



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, June 26, 2014

PRESENT: Mayor Betsy A. Davis
Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard
Councilmember Catherine "Bundles" Murdock
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder
Councilmember David B. Stewart

STAFF: Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator

ABSENT: Councilmember Trowbridge Littleton

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, June 26, 2014 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Annual Report – Historic District Review Committee

Bill Turnure, Chairman of the Historic District Review Committee, advised Council that the HDRC has had a fairly quiet year. He reported that the Treptow building, located at the corner of Federal/Jay Streets, was under construction. Mr. Turnure noted that they have not reviewed any projects of significance, with the applications having been for small modifications to existing houses and signs for new businesses. He advised that the Committee was working on the revisions to the Historic District Guidelines. Mr. Turnure reminded Council that they earmarked funds to hire a consultant to help with them; however, as the Committee got into them more, they realized the guidelines were fairly good. He advised that there were some areas that they would like to modify and other areas that have been neglected and needed to be addressed. Mr. Turnure explained that the Committee has tried to identify the areas where it could use the assistance of a consultant. He opined that the Committee needed help with the graphics and in making the document more user friendly. Mr. Turnure suggested the need to reorient the chapters and to have a standard format for each section. He expressed hope to gain momentum once the new Town Planner was on board.

Chairman Turnure opined that the HDRC was a great committee. He noted that its members were committed to the beautification of the town. He advised that they have prepared a mission statement that will be included in the guidelines. Mr. Turnure thanked the Council for their support. He opined that Middleburg looked good. Mr. Turnure noted that there were issues coming up, such as the new streetlights, which the Committee looked forward to working on in order to make the town nicer than it already was.

Mayor Davis thanked the members for their work. She noted that while they made it appear to be easy, it involved more than what it seemed.

Councilmember Murdock questioned whether the HDRC ever got into parking surfaces. She expressed concern about having too much asphalt. Chairman Turnure confirmed that the HDRC has discussed this issue; and, noted that it was a pet peeve of one of the members.

Councilmember Murdock noted that the Treptow Project involved an asphalt parking lot. She further noted that when the National Sporting Library constructed their parking lot, they used a grass material.

Councilmember Shea opined that some of that would be addressed in the upcoming presentation from Go Green. She noted that this presentation has already been given to the Planning Commission.

Councilmember Murdock noted that the Foxcroft School recently held its one hundred year anniversary, with some people who have not been to Middleburg for twenty to thirty years having attended. She further noted that she recently met some of them. Ms. Murdock advised that they indicated that they thought the town was becoming too “cutesy”. She noted that she asked what they meant by this; however, they could not put their finger on it.

HDRC Member Punkin Lee noted that the town no longer had general type stores and opined that this may be what they were referring to.

Councilmember Hazard opined that this was not something the HDRC could fix. He noted that thirty years ago, traveling to Northern Virginia to shop was considered to be a day trip; whereas, now everything has moved this way. Mr. Hazard suggested that those were the kinds of things that have changed; and, advised that there was nothing the HDRC has or could do about it. Councilmember Snyder agreed.

Councilmember Murdock disagreed. She noted that the HDRC was a good committee and suggested that this was something they needed to be aware of.

Councilmember Shea suggested there should be a discussion between the HDRC, Planning Commission and Town Council. She advised that during a recent Go Green event, one of the presenters provided photographs of Middleburg in the 1930s and 1950s and pointed out that while people no longer saw the telephone poles, they were not a part of historic Middleburg. Ms. Shea opined that it was good to have outside input and noted that the residents tended to stop seeing things. She opined that when those poles were erected, there was probably an outcry. Ms. Shea suggested that while people did not want to move out of the historic era, Middleburg already has.

Mayor Davis advised that she has heard from people who were concerned about the infill that has occurred. She noted that the Town could not prohibit someone from building on their property; however, it could guide them, which the HDRC did very well.

Councilmember Murdock noted that from a planner’s point of view, it was more desirable to have people build in the town so there was an edge, with everything outside of the town being open space. She advised that she did not mind losing a yard so the building did not occur in a field. Ms. Murdock noted that some people have said the town needed a park; however, she questioned why it was needed.

Chairman Turnure expressed an understanding of how people perceive things as such. He noted that some of the larger buildings may not be able to be sustained by a business; therefore, they may get carved into small boutiques, each of whom wanted to make their own statement. Mr. Turnure opined that a lot of that was occurring and suggested that over time it started to build.

Mayor Davis questioned whether the Committee needed anything from the Council. She reminded them that they could always ask if they needed something in the future.

ADMINISTRATION OF OATHS OF OFFICE

Gary Clemens, the Clerk of the Loudoun County Circuit Court, administered the Oaths of Office to Mayor Davis and Councilmembers Kirk, Snyder, Hazard and Scheps for their respective terms of office effective July 1, 2014.

Presentation – Effects of Heat Islands – Go Green

Nelina Loiselle, of the Go Green Committee, explained that this discussion came about as the result of a Planning Commission discussion regarding the regulations related to tree canopy sizes in parking lots. She advised that the issue of heat island effects was a hot one and noted that Washington, DC has implemented incentives for developers to help mitigate it. Ms. Loiselle opined that this was just as important in a rural community, such as Middleburg. She further opined that it was important to realize that parking lots were not the only culprit; and, reported that roofs, roads, sidewalks and town planning all contributed to it. Ms. Loiselle suggested a big picture plan to mitigate the effect was needed. She displayed an aerial photograph of Middleburg and noted that it showed a lot of dark surfaces, including roads, roofs, walkways and parking lots, all of which absorbed sunlight. Ms. Loiselle reiterated that a comprehensive mitigation plan was needed that took into account not only parking lots, but all hardscapes. She opined that doing so would allow for economic development, while protecting the environment. Ms. Loiselle noted that focusing only on parking lots would place the burden on developers and would not have an overall effect on the issue.

Ms. Loiselle advised that one of the strategies for addressing the heat island effect was to address roofs and; suggested the use of light colored roofing material, shading them with trees or placing gardens or solar panels on them. She displayed a photograph of the Home Farm, whose roof was entirely hidden, and suggested that a location such as this could have a solar panel that would be completely hidden from view. Ms. Loiselle advised that another strategy was related to building sites and suggested the need to create more green space around buildings, to place their entrances where people needed them or to pursue LEED certification. She advised that a third strategy involved reducing hardscapes and suggested this could be accomplished through shared parking, carpooling, reducing the amount of parking required for a site, or providing shade from trees, landscape features or architectural structures. Ms. Loiselle noted that the options could be adapted for a historic town and opined that the easiest one to use would be light colored hardscapes or vegetation. She opined that town planning was the biggest key to mitigating the heat island effect and explained that this would involve the use of underground or covered parking structures, such as that provided at the Courtyard at Middleburg. Ms. Loiselle suggested that traffic coming through town be reduced and that Middleburg be more walkable. She further suggested the need for bike racks and paths or to invest in park-and-ride lots outside of town. Ms. Loiselle noted the need to create more green space. She recommended the Town take a stance on the heat island effect by pledging to build all new LEED certified buildings in the future.

Ms. Loiselle opined that there were lots of options that could go into a comprehensive mitigation plan. She noted that this would give developers a chance to work with them to protect the environment, while also allowing economic development to occur.

Ms. Loiselle advised that the next step would be to evaluate the options. She noted that Go Green could assist the HDRC and Council in developing a comprehensive mitigation plan.

Councilmember Shea asked Ms. Loiselle to talk about color and its effect on heat. Ms. Loiselle explained that darker colors created more of a heat island effect. She noted that there was a mechanism for measuring this. Ms. Loiselle advised that surfaces that were a lighter color helped reduce the heat island effect. She noted the detrimental effects of heat islands on the environment.

There was some discussion as to whether it was too late to apply this to the Treptow building. It was noted that while it was not, Mr. Treptow would have to agree to change his approved plans. Councilmember Murdock noted the need to work with developers before they started building.

Councilmember Hazard reminded Council that the grass parking lot material used at the National Sporting Library was already an approved material. He advised that the Treptow project started heading in that direction but stopped.

Ms. Loiselle opined that the best way to address this was to reduce the amount of required parking. Councilmember Murdock opined that this would be a hardship for the taxpayers.

Councilmember Hazard opined that a number of the recommended options would not happen soon, such as underground parking. He noted that it was utilized at the Courtyard at Middleburg because they wanted to use the space. Mr. Hazard advised that anytime underground parking was provided, it was because it was cheaper.

Ms. Loiselle opined that this was a matter of the Town taking a stance on the issue. She suggested there were creative solutions. Ms. Loiselle recommended the Town provide incentives for utilizing heat mitigating options.

Councilmember Shea opined that it was important for the Council to understand the concepts.

Councilmember Hazard advised Council that the Planning Commission would like Go Green to return with cost studies on the options. He suggested that before developing a plan, the Town needed more information. Mr. Hazard noted that the Planning Commission has been hearing that it was “too hard to do things in Middleburg”. He opined that Go Green needed to provide in-depth cost comparisons.

Councilmember Shea noted that this was an issue of where an individual placed value. She advised that while the initial cost of a material may be more, it may be offset by other issues.

Councilmember Hazard expressed an understanding; however, he noted that this could not be done without knowing the cost factors. Councilmember Shea acknowledged Councilmember Hazard’s request.

Councilmember Snyder noted that past Commissions have not looked into cost issues so deeply. Councilmember Murdock noted that the Town could not prohibit someone from using asphalt.

Ms. Loiselle reiterated her suggestion to offer incentives, such as reduced parking requirements in exchange for the use of a green product. She suggested the Town reduce the landscaping requirement if a developer used light colored pavement.

Councilmember Hazard agreed that property owners would be happy with a reduced parking requirement. He noted the need for a comprehensive parking plan for the whole town and advised that this was part of what the Commission was looking at as it updated the Comprehensive Plan. Mr. Hazard reiterated the need for a cost benefit analysis.

Councilmember Murdock noted that without a hard surface, the need to address storm water management issues was lessened. She advised that one of the complaints she heard was about the amount of asphalt in town.

Jilann Brunett, of the Go Green Committee, noted that one of the benefits of less hardscape was that it kept the storm water cooler.

Chairman Turnure noted that the cost of a parking space waiver was \$15,000. He suggested it be reduced to \$10,000 if the developer used an alternative material.

Vice Mayor Kirk noted that she liked the idea of offering incentives.

Discussion – Assignment of responsibility for implementing HEAL Resolution to Go Green

Councilmember Shea noted that there was no committee assigned to work on the HEAL initiative that was adopted a year ago. She opined that this would involve a lot of interface and advised that when looking at issues related to making an area more walkable, this would involve not only Go Green issues but also HEAL issues. Ms. Shea reported that Go Green was willing to take this on and asked that the Council allow them to do so. She further suggested the Committee be expanded by a member or two. Councilmembers Kirk and Murdock agreed.

Councilmember Murdock reported that the Community Center was now recycling. She further reported that she has talked with their new Executive Director about putting healthy foods into their vending machines.

Councilmember Shea noted that it was especially important to have healthy food at a child's eye level. She advised Council that she would work on the resolution that established the Go Green Committee to include this as one of its assignments.

Council Approval – Amendment of Town Attorney's Contract

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the contract amendment as prepared by the Town Attorney and presented tonight.

The Council held some discussion as to whether eighteen hours was adequate. It was noted that the number was based on recent experience; however, if it was determined that this was not enough in the future, the Council could amend the contract to adjust the hours again.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Discussion - Draft Amendment to Special Events Permit Ordinance

Town Clerk North reminded Council that the amendment to this ordinance originated with a request from the Chief of Police that there be a permitting process for private events when it was discovered that there would be multiple events held this year on October 31st that would stretch the manpower of the department. She further reminded them that the need to amend it also arose when the issue of itinerant vendors who were not securing their temporary business licenses came to the Council's attention. Ms. North noted that at that time, the Council directed the staff to

prepare an amendment to this ordinance, as well as the BPOL ordinance which was the next item on the agenda. She reported that based upon this direction, the staff has prepared an amendment that would require a special event permit for events held on private property, expand the exemptions section to exempt private events in which the public was not invited to participate and amend the itinerant vendor section to require event organizers to provide the Town Treasurer with a list of the names and mailing addresses of vendors who participated in their events so she could notify them of the need to secure a temporary business license.

The Council held discussion regarding the proposed amendments. They expressed concerns about requiring events held on private property to secure a permit. The Council agreed to instead ask the Chief of Police to meet with local event organizers to ask that they notify him when they scheduled such an event. Councilmember Murdock noted that she would discuss this matter with Chief Panebianco.

Discussion - Draft Amendments to BPOL Ordinance

Town Clerk North reminded Council that last month, the issue arose regarding itinerant vendors who were not securing their temporary business licenses from the Town. She further reminded them that, at that time, the staff suggested the need to define the terms “limited church event” and “limited community event” related to the \$10 temporary business license fee. Ms. North noted that, at that time the Council also expressed a desire to increase the minimum business license fee from \$20 to \$30, as allowed by the State Code, as it had not been increased in sixteen years.

Town Clerk North advised that while the staff was drafting these amendments, it realized that there had been changes to the State Code in the past that had not been incorporated into the Town Code. She further advised that the staff has proposed amendments to address this, most of which related to the appeals process.

Councilmember Snyder questioned whether there was a typo in the definition of the term “affiliated group”. Town Clerk North confirmed the language in the Town Code was identical to that in the State Code.

After some discussion, the Council directed the staff to advertise the ordinance for a public hearing.

Discussion – August Meeting Schedule

After some discussion, the Council agreed to cancel the August work session unless an item arose that needed to be addressed.

Town Council Reports

Councilmember Snyder reported that the Utility Committee held its first meeting and agreed to meet once a month on the third Friday. He further reported that they would have a rotating agenda of major utility issues for discussion. Mr. Snyder advised that the results of those discussions would be included in IES’ monthly utility report. He noted that the Committee would also provide an annual report to the Council.

Councilmember Hazard reported that the Planning Commission was continuing its work on updating the Comprehensive Plan and advised that it was currently working on the transportation chapter. He advised that they spent most of the last meeting making the document, which was prepared by a consultant, more readable.

Discussion

Vice Mayor Kirk reported that the Salamander Resort and Spa was going to start operating their zip line in July. Councilmember Murdock reported that it would be open July 4th.

Town Clerk North advised Council that Salamander has submitted a request to amend the location of the zip line as they found there were three Chestnut Oak trees in its path. She further advised that Salamander submitted the request to amend the path to both the Town and the Potomac Conservancy in June; and, noted that the Town has now received a letter from the Conservancy granting their approval. She reported that this item was scheduled for the Council's consideration during the July 10th meeting.

Councilmember Murdock advised Council that she has been told that the zip line would be part of their Fourth of July celebration. She questioned whether Salamander was aware of the amendment. Town Clerk North confirmed that the request to amend the location was submitted by a representative from Salamander. She noted that both the Town and the Potomac Conservancy must approve the request. Ms. North reiterated that it was scheduled for Council consideration on July 10th.

Councilmember Murdock noted that the Community Center was told that the children participating in the Fourth of July celebration could go on the zip line stands.

Councilmember Murdock encouraged the members of the Council to participate in the Community Center's Fourth of July Celebration, including the children's parade.

Vice Mayor Kirk announced that the Salamander Resort would be holding falconry demonstrations on Saturdays.

Town Clerk North advised Council that due to the Fourth of July holiday, they would receive their agenda packets for the regular meeting on Thursday, July 3rd. She further advised that she would be on vacation from July 7-20th; therefore, they would not receive their work session agenda packet until Monday, July 21st.

Closed Session – Appointment of Zoning Administrator

Vice Mayor Kirk moved, seconded by Councilmember Shea, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that this matter be limited to discussion of the appointment of a Zoning Administrator. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that in addition to the Council, the following individuals be present during the closed session: Angie Plowman and Rhonda North. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

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 Snyder moved, seconded by Councilmember Stewart, that Council appoint Angie Plowman as the Interim Temporary Zoning Administrator until Martha Mason Semmes returned from vacation.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

There being no further business, a motion was made and voted upon to adjourn the meeting at 7:57 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk