



## MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



Thursday, October 13, 2016

PRESENT: Mayor Betsy A. Davis  
Councilmember J. Kevin Daly  
Councilmember Kevin Hazard  
Councilmember Trowbridge "Bridge" Littleton  
Councilmember Philip Miller  
Councilmember Kathy Jo Shea  
Councilmember Mark T. Snyder

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

ABSENT: Vice Mayor Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, October 13, 2016 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**

Jilann Brunett, 204 Sycamore Street, appeared before Council representing Second Chapter Books. She expressed an understanding that the Town could not have the Health Center space ready by October 31 and noted that they were losing the lease on their building on that day. Ms. Brunett requested the temporary use of the garages behind the Health Center in order to store their fixtures. She reminded Council that the holiday season would begin in four weeks and noted that this season represented the lions' share of the profits for most small businesses. Ms. Brunett advised that they should place their merchandise orders now or soon. She reported that they were exploring their options to address their lease dilemma, including another space for a pop-up store. Ms. Brunett advised that if that did not occur, they would like to store their shelving and furnishings to facilitate a quicker move when the Health Center space was available. She requested the Council's consideration of their request and asked that they let her know immediately in the event she needed to make other arrangements.

### **Public Hearing**

#### **Ordinance pertaining to limited residential lodging (short-term rentals)**

Town Planner Moore reminded Council that they began discussing the transient rentals of residential dwellings, which was an emerging use, a year ago. He noted that it has been popularized through hosting platforms, such as Airbnb. Mr. Moore advised that they used to be found in vacation destinations, such as beach front property, where individuals rented out a portion or all of their

residential dwellings for periods of fewer than thirty days. He reiterated that this was an emerging use that was spreading nation-wide and world-wide. Mr. Moore opined that local ordinances have not kept up with the use. He reminded Council that this use had popped up in Middleburg and noted that he had to intervene on two occasions with property owners as this use was currently not permitted under the Town's use regulations. Mr. Moore opined that it was important to define the use, knowing the Town would likely see more of it in terms of requests, and to develop regulations for the use. He noted the need to determine the zoning districts in which the Council may wish to consider allowing it and what regulations would go along with the use. Mr. Moore reminded Council that they initiated an ordinance in June to define the use; establish it as a special permit use in the R-1, R-2 and R-3 Districts; and, establish minimum performance standards that an application must meet. He noted that this ordinance was referred to the Planning Commission, who deliberated and held a public hearing on it. Mr. Moore further noted that they made some minor revisions and forwarded the ordinance to the Council in August. He reminded them that they reviewed the ordinance last month and directed one additional revision to add a performance standard. Mr. Moore advised that they were now at the point where they were required to have a public hearing and noted that they could make modifications, if necessary, and consider whether they wanted to adopt the ordinance.

Aleco Bravo, of Rutledge Farm, advised Council that he owned four residential/commercial properties in town, including one at the intersection of Marshall/Pendleton Streets. He noted that the latter property was zoned C-1 Commercial. Mr. Bravo suggested the ordinance include C-1 properties for short-term rentals and opined that his property would be a perfect spot for them.

Beth Erikson, of Visit Loudoun, reported that she had been working on this issue at both the state and local levels. She encouraged the Council to look at how to define it in terms of scope of business to ensure the Town collected transient occupancy and sales taxes. Ms. Erikson opined that part of the struggle of short-term was defining the term "occasional". She asked that the Council consider that when properties were used as a primary source of business that they needed to ensure they were in compliance in terms of local zoning ordinances and the collection and remittance of taxes.

Stephen Plescow and Prem Devadas appeared before Council representing Salamander Development. Mr. Plescow thanked everyone for working hard on the ordinance and opined that they have done a good job of following the state standards to ensure the ordinance would be sustainable if challenged. He expressed concern about the requirement for a minimum of a two night stay and noted that this was not something included in the State's regulations. Mr. Plescow further expressed concern that the inclusion of this provision could put the Town in a position where the ordinance could be challenged. He noted that the Council asked the Town Planner to prepare a map of the potential properties that could be eligible to apply for a special use permit if they met the minimum standards and advised that they would knock out approximately forty percent (40%) of the lots in the Ridgeview Subdivision. Mr. Plescow noted that the Town Planner also offered incremental designations if there was a change to the lot size requirements. He advised that Salamander would not be affected until the number increased above eleven thousand square feet. Mr. Plescow explained that he was trying to be sensitive to not having an ordinance that could be challenged if too many properties were excluded or if the regulations deviated too far from the State's. He opined that the other standards did a good job of protecting the Town's interest and were flexible enough that the Council could look at each request on a case-by-case basis in order to regulate this use effectively.

Mr. Devadas reported that the Salamander Resort would ensure that this was treated as a business, with all applicable taxes being collected. He expressed an understanding of why the Town would want to consider requiring a minimum two night stay and suggested that, for the most part, their business would involve more than the two night minimum. Mr. Devadas noted, however, that there may be cases where they have a special request for a one night stay and cited the examples of very high profile groups who may want to put an individual in a house for privacy and security reasons and/or executives who may want to fly in and out for an event. He asked that the Council explore a

process to request an exception for certain things if they decided to go with the two night minimum. Mr. Devadas recognized the Town's interest in ensuring these properties were not used as party houses and advised that he had the same concern. He explained, however, that he wanted to make sure they were able to accommodate high profile groups. Mr. Devadas noted that he also shared Mr. Plescow's concerns regarding changing the minimum lot size requirement and advised that this could affect five of Salamander's lots. He opined that such a change may unfairly treat a number of people.

No one else spoke and the public hearing was closed.

### **Action Items related to Public Hearings**

#### **Ordinance pertaining to limited residential lodging (short-term rentals)**

Councilmember Shea noted that the twenty mile limit was left in the ordinance related to property management. She questioned whether the Council voted or reached a consensus on that distance. Councilmember Snyder noted that while he opposed that number, the Council did reach a consensus on it.

Councilmember Shea noted that with regard to the two night minimum stay, while an individual would be required to rent the property for two nights, no one would check to see if they were in the bed. She suggested that if a high profile group came in, they could rent it for two nights but only stay for one.

Councilmember Littleton noted that, as written, the ordinance only applied to the R-1, R-2 and R-3 zoning districts. He questioned whether someone who had a home that was zoned commercial would be permitted to use that property as something like a bed & breakfast. Mr. Littleton questioned whether a commercial building was about being residential. He questioned whether having the ability to run a business in a commercial building already empowered the owner to have single night rentals.

Town Planner Moore confirmed it did not by definition. He noted that the commercial districts did allow for certain types of transient rental uses, such as bed & breakfasts, and advised that there was nothing to prevent an owner in the C-1 District from applying for that use. Mr. Moore noted that there were standards that went along with it. He advised that the reason commercial properties were not included in this ordinance was that there were very few houses in the commercial districts in Middleburg. Mr. Moore reminded Council that the proposed ordinance looked carefully at how this use was defined. He noted, in speaking to Ms. Erikson's point, that this ordinance did not provide for properties to be used solely for this use and advised that it required that the property be primarily used as a residence for more than half of the year. Mr. Moore explained that this must be a secondary use for the property, which was why it concentrated on residential districts, where the bulk of residential uses were found. He noted that there could still be commercial properties that were used for residential uses; however, they were not eligible for this use the way the ordinance was currently written. Mr. Moore suggested the Council could make a further amendment to the ordinance in the future if it wanted to evaluate how many other properties would be affected. He further suggested the Council could consider extending it to single-family detached dwellings in commercial districts.

Councilmember Littleton opined that that may be the right solution. He noted that this ordinance had been around for a year and advised that he did not want to send it back to the Planning Commission. Mr. Littleton suggested it return after the Council thought more about it.

Councilmember Hazard noted the comment on the minimum lot size. Town Planner Moore advised Council that he did not mean to imply that they should consider changing this number. He reminded them that they questioned how many properties the ordinance would potentially apply to and advised that he provided a rough estimate based on single-family detached dwellings that were at least ten thousand square feet in size. Mr. Moore noted that this was roughly one hundred one (101) lots,

excluding the Salamander development. He advised that, if for some reason that number was shocking to the Council, he wanted to show how it would be impacted if the requirement was increased to eleven or twelve thousand square feet. Mr. Moore reiterated that he was not suggesting a change and was providing information in the event the Council wished to consider that.

Councilmember Snyder noted that he was hesitant to open this use to smaller lots. He suggested it would result in more transients, which would create problems.

Town Planner Moore noted that he was not suggesting lowering the lot size requirement and advised that the base line was already ten thousand square feet. He explained that he provided the options to potentially increase the minimum lot size, which would net out some of the existing lots that would be eligible.

Councilmember Hazard questioned whether ten thousand square feet was included in the State's criteria.

Town Planner Moore reminded Council that the State legislation basically exempted residential uses from being regulated. He advised that, in that case, this use would not only apply to single-family dwellings on large lots, but would also apply to townhouses and apartments.

Councilmember Snyder opined that the State legislation was centered on who would get the revenue and whether localities should get anything. Councilmember Shea opined that it also affected the right of communities to make decisions.

Town Planner Moore confirmed the legislation was very clear about usurping local zoning authority and noted that that was its intent.

*Councilmember Littleton moved, seconded by Councilmember Shea, that Council adopt AN ORDINANCE TO AMEND ARTICLES II, V, X AND XVI OF THE MIDDLEBURG ZONING ORDINANCE PERTAINING TO LIMITED RESIDENTIAL LODGING.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, Shea and Snyder  
No – N/A  
Abstain: N/A  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie.)

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**Special Recognition by Mayor and Council**

Council Approval – Resolution of Appreciation – Kathyjo Shea

*Councilmember Snyder moved, seconded by Councilmember Daly, that Council adopt a resolution extending its appreciation to Kathyjo Shea for her service on the Middleburg Town Council from July 1, 2008 through October 15, 2016.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, and Snyder  
No – N/A  
Abstain: Councilmember Shea  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie.)

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Mayor Davis read the resolution aloud and presented a signed copy to Ms. Shea. She also presented her with an engraved vase. Ms. Davis expressed her sincere appreciation for Ms. Shea's hard work on the Council and noted that she always went above and beyond what was required by volunteering to do things. She advised that she would miss her determination to get things done and noted that she stood up for her principals. Ms. Davis reiterated her appreciation and noted that she would miss having Ms. Shea on the Council.

### **Public Presentation**

Beth Erikson, of Visit Loudoun, thanked the Council for thinking about how to handle complex issues. She presented a brief update on Visit Loudoun, and the County as a whole; what they were doing to support the Town of Middleburg; and, their plans for the coming year. Ms. Erikson noted that they refined their Vision Statement to talk about the economy and the economic and quality of life benefits of sharing our home with visitors. She further noted that it talked about ensuring that Loudoun County was perceived as the preferred east coast destination for lovers of epicurean, artesian and culturally rich experiences, which spoke to Middleburg. Ms. Erikson advised that they also continued to talk about continuing the enhancement of Loudoun County's economy and quality of life through tourism.

Ms. Erikson reported that tourism generated \$1.64 billion in visitor spending, supported 17,000 jobs and paid \$632 million in wages in Loudoun County. She noted that the tourism industry was larger than the County government and public school system combined. Ms. Erikson advised that Visit Loudoun continued to tell that story every day. She noted that they were seeing increased numbers, in particular with regard to jobs. Ms. Erikson reported that they have seen a 3.3% increase in jobs and a 5.4% increase in wages. She further reported that tourism provided \$26 million in taxes and \$689 million in tax relief. Ms. Erikson explained that the taxes involved the transient occupancy (lodging) tax, sales tax and other taxes associated with a transaction.

Ms. Erikson reported that weddings were a huge business and advised that Loudoun County was a desirable wedding destination due to its resorts, barns and wineries. She noted that meetings were also a key component of tourism. Ms. Erikson reported that sports tournaments were also a large component and noted that in July, there were more than eleven thousand ponytails in Loudoun County for softball tournaments. She opined that such tournaments were recession proof as parents would make sure their children participated in these events. Ms. Erickson reported that Loudoun County was a destination for leisure visitors who came here for enjoyment.

Ms. Erikson reported that one of their campaigns that included Middleburg was Find Your Vine, in which they worked with twelve vineyards to promote and share stories of why people loved Loudoun County wine. She opined that it had fantastic results, with there being over one million impressions, six thousand followers and nine hundred forty-eight sweepstakes entries. Ms. Erickson advised that they offered landing page engagement, which provided people with the ability to engage and talk about why people were entering the contest and to comment on photos. She noted that Greenhill Winery and Chrysalis were two of the County's twelve wineries.

Ms. Erikson reiterated that weddings were a huge business and reported that they offered a self-guided wedding tour, which exceeded their expectations. She noted that the Salamander Resort and Goodstone Inn were involved. Ms. Erikson reported that they had over thirty-nine venues and twenty-four vendors, with guests going to the venues to meet with vendors. She advised that they had over two hundred thirty-five attendees and noted that twenty-four weddings were booked in one day. Ms. Erikson advised that they would continue to offer this campaign.

Ms. Erikson reported that they were involved in two international visitors' campaigns - Middleburg in Canada and Middleburg in China – involving dedicated outreach and involvement. She explained that they selected Canada because it was the number one international destination coming into the United

States. Ms. Erickson noted the spending potential of those visitors in Middleburg as they traveled south. She reported that they went into Canada to talk about Loudoun County and Middleburg; and, noted that their speaker was a huge hit as he spoke French. Ms. Erickson advised that Chinese visitors were a huge market for the United States. She reported that last year, a direct flight was launched from Beijing into Dulles and noted that a trade delegation traveled there in 2014 to begin a sister airport relation with Dulles. Ms. Erickson advised that they took Middleburg to the Beijing Airport and displayed two of twenty Middleburg advertising displays that were now in the airport. She noted that one of them depicted shopping and another depicted fox hunting, which were key experiences the Chinese traveler wanted.

Ms. Erickson reminded Council that they received a written description of what Visit Loudoun did and a media report of the work they were doing. She reported that they generated \$4.2 million in earned media coverage and had two hundred sixty-five million views of things that said “Middleburg”. Ms. Erickson noted that they would continue with that moving forward as they have had success with it. She opined that Middleburg made for a unique destination, which they would continue to push.

Ms. Erickson noted that agriculture was a big part of Loudoun County’s economy. She advised that they wanted to make sure visitors had an authentic experience; therefore, they were bringing producers into hotels and restaurants to deliver their products to the end customer. Ms. Erickson reported that they would hold another wedding forum in November and would continue with their spring tour.

Ms. Erickson reported that one new item that they were doing was residence campaigning in Loudoun County. She opined that many residents did not know about Visit Loudoun. Ms. Erickson noted that Loudoun County was a huge, diverse and heavily populated county and expressed a desire to move people from the east to the west for shopping and dining.

Ms. Erickson reported that the International Pow Wow (IPW), which was the top international show in the world, was coming to Washington, DC. She noted that it consisted of international travel operators. Ms. Erickson advised that this was the first time it had been in Washington, DC. She reported that they were working with their counter parts from Fairfax, etc. to bring the guests out into Loudoun County. Ms. Erickson advised that they were thrilled with their partnership with the Virginia Tourism Corporation and noted that Northern Virginia was selected to host a lot of the pre-activities. She explained that visitors did not recognize boundaries and opined that it was important that everyone work together in Northern Virginia.

Ms. Erickson expressed appreciation for their partnership with the Town and for having the Economic Development Coordinator serve on their Board of Directors. She noted that Middleburg’s businesses have been good to them.

Mayor Davis thanked Ms. Erickson for all that Visit Loudoun did for Middleburg and noted that they provided a tremendous amount of publicity. She opined that their Facebook campaign was fun. Ms. Davis advised that she loved their Lost in Loudoun campaign.

Ms. Erickson reminded Council of the Epicureans event on October 15<sup>th</sup> and noted that it would be held at One Loudoun.

### **Approval of Minutes**

*Councilmember Snyder moved, seconded by Councilmember Daly, that Council approve the September 8, 2016 Regular Meeting, September 16, 2016 Work Session and September 22, 2016 Work Session meeting minutes as amended.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, Shea and Snyder  
No – N/A  
Abstain: N/A  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie.)

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### **Staff Reports**

**Stuart Will, of IES**, reported that October had been busy for the utilities department and noted that they were moving forward on some things.

Town Administrator Semmes reported that the Town was about to get its renewed permit for the wastewater treatment plant. She advised that it was currently under review by DEQ and the EPA. Ms. Semmes expressed hope that it would be issued next month.

Mr. Will noted that they wanted the application submitted one hundred eighty days prior to the renewal date, which the Town did. He advised that DEQ was backed up on their permit renewals.

Mayor Davis questioned when the streetlights would be installed on the east end of town. She asked that this not be done during the Middleburg Film Festival.

**Town Administrator Semmes** advised that she would make sure they were not installed during the festival. She noted that they were supposed to be delivered around October 10<sup>th</sup>. Ms. Semmes advised Council that she would provide them with an update on the anticipated schedule.

Councilmember Littleton noted the brick that was installed a year ago at the crosswalk in front of Mosby's Tavern, which was very different from what was used on the Washington Street Project. He further noted that that brick was perfect, whereas the brick that was installed on Washington Street, including the replacement brick, were already broken. Mr. Littleton opined that it was a defective product as they continued to deteriorate.

Councilmember Miller opined that it was an inappropriate product for that use.

Town Administrator Semmes noted that she would let VDOT know of the Town's concerns.

**Economic Development Coordinator Pearson** displayed the Christmas ornament that local artist Deb Cadenas made for the Town for the Governor's tree. She reported that she would send it in within the next few days.

Councilmember Shea noted that a ceremony had been scheduled for November 2<sup>nd</sup> for the Route 50 Project. She further noted that this was not discussed with the Council. Ms. Shea recommended that in the future, the Council be polled on their availability prior to sending out a public announcement.

**Town Planner Moore** reported that the RFP for Comprehensive Plan services had been issued, with a deadline of November 10<sup>th</sup>. He further reported that the HDRC would hold a special meeting on October 20<sup>th</sup> for a public hearing on a demolition request for the Shiloh Baptist Church parsonage. Mr. Moore noted that the demolition was previously approved in 2010; however, the COA was only good for a year. He explained that the church did not have the money to pursue it at that time and was now requesting re-approval. Mr. Moore noted that he had already been contacted about this request. He advised that the HDRC was not obligated to approve it again. Mr. Moore noted that it was a contributing structure in the Historic District; however, it had a lot of issues.

Councilmember Snyder inquired as to the size of the building. Town Planner Moore reported that it was less than one thousand square feet in total.

Mayor Davis noted that the Town Planner's report mentioned a pre-application meeting for property at 301 East Marshall Street. Town Planner Moore noted that it should say "Washington Street".

Councilmember Shea questioned the details of the potential infill development on the southwest corner of Washington and Jay Streets. Town Planner Moore advised that all he had seen was a box on a plat. He further advised that they were talking about another office building that would front on Washington Street. Mr. Moore advised that they would push the current entrance further to the south toward the new office building and create parking behind it. He reported that the concept was very basic at this time.

Councilmember Shea questioned whether this would trigger the need to construct the remainder of the sidewalk. Town Planner Moore confirmed it would.

Councilmember Hazard noted that the revenue side of the Treasurer's reports were red and suggested that was because it was early in the year. He questioned whether there was an easy way to add a column to identify where the line item should be, even if it was in a percentage. Mr. Hazard noted that some revenues were only received once or twice a year. Town Treasurer Bott confirmed she could add another column. Councilmember Snyder opined that Councilmember Hazard wanted text, not just calculations. Mayor Davis suggested the need for a column identifying the year-to-date numbers.

Councilmember Littleton opined that the budget was only accurate from a planning perspective once a year.

Councilmember Shea noted that the Council could make budget changes during the year.

Councilmember Littleton suggested the need to formulate the budget from month to month.

Councilmember Snyder noted that while he watched the General Fund for many years, it worked out during all of those, with the exception of one or two. He advised that he now concentrated on the Utility Fund, which varied more. Mr. Snyder opined that it helped that billings were done every other month, as opposed to every third month.

**Chief of Police Panebianco** reported on a recent incident that could have gone bad very quickly. He advised Council that Officer Putnam responded to a call from someone who thought an individual was intoxicated; however, upon arrival, he recognized that she was having a sugar emergency and contacted the rescue squad immediately. Chief Panebianco noted the importance of being able to recognize this and advised that he had a hand in saving her life. He reminded Council that the behaviors for both were similar and opined that this worked out well for that individual.

Councilmember Snyder thanked the Chief for providing his officers with that training and noted that it was valuable.

Chief Panebianco noted that the officers took things seriously. He reported that all of the officers carried emergency medical tactical field kits so they could treat a serious injury before the EMTs arrived. Chief Panebianco noted that the officers were all trained and certified.



**Reports of Town Committees/Council Liaisons**

Councilmember Shea reported that Go Green was continuing to work on developing a spring run and advised that it may be a certified run, which would attract more people. She noted that a subcommittee was working with community groups on it. Ms. Shea reported that Go Green would like to join a movement, which Warrenton had already joined, called Walk Your Town. She advised that this would come to the Council for discussion during their next work session to seek funding to buy some temporary signs that would go up around town. Ms. Shea explained that Go Green had talked about making walks that were theme oriented, such as a history walk, to encourage people to walk in their own town. She strongly urged the Council to support this request.

**Action Items (non-public hearing related)**

**Council Approval – Resolution – Shiloh Baptist Church 150<sup>th</sup> Anniversary**

*Councilmember Snyder moved, seconded by Councilmember Daly, that Council adopt a resolution in honor and appreciation of the 150<sup>th</sup> anniversary of the Shiloh Baptist Church.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, Shea and Snyder  
No – N/A  
Abstain: N/A  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie.)

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Mayor Davis announced that the church would hold a celebration on January 28<sup>th</sup> and invited the members of Council to attend.

**Council Approval – Resolution – Revised County CIP Funding Request**

*Councilmember Snyder moved, seconded by Councilmember Shea, that the Council adopt a resolution requesting Loudoun County FY '18 CIP funding for the construction of a County facility sidewalk connection project. Councilmember Snyder further moved, seconded by Councilmember Shea, that the Council direct the staff to submit the resolution and a cover letter from the Mayor to the County.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, Shea and Snyder  
No – N/A  
Abstain: N/A  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie.)

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**Discussion Items**

**Request to connect to Town Utilities**

Mark Chretien, of Mount Defiance Cidery, reminded Council that he bought twelve acres on the east end of Federal Street, part of which was located in the town and part in the county. He reported that his intent was to plant an apple orchard and construct a barn on it. Mr. Chretien advised that he had a couple of issues that he wanted to explore with the Council. He explained that because this was a commercial use, even though it was a farm winery, the County said he needed a commercial septic field. Mr. Chretien advised that he did not mind that as he had plenty of land; however, the County was also insisting on a commercial well. He noted that it was not a dollar amount that was irritating;

and explained that it was that he would then have to be in the water business and test it for the rest of his life. Mr. Chretien advised that he would only use water for his toilets; however, the County said “people could still ingest the water”. He questioned whether he could hook up to the Town water system under these circumstances. Mr. Chretien opined that he would eventually become a part of the town through a boundary line adjustment. He reminded Council that the twelve acres contained three (3) different zoning classifications. Mr. Chretien opined that the Town was responsive. He noted that his business was state and federally regulated and licensed and was permitted by the Town. Mr. Chretien further noted that he applied to the County as a cidery; however, their ordinances did not allow him to ferment apples so he was also fermenting grapes, which was acceptable. He reported that he expected to be fully permitted by the County soon. Mr. Chretien reiterated his request to connect to the Town’s water system.

Mr. Chretien noted that the Town’s sewer treatment plant was located across the street from his property. He advised that there were only two sewer mains that were accessible – one at the intersection of Federal/Jay Streets and one on Route 50. Mr. Chretien reported that they measured the depth of the line at the intersection of Jay/Federal Streets and found it was ten feet higher than the location of his barn; therefore, it would require a grinder pump. He opined that the County would not approve of that. Mr. Chretien advised that connecting to the line across Route 50 would require boring under the road, which was expensive. He noted that he would just as soon have a septic system. Mr. Chretien reported that the water main was located on Route 50 at the next house. He advised that if the barn was a few feet over, it would be in Middleburg; however, that property was zoned R-1. Mr. Chretien explained that he wanted to get a sense of the Council’s feeling on his request.

Councilmember Snyder reported that the Town’s policy was that it did not extend water and sewer outside of the town limits; therefore, an annexation would be required. He inquired as to the amount of the twelve acres that was located within the town limits. Town Planner Moore opined that it was less than four acres.

Councilmember Snyder advised that the other issue was that the Town was trying to prevent septic fields in the town limits. He noted that if annexed, the parcel would have to connect to the Town’s sewer system. Mr. Snyder advised that he did not know how onerous that would be; however, he did not want Mr. Chretien to be surprised about this in the future. He expressed concern that the twelve acres would someday turn into houses and noted that when a farm left, in his experience, houses were usually built. Mr. Snyder expressed concern about future development of the parcel if it was in the town limits. He expressed an assumption that the development would be an intensive residential project if permission was received to change the use.

Mr. Chretien noted that he had not considered that possibility. He further noted that the portion of the property that was in the county was zoned A-2. Mr. Chretien advised that he would not subdivide it as long as it was in the county. He noted that the portion of the property that was adjacent to Federal Street was zoned R-1 and advised that he planned to construct his own house there. Mr. Chretien noted that the A-C land was in the floodplain; therefore, he was thinking of using it for nature trails and possibly more apple trees. He advised that all he cared about was having water. Mr. Chretien reiterated his concern that the County would never approve a grinder pump to pump the sewage uphill. He noted that the minimum cost for sewer was already \$30,000 for the tap fee and another \$10,000 for water. Mr. Chretien further noted the need to tunnel under Route 50, which would cost six figures. He opined that this was not economically feasible and advised that if the Town required it, he would withdraw his request to connect to Town water. Mr. Chretien advised that he was in an okay position either way. He noted that he had a VDOT permit for an entrance on Route 50. Mr. Chretien advised that what the Town wanted mattered to him; however, he did not want to go bankrupt to tunnel under Route 50. He noted that he could go along with a grinder pump; however, he reiterated his concern that the County would not approve it.

Councilmember Snyder explained that he was trying to figure out a way for Mr. Chretien to get what he needed; however, he wanted to let him know of his concerns so he would not think it would be easier than it would.

Mr. Chretien advised that if the Council was agreeable to his connecting to Town water and having a septic field, it could absorb him. He further advised that he would contractually say the property could not be developed with more than one residence.

Town Planner Moore reminded Council that less than four acres was currently in the town limits. He noted that of that amount, a little over an acre was zoned R-1, with the remainder in the rear being zoned A-C. Mr. Moore advised that the bulk of the property was in the County and was zoned A-2.

Councilmember Snyder explained that the reason he was hesitant about allowing a septic field was because the Town lived on ground water. He further explained that he was leery of allowing additional risks that may threaten the potability of the Town's water. Mr. Snyder noted that he was looking at ways to connect the five or six properties that were in town that had septic systems to the Town's sewer system. He reiterated that septic systems were a threat to the Town's ground water, which he was trying to eliminate.

Councilmember Littleton noted that if the property came into the town limits, it must connect to Town water and sewer. He explained that this was how everyone was treated and noted that the Town must be fair. Mr. Littleton opined that Mr. Chretien could bore under Route 50 or go uphill and use a grinder pump to achieve sewer. He noted that because the property would be annexed into the town, the Town would make that decision, not the County. Mr. Littleton advised that if the property stayed in the county, it could not connect to Town sewer. He further advised that if it stayed in the county, Mr. Chretien's only option was a septic system, which the Town did not want.

Town Administrator Semmes reminded Council that under the current ordinance, if a property was located within two hundred feet of a sewer line, it must hook up to it. Mr. Chretien confirmed his property was further than two hundred feet from a sewer line.

Councilmember Littleton opined that the best thing would be to connect to the Town sewer to protect the ground water. He further opined that the most desirable way would be through the use of a grinder pump. Mr. Littleton suggested that if Mr. Chretien was required to hook up to sewer from Route 50, he would stay in the county. He opined that if he stayed in the county, connection would not be an option.

Councilmember Hazard noted that Mr. Chretien indicated this would be the site of a new barn. He questioned what was meant by a "barn". Mr. Chretien explained that it would be a six thousand square foot barn, constructed of natural cedar, half of which would be used for the production of cider and half of which would be used as a sample room. He further explained that while it would look like a barn, it would be used to run his business.

Councilmember Hazard opined that the Council was getting into the weeds on the issue of grinder pump versus drilling. He reminded them that they have had an issue with traffic. Mr. Hazard questioned whether Mr. Chretien would try to use Federal Street if the property was annexed into the town.

Mr. Chretien advised that this would be for the Council to decide. He opined that the businesses on Federal Street would love to have more traffic; however, the residents would not.

Councilmember Hazard suggested that before getting to the issue of grinder pumps, the Council needed to make a decision about bringing the property into the town limits and how Federal Street would be used. He noted that it was a narrow, gravel road.

Mr. Chretien advised Council that he would be happy to chain the road. He noted that the only reason it was not chained now was that he was waiting for a permit from VDOT. Mr. Chretien advised that he did not want to use Federal Street, other than for his personal residence.

Councilmember Hazard opined that this was not a two month discussion but was more like a six month one if he wanted to use Federal Street for commercial traffic. He opined that traffic studies must be done.

Mr. Chretien advised Council that Federal Street was not of benefit him. He noted that he was simply acknowledging the other businesses that may want it open. Mr. Chretien advised that he was okay not ever using it for commercial purposes and noted that this was up to the Council. He explained that his vision was to have two businesses in the barn – a cidery and micro distillery. Mr. Chretien noted the need for a twelve foot whiskey still, which was a specialty item, and advised that he could not place it in his current location. He suggested that, at some point, he would construct another barn in the woods on the portion of the property that was in the town limits. Mr. Chretien reiterated that the property would be used for a farm distillery and cidery and noted that he only wanted to grow his own products, for his use and sale. He advised that his existing location was too small.

Councilmember Littleton opined that Councilmember Snyder had legitimate concerns. He recommended that Mr. Chretien work with the Town staff about the options for bringing the property into the town limits that may alleviate the Council's concerns.

Mayor Davis noted that Mr. Chretien came to the meeting for direction and advised that most of the members were in agreement to try to work something out with him. She opined that this sounded like it would be through a boundary line adjustment. Ms. Davis noted that the Town did not allow drain fields in the town and did not extend utilities outside of it. She opined that the Council was willing to work with Mr. Chretien; however, there were some areas where its hands were tied.

Councilmember Snyder noted that it would be complicated, as there were issues that must be addressed. He explained that he wanted Mr. Chretien to think about those and opined that it was something the Council could make work.

Mr. Chretien suggested this be done through zoning. He further suggested the property be brought into the town limits with an A-C zoning classification, which would keep it with the stated purpose, with any change requiring a change in the zoning.

Town Planner Moore advised Council that, under the current ordinance, any land that was brought into the town limits was automatically zoned A-C. He noted that townhouses were not permitted under that classification.

Councilmember Shea opined that the discussion was not so much about townhouses as the fact that when the Council looked at the development of property, they not only needed to look at the current use but also future potential uses. She opined that this was a use that was appropriate to be around the town; however, she suggested that if Mr. Chretien retired or sold the property, the Council needed to ensure the property would not get used for another use that would not meet the same criteria that Mr. Chretien was requesting. Ms. Shea noted that this was complicated for the Council. She advised that they were not saying "no", they were saying "they needed to look at the whole picture and see what the possibilities are".

Mr. Chretien opined that the Council was asking the right questions. He noted that he had the ability to purchase the last property there. He reiterated that he wanted to basically use the property for a cidery and distilling business. Mr. Chretien acknowledged that he would die at some point. He suggested that, in looking that the sales of wineries, they tended to continue operation; however, he agreed a purchaser could change the use. Mr. Chretien questioned whether this could happen with any property.

Councilmember Shea reiterated that the Council must look to the future use and make sure the decisions it made today looked to the future.

Councilmember Snyder noted the pressure the Council could be placed under to change the use dramatically. He advised that fifteen years ago, he would have said that "having something the size of Salamander inside the town limits would never happen"; however, they were here today. Mr. Snyder noted that it took a long time and hard work to get there; however, he suggested the Council should never say "never".

Mr. Chretien noted that timing was an issue. He explained that he would like ground to be broken and the barn built by late spring. Mr. Chretien questioned whether he could go to the County and ask that they allow him to move forward with the understanding that the utilities would be provided by the Town. He noted that this would give him six months to work out the details.

Councilmember Snyder noted that the Town asked the County for a boundary line adjustment for the West End Pump Station two years ago. He explained that boundary line adjustments were not quick processes. Mr. Snyder noted the need for an agreement between all parties, which the court must approve and opined that six months was stretching it. Town Administrator Semmes opined that the process could go quicker.

Town Planner Moore opined that, if the Council decided it wanted to consider this, there may be options, such as a memorandum of understanding in which Mr. Chretien would be allowed to make the connections while the boundary line adjustment was being processed.

Mayor Davis suggested Mr. Chretien work with the staff on this.

Mr. Chretien noted that he was currently spending \$1,500 a month in carrying costs.

Town Administrator Semmes reminded Mr. Chretien that he could build the barn but not use it for a public use until he had water.

Mr. Chretien advised Council that he would contractually commit to the proposed use and would tell the County he was connecting to Town utilities at a later time.

Councilmember Shea advised Mr. Chretien that he needed to work with the staff before getting that on the public record.

Councilmember Hazard noted the issue of a grinder pump and reminded Council that the Town had restrictions on them. He advised that there were hurdles to be addressed.

Councilmember Snyder reiterated that this would not be a simple process and explained that he was trying to dissuade Mr. Chretien from the idea that it would be quick. He agreed it could be worked out; however, he noted that it would take work on the part of both the applicant and the Town, which would take time. Mr. Snyder opined that six months was phenomenally fast to do a boundary line adjustment.

Mr. Chretien expressed hope to contractually obligate himself to a boundary line adjustment so he could connect to Town utilities.

Councilmember Snyder noted the need to look at the ordinance with regard to grinder pumps. He opined that it was doable; however, he could not say that for certain.

Councilmember Littleton opined that the staff had an understanding of what it would take to move forward. He suggested the need to develop a plan of what needed to be executed and what made sense. Mr. Littleton acknowledged that this would need to return to the Council.

Councilmember Shea encouraged Mr. Chretien to talk about all possible plans for now and in the future so it could all be considered. She noted the need for a layout of the entire plan when the Council considered the request.

#### Review of Proposal Regarding Free Parking

Chief Panebianco advised Council that he did his due diligence to develop different types of options for the removal of the parking meters. He opined that the sooner they could be removed, the better as people were opening their doors into them because they no longer lined up with the parking spaces.

Councilmember Shea noted that they made it difficult to figure out where the parking spot was located as people were accustomed to parking by the meter.

Chief Panebianco expressed concern that, while this was not happening often, someone could seek reimbursement for damages as the Town moved into the holiday season.

Chief Panebianco reiterated that he looked at a couple of systems that would allow for the removal of the meters. He advised that one company's representative was coming to Middleburg for a visit and brought her product to show him. Chief Panebianco noted that this was the system was outlined in his memorandum and advised that he was able to get a better understanding of it. He acknowledged that there were some issues that he was not aware of when he wrote the memo. Chief Panebianco reminded Council that his memo also mentioned having different parking zones. He questioned whether the Council had decided to go with timed parking or whether they were just discussing it.

Councilmember Snyder noted that they were talking about three hour parking in the downtown area. Councilmember Hazard noted that they were leaning toward the removal of the meters.

Mayor Davis noted that she missed the last two meetings and expressed shock when she read the meeting minutes. She reminded Council that they had decided months ago that they were going to purchase double headed meters. Ms. Davis further reminded them that they discussed offering free parking, kiosks and chalking tires. She noted that the Council has been over this issue for months and opined that not one word was said during the last meeting about a decision having already been made. Ms. Davis noted that the Council was now going over it again. She reiterated that no one mentioned that a decision had already been made to go with the double headed meters. Ms. Davis advised that she did not understand why the Council kept going over this issue.

Councilmember Snyder explained that his fear with the meters was that the Town would spend more money to install them than it was getting in revenue.

Mayor Davis asked the Town Clerk to pull the meeting minutes from past discussions. She opined that the Council decided what it was getting, including the prices. Ms. Davis noted that the Council agreed it was not a perfect solution. She advised that she had no problem offering free parking; however, she reminded Council that when they did this, no one moved their cars.

Councilmember Hazard noted that the Treasurer's report indicated the year-to-date revenues in September of 2015 were only \$5,000 from the meters. He further noted that they would cost \$75,000 to install new ones. Councilmember Snyder noted that the budget included \$120,000 for the parking meters.

Councilmember Hazard opined that one of the big sticking points was the two hour parking. He noted that he talked at length with officials from the Town of Culpeper, which has not had parking meters for fifteen years. Mr. Hazard reported that they said "it was a no brainer". He advised that he interviewed representatives from small towns or went to websites and found that most small towns felt that not having meters helped.

Councilmember Shea reminded Council that, in the past, there was consensus that the Council did not want the parking meters and then that they did. She opined that this evolved as the Council received new information and there has been a continuation of the discussion.

Mayor Davis asked to see the meeting minutes and questioned where the idea came from that the Council had not made a decision.

Councilmember Snyder suggested the current Council was having a hard time supporting that decision.

Mayor Davis asked that the Council look at the minutes when this was previously discussed, including the pricing. She agreed it was not a big money maker and opined it may be a wash; however, she noted that it provided a tool that allowed the cars to continually move. Ms. Davis suggested that by using double heads, there would be less meters.

Councilmember Hazard advised that, during its last discussion, the Council brought a number of things to the table. He further advised that Councilmember Miller suggested the Council consider sending tickets that were not paid to the DMV. Mr. Hazard noted that the Town had not collected \$11,000-12,000 in parking fines.

Councilmember Miller opined that because the revenues and expenditures were a wash, the Council discussed why there should be meters again.

Councilmember Snyder opined that the previous discussion was solely based on the types of meters that were available. He further opined that they did not discuss chalking. Mr. Snyder suggested the Council agreed that if they wanted to go with meters, double headed meters would be better.

Councilmember Miller opined that there was evidence on the effect of free parking now that it had been in effect since the construction began. He noted that people liked it and had expressed hope that it would continue.

Mayor Davis opined that it had not been monitored to address the length of time that people were parking.

Chief Panebianco confirmed this had not been done since the construction began. He reminded Council of the survey that was done prior to that time when free parking was offered for two hours. Chief Panebianco further reminded Council of the report from that test. He advised that he was directed, during the last meeting, to look into free parking.

Chief Panebianco advised Council that in talking with the vendor for the automated chalking product, he found it was a double edged sword. He opined that it was a great tool that worked well; however, it would be very time consuming. Chief Panebianco noted that they did a test earlier in the day. He advised that while it was fully automated, his impression was that it was also a license plate reader, which it was not. Chief Panebianco noted the need to physically enter the license plate information. He advised that photos were taken of the license plate and the location of the valve stem; however, the license plate number must be manually entered as the reader's ability was not one hundred percent accurate.

Councilmember Littleton inquired as to the average amount of time needed to enter a license plate. Chief Panebianco opined that it would be thirty seconds per car. He suggested that it would take an hour and a half to do the first walk through for two hundred parking spaces. Chief Panebianco advised that the officers would not be doing anything except parking enforcement during that time. He opined that the product was great as it would allow the officer to give a violation or a warning and noted that it would put a picture of the violation on the ticket.

Councilmember Hazard questioned whether specific areas could be targeted if the Council agreed to implement this type of system. Chief Panebianco confirmed they could. Councilmember Hazard noted that the Council was trying to prevent certain behavior. He opined that the officers could target twenty cars per day until the motorist quit their bad behavior. Mr. Hazard questioned whether selective enforcement was an issue.

Chief Panebianco confirmed that selective enforcement was allowed as long as the Town was not targeting a person, but rather was targeting a behavior. He advised Council that the proposed system allowed the officer to key in a license plate number and, if the person was a repeat offender, it would identify it. Chief Panebianco opined that the Town could set higher penalties for violators with xx violations within a certain period of time.

Chief Panebianco noted that regardless of the system used, there was currently no "bite" when a violator failed to pay the fine. He suggested the Council consider putting a bite in. Chief Panebianco noted that he would not recommend booting or towing and suggested that if an individual had xxx tickets that they failed to pay that their information be sent to the DMV so a hold could be placed on their DMV privileges. He advised that it was an easy process once it was set up.

Councilmember Hazard noted that the Council was trying to stop people from parking at the meters for the entire day. He questioned whether the fines could escalate based on the number of violations. Town Attorney Plowman advised that she would need to research that question.

Councilmember Hazard advised that the biggest issue was people who parked all day and suggested the Town needed to stop that behavior and give them someplace else to park. He noted the need for employees who worked downtown to have a place to park. Mr. Hazard explained that this was the reason why the Council decided it did not want to have meters. He advised that the people he talked to love the idea of not having meters.

Councilmember Littleton inquired as to the goal the Council was trying to achieve. He suggested it was to move people. Mr. Littleton further suggested it was to allow them to park for three hours, not five. He opined that the goal was not about revenue or public safety. Mr. Littleton questioned whether people were moving when the Town had meters. Councilmember Hazard confirmed they were not and noted that some parked at the meters all day.



Councilmember Littleton questioned why finding motorists' alternative parking was a concern now when it was not a concern when the Town had meters. He opined that if the officers ticketed people in high traffic areas, they would make sure they moved. Mr. Littleton suggested the erection of signs that stated that violators would be ticketed and multiple violators towed. He noted the need to let people know the penalty.

Councilmember Snyder noted that he liked Councilmember Hazard's idea of finding places for workers to park; however, he did not know whether this could be done. He suggested the parking fines increase so they would start at fifty dollars (\$50). Mr. Snyder noted that this would be a dramatic increase; however, it would be in line with what other localities charged. He advised that he recently visited his daughter in Richmond and reported that the charge was eighteen dollars at the kiosk for two hours to park. Mr. Snyder opined that the parking fines were seventy-five dollars. He noted that he did not know if Richmond enforced its parking; however, he expected the fee to be less than half what it was. Mr. Snyder noted that he was angry and did not want to visit any more places after that. He suggested that if the signage indicated there was a three hour parking limit and a fifty dollar fine for a violation, people would take it seriously.

Councilmember Shea opined that the Town was a crossroad. She noted that a lot of people did not carry coins and wanted QR codes; however, the Town had an elderly population that could not work that type of system. Ms. Shea opined that regardless of whether meters were used or not, the Town must still monitor the parking and fine violators. She suggested this was not a discussion of whether to have meters or offer free parking.

Councilmember Miller inquired as to how long it currently took officers to write a ticket. Chief Panebianco confirmed it was quicker as the officer only had to walk to the meter once. He explained that under the proposed system, the officer would have to go to the car and input the information on when they parked and then return to see if they were still parked there. Chief Panebianco opined that it would be quick to issue the violation as it would only take thirty seconds per car. He suggested the time would be more on the first end. Chief Panebianco noted that the time would speed up as the officers learned the new technology. He opined that it was reasonable that it would take thirty seconds per car to enter the data.

Councilmember Miller questioned whether they could currently write a ticket in fifteen seconds. Chief Panebianco confirmed they could. He noted that while they did not walk with the Facilities & Maintenance Supervisor when he collected the coins from the meters, once a month, one of the officers spent twelve hours checking the meters because they were so unreliable. Chief Panebianco opined that it was not ethical to ticket an individual without testing the meters once per month.

Councilmember Miller questioned whether the violator could pay the ticket on line. Chief Panebianco confirmed they could under the system he was looking at as the company would set up an online payment system for the Town. He advised that the Town would receive the fine and a surcharge would be placed on the violator for the convenience of using the online system. Chief Panebianco advised that the company indicated that seventy percent (70%) of most tickets were paid online. He opined that the cost would be \$1.00 plus 3.9% for any card other than American Express (4.9% for the use of American Express) in addition to the fine.

Mayor Davis questioned whether violators could currently pay on line. Chief Panebianco confirmed they could not.

Councilmember Miller questioned whether this would be a streamlined solution for chalking. Chief Panebianco opined that it would, excluding the time to write the ticket. He suggested he would probably send an officer out to enforce a certain location. Chief Panebianco noted that he liked having the officers walk daily; however, he did not want them to only write tickets.

Councilmember Snyder opined that the officers would not have to do enforcement daily if the fine was large enough. He further opined that a fifty dollar violation would probably be enough. Mr. Snyder suggested that if the officers concentrated on the problem areas once or twice a week, this would probably curb the behavior the Town was trying to curb.

Chief Panebianco agreed and noted that the majority of the repeat offenses occurred during the week. He advised that on the weekends, the Town saw a lot of shoppers who moved their cars. Chief Panebianco opined that during the week, people who were conducting business would park in front of a business and stay there for most of the day. He suggested those would be the ones that would be identified as problem areas. Chief Panebianco stressed that regardless of the method used, the Town could not go straight into enforcement and noted the need for a warning period.

Councilmember Snyder noted that the goal was to curb bad behavior and agreed a warning ticket was a good start. He advised that the Council was not trying to generate revenues – it was only trying to change behavior and improve a resource. Mr. Snyder noted the need to make the parking available to more people.

Councilmember Shea advised that she also liked having fewer items on the sidewalks in order to create more walking space.

Councilmember Littleton opined that it would be interesting to see the new technology from a vendor perspective. He suggested it may be able to collect data so the Police Department could determine how many people moved versus did not. Mr. Littleton noted that they could see how behaviors changed. He suggested that if the behavior was not changing by doing enforcement twice a week, the officers may need to go to doing it three times a week. Mr. Littleton noted that it could be used so the Town could utilize its officers' time more effectively as it would see where there were issues.

Councilmember Snyder noted that the officers currently only knew if the individual did not pay the meter or if it expired. He further noted that they had no idea whether that individual was a repeat offender.

Chief Panebianco confirmed the new technology would create customized reports. He reminded Council that he was directed to put this information together. Chief Panebianco noted that he did not address the issue of meters in his report as he had done so in the past. He suggested that if the Council went with timed parking, it should just do timed parking as opposed to parking zones, which would be too confusing. Chief Panebianco noted that the signage could say whatever the Council wanted to put on it. He suggested they would not want to indicate that vehicles would be towed as he did not want it to appear that the Town was being the aggressor. Chief Panebianco opined that the DMV program was a viable option and would only be known to the individual, without him/her having the embarrassment of having his/her car being seen being towed by everyone.

Councilmember Hazard questioned whether there was any other technology available. Chief Panebianco confirmed there were other systems that were similar to the one he researched. He noted that it was in essence a phone system. Chief Panebianco opined that the data fee would be approximately two hundred dollars for the first year and two thousand three hundred dollars to operate annually, including the payment website. He noted that the company offered a good warranty system and advised that if it broke, they would overnight the Town a new unit. Chief Panebianco advised Council that the staff needed them to finalize their decision as they were at the point where they needed to know how to spend the money – on meters or something else.

Councilmember Miller questioned whether software updates were included. Chief Panebianco confirmed they were.

*Councilmember Snyder moved, seconded by Councilmember Hazard, that Council adopt a meterless parking enforcement system in the Town of Middleburg and direct the staff to research both an ordinance and the associated fees.*

Councilmember Shea questioned whether this vote would override any previous votes that may have been taken. Councilmember Snyder confirmed it would.

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

(Mayor Davis only votes in the case of a tie.)

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### **Discussion Item**

Mayor Davis opined that the flags on the new streetlights were too low. She questioned whether it was possible to install new brackets above the bar so they would be located where they were before or whether it could be changed so the flags would hang straight down. Ms. Davis noted the need, if that was the case, to improve the bottom so they would be secured.

Town Administrator Semmes displayed a photograph that was from the Rhodeside & Harwell Streetscape Plan that depicted the flags hanging straight down.

Councilmember Hazard questioned whether it was possible for all of the flags to go inward toward the street if this change was made. Mayor Davis confirmed it would.

Town Administrator Semmes suggested the Town could either do banners or flags.

Councilmember Hazard noted that the light pole was only fourteen foot tall, with the hanging bar being at approximately twelve and a half feet. He questioned whether putting the flags at an angle would put them high enough to be missed by tall trucks.

Town Administrator Semmes noted that most of the poles were over parking areas. She opined that the bar would be at thirteen feet, with the flags projecting up another three.

Councilmember Hazard noted that most delivery trucks were between thirteen and sixteen feet tall.

Councilmember Littleton noted that most banners were five feet long; therefore, they would come back down by five feet.

Councilmember Hazard opined that they needed to be twenty feet over the street. Councilmember Littleton opined that if the banner was taut, it must be higher.

Councilmember Snyder noted the need to lose the lower (flag) pole. He further noted that low bridge warnings started at fourteen feet.

Councilmember Hazard reiterated that the streetlight poles were only fourteen feet; therefore, the posts were lower.

Councilmember Littleton opined that the horizontal pole would be at thirteen feet and advised that the bottom of a five foot long banner or flag would be at eight feet.

Councilmember Shea opined that under what was being proposed, the banners would remain where they were but the flag pole would be raised and would hang over the street.

Councilmember Snyder noted that a truck may hit the flags and they may get dirty; however, if set at an angle, he did not see an issue.

Councilmember Shea opined that the issue was that the flag pole kept coming down. She questioned whether what was proposed would be more secure. Town Administrator Semmes confirmed the Town could get a holder that was set at a forty-five degree angle.

Councilmember Shea questioned whether the Town had the equipment to reach them. Town Administrator Semmes confirmed it would. She noted that like the Christmas decorations, they would have to bring someone in to install and remove them.

Councilmember Shea questioned whether this would involve a cost to the flag applicant. Town Clerk North reported that they already paid a one hundred dollar fee to cover the cost of installation.

Councilmember Shea questioned whether the staff could put up the flags or whether they needed to bring in a company. Town Administrator Semmes noted that the staff hung some things today.

Chief Panebianco noted that he witnessed the test that was done earlier. He advised that the contractor simply stuck a ladder up to the pole and suggested he must do something different in the future as he did not want him to get hurt.

Councilmember Hazard questioned whether something would be needed to hold the banners at the bottom. Town Administrator Semmes suggested they could be weighted.

Councilmember Littleton noted that most of them would be over parking spaces and opined that trucks would knock them as the bottom would be at eight feet. He further noted that the top of the banner would be at thirteen feet and advised that a regular delivery truck was twelve feet tall. Mr. Littleton opined that unless the banner was less a foot tall, it would snag on a truck.

Councilmember Miller inquired as to the number that hung over parking spaces. Chief Panebianco confirmed that most did.

Councilmember Miller questioned what would happen to the existing holders that were too low. Mayor Davis suggested they be removed.

**Addition of Item to the Agenda**

*Councilmember Miller moved, seconded by Councilmember Daly, that the Council add item XIV (Closed Session – Lease of Town Property & Legal Advice by Council) to the agenda.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton and Miller

No – N/A

Abstain: Councilmembers Shea and Snyder

Absent: Vice Mayor Kirk

(Mayor Davis only votes in the case of a tie.)

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Councilmember Shea recused herself from the closed session as she had a conflict of interest. She asked that Second Chapter Books be informed of Council's decision as soon as possible. Ms. Shea left the meeting at 8:17 p.m.

**Closed Session** – Lease of Town Property & Legal Advice by Counsel

*Councilmember Littleton moved, seconded by Councilmember Daly, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(3) and (7) pertaining to the discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and consultation with legal counsel retained by the public body regarding specific legal matters requiring legal advice by such counsel. Councilmember Littleton further moved, seconded by Councilmember Daly, that these matters be limited to the lease of a portion of the Health Center property. Councilmember Littleton further moved, seconded by Councilmember Daly, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes and Angie Plowman. Councilmember Littleton further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.*

Vote: Yes – Councilmembers Daly, Hazard, Littleton, Miller, and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Shea and Kirk

(Mayor Davis only votes in the case of a tie.)

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Mayor Davis asked that Council certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Councilmember Littleton advised the Town Administrator that the Council would like for her to inform Second Chapter Books that the garage spaces that were requested for their use were unavailable at this time. Councilmember Snyder noted that they were unavailable for any applicant who requested their use.

There being no further business, Mayor Davis declared the meeting adjourned at 8:38 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk