Street would be connected to the roads within the Salamander Resort and suggested that if this was the case, he was convinced that Chestnut Street would be the main entrance for all traffic coming from the west to the resort. He advised that it would add tremendously to the existing traffic.

Jilann Brunett, 204 Sycamore Street, advised that she would like to see a study of how the water runoff would affect the production of Well 4 if Chestnut Street was opened and opined that it could have a significant effect on the Town's water quality.

Mr. Plescow reminded Council that the issue of whether to connect to Chestnut Street, Reed Street or through the Community Center's property was not in question as, through the rezoning, the Town required the connections to the Town grid to make the development feel like it was a part of the town. He advised that they were not trying to be separate from the town. Mr. Plescow reiterated that the road connections were established in 2007. He noted that traffic studies were also done in 2007 that showed that there would not be a significant impact on the roads in the Ridgeview Subdivision. Mr. Plescow advised that this was acceptable to and approved by the Town.

Mr. Devadas explained that he wanted to make sure the public understood that Salamander did not request the connections and advised that the traffic studies showed they were not necessary. He further explained that the Town asked for them in 2007 as a way to connect the development to the town, to which Salamander agreed. Mr. Devadas suggested that if there were concerns about the vehicular connections, they be changed to pedestrian and bicycle connections. He reiterated that Salamander was not asking for the connections and opined that they were not required based upon the traffic study. Mr. Devadas advised that they were only complying with what the Town wanted.

Mr. Plescow opined that there were developments in town that went bad and advised that the Town did not bail out the developer. He further opined that there were a number of communities in town that had private roads and noted that he lived in one. Mr. Plescow advised that there were road connections between North Pendleton Street and the residential areas so the traffic would be distributed onto it. He further advised that they could also use Foxcroft Road. Mr. Devadas reiterated that the Town wanted to maintain the connections.

Mr. Plescow advised that as to the issue of safety at Reed Street, Salamander has proffered to make it a four-way stop if warranted by VDOT. He noted that the intersection must meet VDOT standards for connecting to a VDOT road. Mr. Plescow advised that part of the engineering for the subdivision would involve looking at the drainage. He advised that as to the effect on the ground water table, there would be none as Salamander must treat its runoff. Mr. Plescow noted that the aquifer at Well P was nine hundred feet deep; therefore, it would not be impacted by Salamander's surface water.

Mr. Devadas reminded Council that the ability to construct forty-nine homes existed on the property in 2007 and noted that Salamander purchased those rights. He further noted that the 2007 map called for the houses to be constructed in two clusters. Mr. Devadas advised that one cluster was at the top of Chestnut Street and called for twenty-nine houses, with the remaining twenty to be built on lots as large as five acres. He explained that Salamander instead proposed to downzone the property so mega-mansions would not be built on twenty acre lots. Mr. Devadas stressed that they were not doing anything that they were not allowed to do before and opined that they were making it better. He suggested they could not get into a position like existed at the intersection of Madison/Marshall Street in which the project was running late. Mr. Devadas noted that motorists could not figure out how to get through the intersection and opined that this occurred because VDOT took the low bid without regard to quality. He advised that they did not want to get into that situation.

No one else spoke and by the consensus of the Council, the public hearing was continued until the March meeting.

Mid-Year Budget Amendment – FY ‘15

Town Administrator Semmes reminded Council that the Town borrowed \$1.5 million for utility system improvements and noted the need to bring some of the bond proceeds into the current budget. She advised that the Town would be focusing on three projects, including the replacement of the water line in Washington Street, improvements to the water system on the east end of town and the replacement of the Windy Hill Pump Station. Ms. Semmes noted that some minor adjustments were also being proposed. She reminded Council that they reviewed the proposed amendments during their last meeting. Ms. Semmes explained that the budget should reflect the Town’s expenditures as closely as possible and advised that this amendment would put the bond proceeds to work as quickly as possible.

No one spoke and the public hearing was closed.

Action Items related to Public Hearings

Mid-Year Budget Amendment – FY ‘15

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve an amendment to the FY ‘15 Budget in the amount of \$135,000 as recommended by the Town Administrator in her memorandum dated February 5, 2015. Councilmember Snyder further moved, seconded by Vice Mayor Kirk, that the Council approve line item transfers in the amount of \$119,700 in the General Fund and \$55,000 in the Utility Fund as recommended by the Administrator in her memorandum dated February 5, 2015.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Scheps, Shea and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Discussion Items

Zoning Map Amendment 14-03 – Ordinance to amend proffers associated with conditionally zoned land – 500 North Pendleton Street – Salamander Development, LLC

Vice Mayor Kirk noted that Mr. Devadas mentioned the Marshall/Madison Street Project and questioned its status. She opined that this project was what was causing a lot of traffic on the side streets. Town Planner Moore reminded Council that this was a locally administered project, not a VDOT project. He advised, however, that some of the delays were due to VDOT processes that were required to be met in conjunction with

the contract award. Mr. Moore noted that the project started later than anticipated due to some additional reviews that were not anticipated. He advised that the Town then ran into weather. Mr. Moore reported that the project has been put on hold due to weather related aspects that prevented the pouring of the concrete and the availability of asphalt. He advised that it would be on hiatus until mid-March, weather permitting.

Vice Mayor Kirk noted the other street building that was going on in the area and advised that she found it frustrating. She opined that this was what was causing Salamander's employees, as well as others, to go around the project.

Vice Mayor Kirk opined that Chestnut Street was always designated as a street to the resort. Town Planner Moore reported that in 1962, this area was designated as a separately platted parcel for road connection purposes. He advised that Salamander owned the lot and has designated it as being reserved for a future street.

Vice Mayor Kirk inquired as to who owned the land at Reed Street. She opined that it was a designated street. Town Planner Moore reported that its ownership was something that was still being worked through. He noted that the Town Attorney was doing some research into the land records, in connection with the attorneys who were representing Salamander. Mr. Moore advised that the answer was not clear at this time. He acknowledged that the property was designated on a plat as a fifty foot right-of-way; however, he advised that the issues were still being worked through in terms of ownership or whether the plat acted to dedicate the property. Mr. Moore noted that this was one of the reasons he was not recommending the Council take action.

Councilmember Murdock opined that the Morency's owned the land. She questioned whether it was a right-of-way. Town Planner Moore reiterated that the staff was not prepared to answer the question. Town Attorney Plowman reported that a right-of-way was shown on the plat.

Councilmember Shea questioned whether the attorneys for Salamander had more information. Scott Adams, of McGuire Woods, advised Council that he believed the right-of-way was owned by the Town. He explained that in looking at the 1962 dedication and the statutes, he believed the signatures of the Mayor and Town Clerk on the plat provided a valid dedication to the Town. Mr. Adams advised that before the meeting, he received an updated title report confirming that this property was owned by the Town.

Councilmember Murdock questioned whether the Town Attorney had any comment on this issue. Town Attorney Plowman noted that there were a lot of issues surrounding it. She advised that she has been in touch with the applicant's attorney and opined that they were probably headed toward a path of agreement.

Town Planner Moore noted that he has not seen the revised title report and wanted to view it.

Councilmember Hazard noted that one of the issues was private versus public roads. He opined that there was language that would proffer the authorization for enforcement from the POA/HOA. Mr. Hazard questioned whether school buses would be allowed on the roads if they were private. Town Attorney Plowman expressed an assumption that they would; however, she noted that this has not been a question until now. She advised that the Town would ask for an ingress/egress easement for any private road. Mr. Plescow advised Council that a requirement of the Town Code was that there would be an ingress/egress easement.

Councilmember Hazard noted that the Town Code required a two-year maintenance bond after construction. He questioned whether the two-year period started at the conclusion of construction or whether it ran concurrent. Town Planner Moore advised that the interpretation has been that the two-year maintenance bond would be accepted as a condition of the release of the performance bond; therefore, the two-year bond's effective date would begin at the end of the release of the performance bond.

Councilmember Hazard questioned whether this occurred when all of the houses were sold. Town Planner Moore advised that it would be when the performance bond was released. He noted that the developer could finish all of the public improvements and still have vacant lots. Mr. Moore further noted that the bond was released when the items that were bonded were completed and accepted.

Councilmember Shea noted that the language presented during this meeting indicated that the roads would not be gated. She questioned whether this requirement conveyed to the HOA in perpetuity. Town Attorney Plowman opined that additional language could be added to protect against that.

Mr. Adams advised Council that once adopted, the proffers would run with the land. He further advised that if a gate was erected, the HOA would be in violation of the Town's zoning ordinance and the proffers. Town Attorney Plowman reiterated her suggestion that language be added to the proffers so the Town did not have to get into a proffer enforcement action.

Councilmember Murdock questioned whether the HOA must respect the proffers even if the board members changed. Town Attorney Plowman confirmed it would.

Councilmember Littleton questioned whether a maintenance bond could be given for a longer period of time and suggested a twenty year bond. Town Planner Moore reminded Council that the maintenance bond was intended to only protect against latent defects and would not address items such as pot holes that may form in the future. He reminded Council that proffers must address an impact. Mr. Moore advised that if there was an impact by approving a private street that the Council did not think would be covered through a two-year bond, Salamander could proffer something to address that impact. He explained that it must be structured in that manner.

Councilmember Littleton questioned whether there was a way to monitor or ask Salamander to alleviate the traffic that was going down Stonewall and Chestnut Streets from their employees. He suggested the need to reach an agreement that the employees would use Foxcroft Road. Town Planner Moore opined that there were managerial things that could be put in place; however, he advised that he was not sure a proffer could be structured to address this. He suggested that another way to address it was through the design of the subdivision. Mr. Moore opined that if the extension of Chestnut Street, which connected to Pendleton Street near the resort, did not allow for a straight shot by including turning radii or other traffic calming measures, this would reduce the desire of employees or resort guests to cut through the residential streets. He noted that the Council has seen a proffer on the screen that addressed the gating issue and talked about there being no gating from Stonewall Avenue into the residential area. Mr. Moore further noted that this proffer did not speak to gating between the residential area and the resort. He advised that while the residential owners would have a relationship with the resort, there may be an opportunity to have a gate with a key card between the residential area and the resort. Mr. Moore opined that there may be other ways to address this issue.

Mr. Devadas advised Council that their employee handbook contained a statement that the employees must exit through the Foxcroft Road entrance. He noted that it was the resort's job to manage this and advised that they did not take it lightly if the employees did not follow the rules.

Councilmember Scheps questioned whether what was being proposed was that anyone would be able to gain access to the residential area; however, they would not be able to get to the resort without a key. He noted that a lot of issues have been raised and opined that this would alleviate those concerns. Town Planner Moore noted that this was not in place; however, he confirmed that this would help alleviate the concern of accessing the resort through the residential area.

Mayor Davis questioned whether VDOT has looked at the plans. Town Planner Moore reported that, at this point, the Town only had concept plans. He reminded Council that one of things he raised in his memorandum was that the staff was asking for specific examples of design that Salamander wanted to employ that could not be accommodated. Mr. Moore acknowledged the memorandum that was just presented from J2 Engineering; however, he advised that he was not sure it was sufficient for VDOT's review.

Councilmember Murdock advised Council that she would like for VDOT to see an engineering plan. She noted that the only plans the Town had were concept plans. Ms. Murdock reiterated that she wanted VDOT to see the plan so they could identify what could not be done under their regulations. She noted that she felt strongly about this. Ms. Murdock acknowledged that the applicant has stated that VDOT would not maintain the roads as well as could be done privately; however, she noted that this was part of the charm of living in the country. She advised that she would like to know for a fact that VDOT would not allow certain things to occur.

Town Planner Moore reminded Council that Scott Kasprovicz has offered his assistance in helping the Town gain access to a quick review. He advised that the staff could turn over what information it had to them; however, he opined that it was not sufficient to get a good review from VDOT.

Councilmember Hazard noted that one of the things he heard as being important was the need for four-way stops. He reminded Council that the Town asked for a four-way stop at the intersection of Pendleton and Marshall Streets; however, VDOT turned it down. Mr. Hazard acknowledged that the Town could not force VDOT to put in a four-way stop; however, he questioned whether there was a way to make it more difficult for them to turn the request down.

Town Planner Moore confirmed the staff could ask for VDOT's input. He advised that he did not know what the warrants were for a four-way stop; therefore, he was not sure if there was a way to get an exception.

Councilmember Hazard noted that this was an issue. He questioned whether language could be put in the application that would better fit the criteria for a four-way stop. Mayor Davis noted that motorists already believed this intersection to be a four-way stop and acted accordingly.

Vice Mayor Kirk questioned whether it was possible to have a representative from VDOT attend a Council meeting. Town Planner Moore noted that he could make the request.

Councilmember Murdock noted that the applicant mentioned that they were happy to have the two accesses be pedestrian and bike accesses; however, the Town wanted more traffic accesses into the residential areas. She questioned whether this was something that could change. Town Planner Moore advised Council that this would require a review from many different people and an updated traffic analysis. He noted that he has notified the applicant of the need for an updated traffic analysis in conjunction with the subdivision applicant. Mr. Moore reiterated that whether one or both of the connections could be eliminated would require a review by many different agencies. He advised that it was one thing for the applicant to say "it was fine with us if this was just a pedestrian/bike access"; however, it may not be fine with the emergency responders or other agencies. Mr. Moore reminded Council that having multiple access points was considered good planning as it dispersed the traffic.

Mayor Davis reminded Council that the other idea was to make the residential development a part of the community. Town Planner Moore advised that the planning objective to make the development an extension of the Town grid could not be met if the roads were not connected.

Councilmember Murdock advised Council that she had a problem making the roads private as she felt it would be like drawing a line between "they and we". She opined that there were already good plans. Ms. Murdock advised the representatives from Salamander that when someone complained to her about the forty-nine houses, she told them this was in place when Salamander bought the property. She advised, however, that she was opposed to private roads.

Mr. Devadas opined that Salamander would not be setting a precedent as there were private roads in town that went into communities and advised that he did not view those communities any differently when he drove there. He reiterated that Salamander wanted to be a part of the town and advised that this request was all about maintenance and design.

Vice Mayor Kirk questioned whether the Town Planner would have more information to present to the Council during the February work session. Town Planner Moore confirmed he would not and explained that it would take some time for the staff to analyze the information provided. He opined that even with Mr. Kasproicz expediting VDOT's review, it would take time to turn it around. Mr. Moore expressed hope to have good information for the Council during their March 12th meeting.

Mr. Plescow suggested that if the Town had a problem getting a review from VDOT that they use Bowman Engineering. Councilmember Murdock noted that she wanted the review to come from VDOT.

Mayor Davis recessed the meeting at 7:40 p.m. She called the meeting back to order at 7:46 p.m.

Public Presentations

Beth Erikson, President/CEO of Visit Loudoun, advised Council that she has officially been in her position since July 1st and advised that she wanted to give them a report on some of the key initiatives of Visit Loudoun and they how worked with Middleburg. She reminded Council that the Town increased its investment in Visit Loudoun to \$25,000 last year and advised that she wanted to talk about the return on that investment. Ms. Erikson noted that she also wanted to review the Epicureans Virginia event and some of their other initiatives.

Ms. Erikson reported that Visit Loudoun's core objective was heads in beds; however, she noted that there were others. She advised that she had a media report that showed the larger impacts of what they did. Ms. Erikson reminded Council that they were funded through the County's transient occupancy tax; and, reiterated that Middleburg provided a separate designation.

Ms. Erikson reported that Visit Loudoun's goal/objective was to generate an awareness of Loudoun County and what was unique about it. She noted that Middleburg was a key jewel. Ms. Erikson reported that for many years, Loudoun County has been advertised as DC's Wine Country. She advised that one of the initiatives of the marketing department was to land a signature article about Wine Country in Money Magazine and reported that they landed two – one that talked about the key wine countries including Middleburg and one that talked about where to stay, including the Middleburg Country Inn.

Ms. Erikson advised that Epicureans Virginia was in its sophomore year last year. She reminded Council that it was held in Morven Park in Leesburg. Ms. Erikson reported that it saw a seventy-five percent increase in attendance over its first year. She further reported that more than fifty-five percent of the attendees visited other attractions. Ms. Erikson advised that thirty-one percent of attendees stayed overnight. She presented visuals of the event. Ms. Erikson noted that their branding was intentional and explained that because they wanted it to scream "Loudoun County", they used a lot of barn wood and textures. She reported that the event has now been extended to include Virginia and noted that they were working with the Virginia Tourism Corporation and Virginia Wine Marketing Office as key partners. Ms. Erikson reviewed some of the activities associated with this event including a Virginia wine education activity, VIP experience, Loudoun County wine speed blending competition and butchering demonstration. She reported that they dedicated \$100,000 toward a regional advertising campaign and opined that they delivered incredible media coverage.

Ms. Erikson announced that Loudoun County would host the Wine Tourism Conference in November and noted that this was the first time this conference has left the west coast. She opined that this spoke to what was happening in Virginia and Loudoun County from a wine perspective.

Ms. Erikson noted that some of their other initiatives included a Weddings in Loudoun County Tour, DC Cool and Holiday Sweepstakes. She advised that the sweepstakes alone generated one million Facebook impressions.

Ms. Erikson reported that some of the items they supported included serving as a \$25,000 sponsor of the Middleburg Film Festival and providing a \$3,100 marketing grant for Shakespeare in the Burg. She advised that Middleburg and Salamander were a huge part of their product and noted that Salamander allowed them to go after the type of media coverage and groups they never could look at before. Ms. Erikson advised that they were now working with a lot of corporations that they never could have before as companies were bringing in their executive teams and boards for retreats.

Ms. Erikson distributed a handout to Council identifying the media stories they pitched on Middleburg and noted that they did so every day. She advised that as the result of the articles, Visit Loudoun provided just over \$2 million in Middleburg awareness.

Councilmember Murdock noted that there were a lot of small businesses in Middleburg. She opined that they may not all be doing as well as they could. Ms. Murdock noted that the monthly Treasurer's report showed that the smallest increase in taxes occurred in sales taxes, with that category only increasing by two percent. She questioned what Visit Loudoun was doing to help the small towns in Loudoun County.

Ms. Erikson noted that she has talked to the Mayor about this and has done some trouble shooting. She advised that they offered direct promotions and opined that the social media and digital promotions were the most flexible. Ms. Erikson noted that she would be in Middleburg for the Sidewalk Sales Weekend and would be heavily promoting that event. She reported that in Leesburg, they worked closely with the Downtown Business Association. Ms. Erikson advised that in Middleburg they worked closely with the Biz Buzz and noted that they did the same with Purcellville. She acknowledged that the shops made the communities unique and advised that she wanted to make sure they were as engaged as they could be with them.

Ms. Erikson noted that breweries, distilleries and cideries were reshaping the landscape from a retail standpoint and opined that this would help the small businesses. She suggested this luxury component was important when considering creating a new brand. Ms. Erikson advised that they recently studied the profile of a craft beer connoisseur and advised that she would return in the future to talk about that with the Council.

Councilmember Murdock noted the importance of the horse industry. Ms. Erikson agreed and noted that it was what made Loudoun County unique. She confirmed that this was a big part of their offering.

Councilmember Shea noted that many of the businesses in Middleburg were small and had no staff. She further noted that this limited the amount of time and funding they had for media work. Ms. Shea questioned whether there was a way for Visit Loudoun to address this for small towns.

Town Administrator Semmes opined that there may be opportunities to target things in the next year. She suggested Visit Loudoun could provide their expertise and bring it to the small businesses.

Ms. Erikson advised Council that they frequently worked with reporters and even brought them out to talk about the small historic communities. She reported that they recently brought a group of eight journalists from Brazil to Middleburg. Ms. Erikson stressed that a key part of what Visit Loudoun did was to work with the media. She reported that they recently had a group of meeting planners come in and noted that Mayor Davis welcomed them. Ms. Erikson explained that part of their message was that their business was important to us.

Mayor Davis thanked Ms. Erikson and noted that she has worked there for many years in different capacities. She opined that Visit Loudoun supported the Town immensely.

Ms. Erikson advised Council that she would like to provide them with a report on an annual basis.

Vice Mayor Kirk thanked Mayor Davis for all that she did for the Town.

Action Items (non-public hearing related)

Council Approval – Request for Funding – *Open Late* - National Sporting Library & Museum

Melanie Mathews, of the National Sporting Library & Museum, distributed copies of an update to her letter. She advised Council that since she arrived at the National Sporting Library, she has been asking people what they would like to see and if there was something that was not being done. Ms. Mathews explained that as a result, she came up with the idea of *Open Late*. She advised that she wanted to start with bands on the museum's terrace, with people having picnics on the lawn. Ms. Mathews noted that the concerts would be free, with craft wines and beers being offered. She explained that she was trying to attract people on the fourth Friday of each month from April through September. Ms. Mathews reported that the Piedmont Symphony Orchestra would bring between thirty-five to forty performers in June and would perform patriotic music in anticipation of the upcoming Fourth of July holiday. She noted that there would be a cost for the orchestra and the sound equipment and advised that she was asking the Council for assistance in the amount of \$2,000.

Councilmember Shea questioned whether Ms. Mathews planned to let the businesses know about the schedule. She noted that her store was already open until 6:00 p.m. so this would not be different for her; however, if she expected her to stay open until 7:00 or 8:00, that was a different decision. Ms. Shea advised that what was being asked of the businesses was not clear.

Ms. Mathews explained that she had only started to feel out the businesses and was waiting to see if they wanted this to happen. She noted that she had spoken with Punkin Lee to ask for the e-mails of the businesses so she could send them a general e-mail. Ms. Mathews advised that she did not expect that all of the businesses would participate, even though she hoped they would. She suggested that she could work with them in other ways, such as distributing coupons. Ms. Mathews advised that she was asking those that did not have evening hours, such as banks, to volunteer at the event. She explained that she was trying to find multiple ways to work with people. Ms. Mathews reiterated that she would send out the schedule. She expressed hope to secure the logos and web addresses for those business' that were staying open late so they could be included in their marketing. Ms. Mathews expressed hope that people would come, visit and possibly wander around town.

Councilmember Shea questioned whether Ms. Mathews had worked with the Police Chief on traffic control. Ms. Mathews confirmed she had spoken with him. She advised that she was uncertain as to the number of attendees. Ms. Mathews reiterated that she had put the Chief on alert about the event. She noted that she was working with the alumni associations for Virginia Tech and George Mason University; and, advised that they would send out information on the concerts to their alumni.

Vice Mayor Kirk noted that she liked the idea of the event. She expressed concern, however, that the Town was already giving the National Sporting Library money by paying rent and the taxes on the Pink Box, as well as paying for its upkeep. Ms. Mathews advised Council that she has filed an application with the County to make the property tax exempt. She noted that she and the Town Administrator have been regularly meeting to discuss this issue.

Councilmember Shea questioned whether food would be served. Ms. Mathews advised Council that they would love for the restaurants to participate; however, if they could not, they were looking at food trucks. She acknowledged the need for permits. Ms. Mathews advised that the trucks could park in their lot. She reiterated that she would give the Middleburg businesses the first right of refusal.

Councilmember Snyder opined that this was a great idea as it provided an opportunity for those who lived here to acquaint themselves with the National Sporting Library. He further opined that it would provide a great opportunity for businesses that needed to wake up and see that staying open later was a great idea. Mr. Snyder questioned whether plans have been made in the event of adverse weather.

Ms. Mathews reported that the concerts would be held rain or shine. She opined that if it rained, people would not show up; however, she advised that they would move the concerts inside.

Councilmember Snyder noted that he was involved with the Bluemont Concerts and suggested there may be an opportunity for Bluemont to work with the National Sporting Library.

Ms. Mathews advised that she has been in the museum industry for twenty-three years. She opined that the point of a museum was to serve as a community resource. Ms. Mathews advised that they put Wi-Fi in the library, which has promoted its use and noted that she loved it when the building was used.

Vice Mayor Kirk moved, seconded by Councilmember Snyder that Council approve the National Sporting Library's request for special event funding in the amount of \$2,000.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Scheps, Shea and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Request to expand Town Corporate Limits – Harvest Mediterranean Church

Town Administrator Semmes advised Council that Reverend Hill has been looking at some property on the east side of town and wanted to know what would be involved in having the Town expand its corporate limits to take in a parcel that he was looking at in order to construct a new church. She reported that she explained to him that this would be the prerogative of the Council and that they have been reluctant to expand the corporate limits. Ms. Semmes reminded Council that they had his information, as well as a map of the parcel that would need to be annexed to accommodate Rev. Hill's plan.

Brian O'Connor, an attorney, appeared before Council representing Rev. Hill. He noted that he has known Rev. Hill for many years; however, he was only just asked to assist with this request. Mr. O'Connor advised that Rev. Hill had a great need to build a church and noted that he was currently renting school space. Mr. O'Connor advised Council that he was formerly the Mayor of Falls Church and when he had a need to reach out to the community, he found churches to be very useful for those purposes. He conceded that it was unlikely that the church would bring a lot of revenue into the Town's coffers. Mr. O'Connor reported that this would be a small church on the end of Federal Street and opined that the lot would be a good site. He noted that there may be an issue with regard to access. Mr. O'Connor explained that Rev. Hill would like to know if the Council would be interested in this and advised that he would love for his church to be a part of the town.

Mayor Davis reminded Council that the issue before them was whether they were willing to entertain the idea of a boundary line adjustment.

Mr. O'Connor reported that the property consisted of a little over twelve acres, four of which were in town and zoned residential. He explained that before Rev. Hill went to his congregation to spend money on developing details, he wanted to know the Council's thoughts on a boundary line adjustment.

Councilmember Murdock noted that the Town Administrator's memorandum mentioned a three hundred seat sanctuary. Mr. O'Connor explained that ten acres was required for three hundred seats. He advised that their point was the building size would not exceed that.

Councilmember Murdock reported that she conducted some research with the local churches and advised that all of the churches combined did not experience three hundred attendees during Christmas or Easter services. She noted that there were four churches in town and one outside of town. Ms. Murdock suggested a three hundred seat sanctuary was large. She expressed concern about the expense and funding.

Mr. O'Connor noted that he has not previously participated in the discussions regarding this project. He opined that the three hundred number was a threshold for zoning.

Rev. Hill confirmed the number of seats would not exactly be three hundred and advised that he was estimating the figure when talking about the chapel and sanctuary. He confirmed that he was only saying the size would not be more than three hundred seats. Rev. Hill reiterated that this was not an actual number. He reported that they had fifty members in their congregation, although at times they experienced a larger crowd.

Vice Mayor Kirk opined that there may be three hundred people for weddings or funerals. Rev. Hill reported that there were normally one hundred people at a funeral.

Councilmember Littleton questioned whether the proposal was to construct the church on the parcel that was not in the Town limits. He further questioned whether it would be visible from the road. Mr. Littleton opined that if it was on the piece that was in the Town limits, it would not.

Rev. Hill confirmed the church would be seen from Route 50. He advised that his engineer indicated that access would be needed from Route 50; therefore, they would have to create a new entrance.

Councilmember Hazard questioned the advantage of annexation. Rev. Hill explained that the property was now split by the corporate boundary. He advised that in order to build a church in the County, the property must contain at least ten acres.

Councilmember Shea expressed concern with regard to the floodplain. Town Administrator Semmes explained that there were regulations in terms of grading and protecting the stream that would have to be addressed. She noted that the property was sloped. Rev. Hill advised Council that his engineer indicated there was enough property that there would not be a flood issue. Town Administrator Semmes explained that she was talking about the impact on the stream.

Mayor Davis inquired as to the Council's thoughts on bringing the property into the Town limits. She noted that in the past, the Council has been solid in its stance that it would not change the Town limits. Ms. Davis reminded Council that they denied a similar request on the west end of town.

Councilmember Snyder expressed concern about this application as it would put stress on the utilities on the east end of town. He reminded Council that this area already had poor water pressure. Mr. Snyder noted that the Town would be annexing a large number of acres considering the size of the town. He reminded Council that this property could eventually be used for another purpose if the church ever decided to relocate; and, could be open for additional housing.

Mr. O'Connor noted that the Town would have more control over the development.

Councilmember Snyder explained that the church was trying to locate in an area where the Town was already struggling with its utilities and noted that they would not pay taxes. He agreed the availability fees would be high; however, he noted that the cost to provide utility service would also be very high.

Councilmember Littleton reported that he was familiar with the parcel beside this one. He advised that an individual who was interested in constructing a house there found that the cost to bring the utilities to the property was well over \$100,000 and noted that even then, the sewer must be pumped. Mr. Littleton noted that this price was more than five years old and advised that it could be more today.

Mr. O'Connor questioned whether the Town had any objection to a church going on that parcel if the Town was not inconvenienced.

Town Administrator Semmes questioned whether the property would be developed with a well and septic drain field. She noted that the Council has not, in the past, been interested in extending utilities outside of the corporate limits. Mr. O'Connor confirmed the church would need Town water. Councilmember Snyder advised Mr. O'Connor that the Town did not extend its utilities past the corporate limits.

Councilmember Littleton opined that there were a lot of obstacles to putting a church on this property. He advised that he did not want the church to spend \$15,000-20,000 on planning when it probably would not work.

Rev. Hill advised that he could not buy the property and then find out he could not build on it. He noted that he needed the support of the Council. Rev. Hill advised that he loved Middleburg and would love to stay here and be a part of the community. He acknowledged that there was a lot that must be dealt with and advised that finances were not a problem.

Mayor Davis opined that the Council was not saying "no"; however, it was acknowledging that there would be a lot of obstacles, such as the sewer. She expressed concern about placing an entrance on Route 50 and noted that this was a dangerous location.

Rev. Hill opined that the traffic would not be more than would occur if there was a major funeral in town.

Councilmember Shea explained that the issue was not the traffic, but rather where it entered Route 50. She further explained that the issue was where it would impact the existing traffic pattern.

Councilmember Snyder noted that the Mayor stated that the Council was not opposed to this request; however, he advised that he would vote "no" on a boundary line adjustment, as he did not believe it was appropriate or in the best interest of the Town.

Councilmember Littleton questioned whether Rev. Hill has asked VDOT if there was site clearance for an entrance off Route 50 and opined that this would be a major issue. He noted that he lived two doors down from this property for forty-two years and advised that when someone else proposed to do something in this area, VDOT said they would have to put their entrance on Federal Street.

Rev. Hill suggested they could take the traffic through the back of the property. Councilmember Shea explained that part of the issue was this property and noted that it was located at the worst end of the Town's water system and was on a dead end street that would be hard to expand. She noted that the Town has declined to approve boundary line adjustments in the past.

Rev. Hill inquired as to the difference between a church and houses being located on this property. Councilmember Shea advised that the Council would not approve a boundary line extension for houses either.

Rev. Hill opined that if he did not have the Council's support, he would be wasting his time going to VDOT.

Councilmember Murdock opined that even if he could get the Council's support, there were too many problems. She expressed a desire that Rev. Hill find another piece of property for his church.

Mr. O'Connor advised Council that he would explain the issues to Rev. Hill. He opined that it was beneficial to hear the issues from the Council.

Councilmember Snyder wished Rev. Hill and his congregation well. He noted that this property was not right for annexation for any purpose.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Scheps, that Council approve the January 8, 2015 Regular Meeting and January 22, 2015 Work Session Minutes as amended.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Scheps, Shea and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Staff Reports

Vice Mayor Kirk advised that it was nice to get the staff’s monthly reports on Friday in the agenda packets as opposed to the day of the meeting.

Town Clerk North reported that the Town Planner’s computer was hit with a virus last Thursday that sought out the Town’s core operating system, which was the public drive where the majority of the Town’s electronic documents were stored. She further reported that this virus then encrypted all of the files on that drive. Ms. North advised that the staff had the Town’s IT support staff in on Friday to remove the virus and re-install the Town’s files using its back-up data. She noted that because the Town backed up its data off-site, it only lost the files that were created on Thursday. Ms. North advised that the Town Planner’s computer was, however, entirely destroyed; therefore, in addition to losing Thursday’s files, he also lost any e-mails that were more than two weeks old. She reported that the staff was working with the IT support staff and the Virginia State Library on this matter. Ms. North explained that this was the reason some of the monthly reports were late.

Councilmember Snyder volunteered to assist the Town’s IT support staff in ensuring that the Town’s system was more secure.

Town Administrator Semmes reported that she learned earlier in the day that the money the Town requested from the County for the Route 50 Traffic Calming Project was placed in their CIP for next year. She noted that more funding was included than was requested. Ms. Semmes expressed hope that the CIP would be approved.

Town Planner Moore noted that the Council did not have a monthly report from him. He reported that the Salamander request has been the focus of his work. Mr. Moore advised Council that he issued a temporary occupancy permit for the Federal Street Office Building and noted that there were a couple of outstanding issues, such as landscaping and the final pavement in the right-of-way, that needed to be addressed. He noted that they also needed to return to the HDRC on some small items, such as the installation of doors that were shown as windows on the approved plans. Mr. Moore reported that the applicant had a time line to get those issues rectified.

Vice Mayor Kirk commended Mr. Moore on doing an outstanding job on the Salamander request.

The members of Council agreed that they liked the new format for the **Treasurer’s report**.

Councilmember Shea asked that the Council keep an eye on the Health Center Fund and noted that it remained out of proportion.

There being no further business, Mayor Davis declared the meeting adjourned at 8:54 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk