



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
May 9, 2013



PENDING APPROVAL

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: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator
David M. Beniamino, AICP, Town Planner
Mike Prince, Senior Police Officer
Debbie J. Wheeler, Town Treasurer

ABSENT: Councilmember Trowbridge Littleton

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, May 9, 2013 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

Genie Ford, of the Middleburg Business & Professional Association, appeared before Council to report on the Landlord Meeting they held. She noted that they had a good turnout, with at least a dozen people present. Ms. Ford advised that they talked about a range of things, including problems with rents. She expressed her opinion that the landlords were at a loss and did not know what to do to rent their empty spaces. Ms. Ford noted that they raised issues, such as water costs. She advised that they also talked about the impact of Salamander, the need to be ready for what was coming and the importance of preserving the town's unique character. Ms. Ford noted that they told the landlords the town was not interested in having chain stores locate here. She advised that they talked about how they could explore getting services that currently did not exist into town, as well as the importance of having new businesses come into town with realistic expectations.

Ms. Ford advised that another meeting would be held on May 29th. She reported that two things emerged from the meeting, the first of which was the idea of developing a portfolio on Middleburg. Ms. Ford noted the need to gather demographics, including visitors' counts. She advised that this portfolio would then be presented to commercial real estate brokers. Ms. Ford opined that as far as developers and brokers were concerned, they stopped their search efforts at Route 15. She noted that Middleburg had a lot to offer. Ms. Ford reiterated that the landlords expressed concerns; and, advised that she told them that if they came up with a plan that seemed reasonable and sensible, she would bring it to the Town Council.

Public Hearings

Zoning Proffer Amendment 07-01A - Salamander Rezoning Proffers

No one spoke and the public hearing was closed.

Ordinance to Amend the Schedule of Water and Sewer User Charges

No one spoke and the public hearing was closed.

Appropriations Ordinance – FY ‘14

No one spoke and the public hearing was closed.

Zoning Text Amendment 13-01 – Change Maximum Lot Coverage in R-2 District

No one spoke and the public hearing was closed.

Zoning Text Amendment 13-02 – Change Maximum Allowable Height of Principal Buildings in R-2 District

No one spoke and the public hearing was closed.

Action Items related to Public Hearings

Ordinance Approving Salamander Rezoning Proffer Amendment 07-01A

Town Planner Beniamino advised Council that this was a change to the proffers originally submitted by Salamander as a part of their rezoning in 2007. He reminded them that, at that time, Salamander was asked to change the features of Pendleton Street at the intersections of Marshall and Washington Streets. Mr. Beniamino explained that due to the VDOT sidewalk project that was done last year and the new crosswalk project that was being planned, the staff did not feel that making the proposed proffered changes was the best use of Salamander’s money at this time. He advised that his staff report included the Planning Commission’s recommendation regarding the proffer amendment; however, the staff was continuing to support the original recommendation that was presented to the Council two months ago. Mr. Beniamino reminded Council that this recommendation was to have Salamander give the Town the money that it would have put into the improvements so the Town could use it for improvements to Washington Street. He advised that the Planning Commission asked that the Town Attorney look at the proffer amendment language as they wanted to make sure the money would be spent on the intersection. Mr. Beniamino noted that the staff believed that flexibility should exist in the use of this money.

Prem Devadas, of Salamander Hospitality, noted that the proffer amendment was initiated by the Town. He advised that it was great to find win-win solutions; and, opined that this appeared to be one.

Councilmember Hazard reminded Council that when this came up in 2007, Pendleton Street was a major concern of both the Council and the Planning Commission as it became a different street with the opening of the Salamander Resort. He advised that Salamander indicated it would ask motorists to exit the resort by turning left or right at the Pendleton/Marshall Street intersection; however, traffic would continue to come in this major thoroughfare. Mr. Hazard reminded Council that when this item was discussed in 2007, the Council said this was something the Town needed to take a hard look at, which the Planning Commission did. He further reminded them that the money was allocated to make changes on this street. Mr. Hazard reported that the Planning Commission felt strongly that the money should be left for those changes as the Town did not know what was going to happen in the future. He expressed an understanding that the staff was looking for flexibility; however, he opined that it would be an error to take the money and not use it on Pendleton Street.

Vice Mayor Kirk agreed the money must be used there. She suggested the need to change the parking on the street.

Councilmember Snyder opined that it was incumbent upon the Council to make progress on Pendleton Street as it would need the improvements when the inn opened. He agreed with the need for flexibility on how and when the money was spent so the Town could coordinate other things into the process. Mr. Snyder noted that this was what the Town was trying to do and why it went to Salamander. He opined that there was little the Council could do to tie its hands and guarantee the money would be spent on Pendleton Street.

Councilmember Shea asked whether the Planning Commission was concerned that the funds would not be used for Pendleton Street. Councilmember Hazard confirmed it was.

Councilmember Shea asked whether the proffer amendment statement that “these funds at a minimum shall be used for a public project that included improvements to the Washington Street/Pendleton Street intersection” would make it clear that the money would be used for this purpose. Councilmember Hazard advised that Vice Chair Ribaldo stated that someone could “drive a truck through that statement” and recommended it be looked at further. He further advised that Ms. Ribaldo indicated the Town could spend one dollar on the intersection improvements, with the remainder going elsewhere. Mr. Hazard asked whether the Council could change the language to make it stronger from a legal standpoint.

Vice Mayor Kirk reminded Council that they could always move money around where they wanted. She reiterated the need make improvements to the street. Ms. Kirk suggested the Commission would have to trust the Council to do what needed to be done with the money. She reiterated that the street needed work.

Councilmember Murdock asked whether the Council could legally put something in the language that stated that the funds shall be used for a public project that primarily included the improvements. She asked what would happen if Salamander gave the Town \$47,000; however, it only spent \$45,000 for the intersection improvements.

Town Attorney Plowman confirmed the word “primarily” could be used; however, there would still be some subjectivity as to what it meant. She noted that she was not asked to look at the language since the Planning Commission meeting; however, she advised that the staff needed to confirm there were some possibilities for additional funding.

Town Planner Beniamino reminded Council that this was a proffer. He suggested that by including the language recommended by the Planning Commission, it would tie the Council’s hands as they would have to go through another proffer amendment if there was a change in how the money was proposed to be spent. Mr. Beniamino reminded Council that they were in control of how he and the Town Administrator spent the money. He reiterated that if stronger language was inserted, they would have to go through another proffer amendment if a change was proposed, as opposed to simply directing the staff to make the change. Mr. Beniamino noted that the reason the language was in the amendment was to give Salamander assurance that the money would not be used for another street. He advised that the staff understood and agreed with the principal; however, it did not want to tie the Council’s hands if the best use of the money was not on Washington Street.

Town Attorney Plowman noted that if the proffer language tied the Council’s hands too tightly, they could risk losing the funds.

Councilmember Shea noted that the language used by the Town Planner, in which he referred to himself and the Town Administrator dealing with the funds, was one of the reasons she wanted the Council to make sure it addressed the Planning Commission’s concerns.

Town Administrator Semmes reminded Council that this was not a proffer amendment in the abstract; and, noted that it was requested of Salamander. She further noted that if the Town went through another amendment, it would need to have another public hearing and would require the cooperation of Salamander. Ms. Semmes reminded Council that any changes must come from Salamander as this was a proffer. She noted that a project, which was being funded by VDOT, was in the development stages to include crosswalks on Route 50, which included all of the intersections on Washington Street including the

one at Pendleton Street. Ms. Semmes advised that while the schedule had been pushed back, the money had been committed. She assured Council that the funds from the proffer amendment would go toward that project; and, advised that the staff was not “dreaming up” plans for its use. Ms. Semmes reminded Council that the reason the proffer amendment was started was because Salamander was going to tear up and rebuild the intersection in a way that conflicts with the crosswalk project design; therefore, the staff thought it was better to have them give the Town the cash. She noted that VDOT was appreciative as this would stretch their project money.

Town Administrator Semmes reminded Council that the parking space issue was not addressed by the proffer, but rather required action by the Town. She noted the Planning Commission’s concerns regarding the Marshall/Pendleton Street intersection; and, advised that they talked about moving the \$9,000 associated with it to change the curb radius, lose a parking space and add a tree instead of moving the money to the Pendleton/Washington Street intersection. Ms. Semmes reminded Council that VDOT just redid this intersection as a part of their sidewalk improvements. She reported that she asked Jim Bishoff, of J2 Engineers, about this; and, he indicated that if the proffers were implemented, the improvement would result in the loss of a parking space and would create a smoother turn radius, which would make it easier for motorists to make the turn. Ms. Semmes advised that she was not sure the Town wanted to do that.

Town Planner Beniamino reminded Council that Salamander’s proffers included the installation of a four-way stop at this intersection; however, VDOT has said it could not be done as the traffic counts did not justify it. He reported that they were now talking about switching the stop signs so traffic would have to stop on Marshall Street. Mr. Beniamino noted that this would help slow traffic on Marshall Street. He advised that the sharp turn radius at Pendleton Street helped to slow traffic turning onto Marshall Street. Mr. Beniamino opined that the intersection would work better if the stop signs were changed. He noted that once the resort opened, the traffic counts may justify a four-way stop.

Mayor Davis reminded Council that the Town initiated this proffer amendment as it was absurd to tear up the intersection a couple of times. She noted that the improvements would cost as much as what Salamander would give the Town under the proffer amendment and more. Ms. Davis advised that the money would not go elsewhere. She suggested the Council could be kept abreast and direct the use of the funds; and, advised that she would make sure this occurred.

Vice Mayor Kirk noted that the Council could require progress reports.

Councilmember Hazard asked the Council to look at the Pendleton/Marshall Street intersection. He noted the location of the utility pole behind the handicap access ramp. Mr. Hazard reminded Council of its sidewalk initiative; and, noted that it was spending a lot of money on sidewalks only to have a pole there.

Town Administrator Semmes reminded Council that Salamander would not move the pole in any event. She advised that she asked Salamander’s engineers to remove the layers from their plan so she could see the relation of the pole to what they were going to build. Ms. Semmes reported that because the new curb would be closer to the pole, the handicap access ramp was closer to the pole. She noted that if the pole was moved, the guide wire would also have to be moved; and, advised that she was not sure where it would go. Ms. Semmes reiterated that moving the pole was not part of the proffers. She agreed it made a difference and created a site distance problem; and, suggested the Town look at it in the future.

Councilmember Hazard stressed that the intersection needed to be addressed. He noted that pedestrians came down the ramp, which was angled into the street. Mr. Hazard reminded them that they were just told that the crosswalk at Marshall/Madison Streets could not be angled and must go straight across the street.

Councilmember Snyder noted that the purpose of the proffer was to get improvements at the two intersections as specified. He advised that Salamander was trying to satisfy the proffer so they could open the inn and get their occupancy permit. Mr. Snyder noted that the Town has given them a way to address the proffer; and, suggested it was incumbent upon the Council to follow through. He suggested the Town could not go back to Salamander to say “change it” or “it now cost twice as much”. Mr. Snyder advised that the funds were what they were and if the project cost more, the Town would have to budget more for it.

Councilmember Shea opined that it was important to have discussions and get concerns out so they could be reflected in the meeting minutes. She advised that she was not suggesting the Council not adopt the resolution.

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that the Council adopt an ordinance approving Zoning Proffer Amendment 07-01A for the Salamander Resort & Spa.

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

No – Councilmember Hazard

Abstain: N/A

Absent: Councilmember Littleton

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

Ordinance to Amend the Schedule of Water and Sewer User Charges

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt an ordinance to amend the Schedule of Water and Wastewater Charges effective July 1, 2013.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Town Administrator Semmes reported that Purcellville was increasing its sewer and water rates by 15% and 8% respectively.

Zoning Text Amendment 13-01 – Change Maximum Lot Coverage in R-2 District

Town Planner Beniamino noted that the next two items, while different, fell under the same discussion. He reminded Council that discussion was held for many years regarding building sizes in the R-2 District. Mr. Beniamino advised that the Planning Commission has recommended amendments to the Zoning Ordinance in order to help keep new building lots and tear downs/rebuilds/additions in line with the remainder of the houses in that district. He reported that ZTA 13-01 would change the lot coverage maximum from 35% to 30% and ZTA 13-02 would change the height restriction from 35 feet to 30 feet. Mr. Beniamino noted that the Planning Commission looked at the average lot coverage and building heights in the R-2 District. He advised that these changes would allow for two story houses with pitched roofs; however, they would not allow for three story homes. Mr. Beniamino further advised that while the change to the building coverage requirement was small, it would have a large impact on some of the lots as it would reduce the possible building footprint. He reminded Council that many of the existing homes were one story ramblers; and, advised that if they were removed, a property owner could construct a home with much more square footage than existed. Mr. Beniamino opined that these changes would keep new construction in line with the existing two-story homes in the Ridgeview Subdivision.

Councilmember Hazard moved, seconded by Councilmember Shea, that Council adopt an ordinance adopting Zoning Text Amendment 13-01 pertaining to lot coverage requirements in the R-2 Residential Zoning District.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Zoning Text Amendment 13-02 – Change Maximum Allowable Height of Principal Buildings in R-2 District

Councilmember Hazard moved, seconded by Councilmember Snyder, that Council adopt an ordinance adopting Zoning Text Amendment 13-02 pertaining to the maximum allowable height of principal buildings in the R-2 Residential Zoning District.

Vote: Yes – Councilmembers Kirk, Hazard, Murdock, Shea, Snyder and Stewart
No – N/A
Abstain: N/A
Absent: Councilmember Littleton
(Mayor Davis did not vote as there was no tie to require her vote)

Special Recognitions by Mayor and Council

Mayor Davis congratulated Fern Bratten, of Salamander Touch, for winning the Front Line Employee of the Year Award during Visit Loudoun’s Award Luncheon held earlier in the day. She also congratulated Judy Washburn, who was nominated for the Humanitarian of the Year Award. Ms. Davis noted that Visit Loudoun recognized the Red Fox Inn, Home Farm, Hunter’s Head and Goodstone Inn as destination restaurants. She congratulated everyone on a job well done.

Prem Devadas, of Salamander Hospitality, noted that Rita Plenty, President of the Virginia Tourism Council, was the key note speaker. He advised that she spoke as to the good job that Visit Loudoun was doing. Mr. Devadas opined that it was nice of her to mention the Salamander Resort as one of the most exciting new things in the country.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the April 11, 2013 Regular Meeting and April 25, 2013 Work Session meeting minutes as amended.

Vote: Yes – Councilmembers Kirk, Hazard, Murdock, Shea, Snyder and Stewart
No – N/A
Abstain: N/A
Absent: Councilmember Littleton
(Mayor Davis did not vote as there was no tie to require her vote)

Staff Reports

Town Administrator Semmes reported that she and Councilmember Snyder met with the utility consultant to begin developing a scope of services for operating the Town’s utility system so the staff could begin negotiating a deal. She advised that she was also moving forward to address some of the items that Ms. Ford was talking about, including how to gather information that would present Middleburg in a good light to prospective tenants. Ms. Semmes reported that she talked to Kennedy Smith, the former Director of the National Main Street Center, on what could be included in a request for proposals for consulting services. She advised that Ms. Smith was willing to help Middleburg; and, noted that she understood small towns. Ms. Semmes noted that she was looking ahead since this would be a push for the Town in the coming year. She reminded Council of the need to help businesses take advantage of the opportunities that would be coming.

Senior Police Officer Prince reported that the Police Department now had heat in the office. He further reported that the Department played a large role in an arrest that took place in town, which closed another breaking and entering case that occurred outside of the town’s limits.

Economic Development Coordinator Pearson noted that she put invitations in the Council's mail boxes regarding a tree planting ceremony that was scheduled for Friday, May 24th at 1:00 p.m. at the Middleburg Elementary School to honor the new principal.

Mayor Davis noted that the Economic Development Coordinator's report mentioned that the Middleburg Beautification fundraiser would be held on May 17th; however, she thought it was scheduled for May 31st. Councilmember Murdock noted that she has also heard two conflicting dates. Economic Development Coordinator Pearson advised Council that she would clarify the date and report back to them.

Mayor Davis noted that the Economic Development Coordinator's report indicated that the Pink Box was talking about extending their hours when necessary to meet the demand when the Salamander Resort opened. She reminded Council that they have asked for longer hours at the Pink Box for a couple of years. Ms. Davis reiterated that this was something that has been on the Council's agenda for several years as they felt the hours needed to be extended. She noted that while this would be needed because of Salamander, it has been a need for a long time.

Councilmember Shea advised Council that the Pink Box Advisory Committee was supposed to meet with Councilmember Stewart to review these issues. She noted, however, that they did not talk about what would happen when the resort opened; and, explained that they talked to them about being available for events. Ms. Shea advised that it was clear that the changes were to address the needs of the whole town.

Town Administrator Semmes opined that the Farmers Market got off to a good start. Economic Development Coordinator Pearson reported that Hannah Scheps, the Assistant Market Manager, was present for the first market of the season. She reported that she would work on her own after this coming weekend.

Councilmember Murdock asked whether there has been any discussion regarding the roofs on Chinn Lane. **Town Planner Beniamino** reported that this was an HDRC issue. He advised that, as of this meeting, the HDRC Chairman had not made a decision on the shingle materials. Mr. Beniamino noted that no one else had come into the office to talk about replacing their roofs. He explained that all of the homes on Chinn Lane were in need of new roofs. Mr. Beniamino reported that one home owner appeared before the HDRC with an application for a standing seam metal roof, which the HDRC denied; however, they approved the use of a synthetic shingle, with the Chairman to approve the exact shingle to be used. He noted that the cost to the homeowner was an additional \$5,000. Mr. Beniamino explained that the HDRC did not want to change the character of the neighborhood by approving a metal roof. He noted that the Chairman was looking at samples for a synthetic slate and a synthetic wood shingle. Mr. Beniamino reported that currently the roofs contained concrete shingles that were not weathering well.

Councilmember Murdock advised Council that she was approached by two homeowners about the use of metal roofs. She further advised that she talked to the Chairman of the HDRC prior to the last work session, who explained that the HDRC wanted to maintain the character of Chinn Lane so the values of the homes could be maintained. Ms. Murdock noted that she explained this to the homeowners. She reported that the roof on one of the homes was leaking and needed to be replaced soon.

Town Planner Beniamino reported that he would get a decision from Chairman Turnure on the shingles tomorrow.

Mayor Davis noted that the Treasurer's Report included an item on the collection of meals and occupancy taxes; however, the writing only addressed the collection of meals taxes. **Town Treasurer Wheeler** explained that the Town did not receive any occupancy tax revenue during the month of April. She noted that if she had received revenue, there would have had another sentence in the report.

Councilmember Shea noted that the report indicated that this year's business license revenue was only \$237 for the month of April. She asked whether this was correct. Town Treasurer Wheeler confirmed it was; and, noted that the business licenses were due on March 1. She advised that most of the license fees have

already been received. Councilmember Hazard opined that a lot of businesses were late getting their business licenses last year. Town Treasurer Wheeler confirmed they were. Town Administrator Semmes noted that year-to-date, the Town had collected 99% of the business license revenue that was projected in the budget.

Town Attorney Plowman reported that the U.S. Supreme Court issued an opinion in the case of *McBernie vs. Young* that challenged Virginia's FOIA statute and the ability of non-Virginia residents to make a FOIA request. She further reported that the court upheld the Virginia only citizen's provision. Ms. Plowman advised that this was beneficial as it would reduce the number of non-Virginia citizen requests for public records. She noted that those citizens had other avenues to secure records. Ms. Plowman advised that both of the individuals in the court case received the information they sought through different statutes.

Town Administrator Semmes noted that she did not have a utilities report this month. She advised that while she had most of the data, she still needed the numbers on the amount of water used during the hydrant flushing and the treatment figures for March.

Reports of Town Committees/Council Liaisons

Councilmember Shea reported that the Go Green Committee held its regular meeting this month to discuss its Business Challenge. She further reported that they would hold a second meeting later in the month to finalize the details. Ms. Shea advised that they would also meet with the Planning Commission and HDRC to make sure their recommendations and questions were not something that could not be done in Middleburg. She noted that they would then proceed from there.

Mayor Davis announced that the Route 50 Traffic Calming Task Force met this month; however, there was not a lot on the agenda related to Middleburg. She reported that they were getting the cost figures to retrofit the Gilberts Corner roundabout so it would be a single lane on the Route 15 side; and, hoped to start work on it in a month. Ms. Davis advised that while this area would be under construction, traffic would not be stopped. She noted that this project would also include the mounding of the island in the middle so motorists could not see through the roundabout. Ms. Davis encouraged motorists to be extra careful when going through this area.

Action Items (non-public hearing related)

Council Appointments – Middleburg Arts Council

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council appoint Punkin Lee and Marci Nadler to the Middleburg Arts Council Committee for two-year terms, said terms to expire June 14, 2015.

Councilmember Murdock asked whether Ms. Lee has agreed to the reappointment. Town Clerk North confirmed that both individuals agreed to seek reappointment. She noted that a third member's term was about to expire; however, that individual has not agreed to seek reappointment. Ms. North advised that this individual indicated she would speak with the Chairman of the Committee and would then provide a response. Ms. North explained that since the other two members had agreed to seek reappointment, she did not want to delay them so she put the item on the agenda. She noted that the Town was seeking letters of interest from individuals interested in serving on the Arts Council as there was a vacancy on it.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Council Approval – Resolution – Appointment of Martha Mason Semmes as Acting Zoning Administrator in Zoning Administrator’s Absence

Councilmember Shea moved, seconded by Councilmember Stewart, that Council adopt a resolution appointing Martha Mason Semmes as the Acting Zoning Administrator in the Zoning Administrator’s absence.

Town Administrator Semmes explained that this was proposed to facilitate the review process in the event the Town Planner was out of the office on vacation. She further explained that if something came up during his absence, she would be able to act.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Discussion Items

Draft Sewer Ordinance Revisions

Town Clerk North noted that Councilmember Snyder raised some concerns during the last meeting related to disconnects. She advised that she added the additions, removed the deletions and then reviewed the ordinance in its “final” form. Ms. North further advised that, in doing so, she realized that while the ordinance implied that an application was required to connect to the sewer system, it did not state it. She advised that she proposed changes to make it clear that this was a requirement.

Councilmember Snyder opined that the ordinance meshed better. He advised that his only comment was related to the definition of “oil” and noted that a different use of the term was used when talking about fats, oil and grease. Mr. Snyder asked whether this was an issue.

Town Clerk North noted that there were two different kinds of oils discussed in the ordinance. She noted that when just mentioning the term “oils”, this referred to petroleum types of oils.

Councilmember Snyder asked whether the Council should care that there was a definition of “oil” as a petroleum product. He suggested this was a minor issue.

Town Attorney Plowman noted that the term “grease” defined “oils” as animal and vegetable. She suggested the staff look at how the term “oil” was used throughout the ordinance.

Town Administrator Semmes noted that when applied to restaurants, the term applied to vegetable oil. She advised that petroleum oils referred to gas stations.

Councilmember Snyder expressed an understanding and asked whether the Town Attorney was comfortable with the definitions. He noted that the staff did a great job addressing his concerns.

Councilmember Shea noted the definition of the term “Town treatment works”. She asked whether this included the main lines. Town Clerk North confirmed the main lines were covered under the “collection” portion of the definition.

Town Clerk North advised Council that if they were comfortable with the document, she would advertise it for public hearing. The Council agreed it was.

Parking Designations on Pendleton Street

Town Planner Beniamino reported that there were no actual records of the discussions related to the changes in parking on Pendleton Street; however, there were a lot of discussions. He opined that when the concept of using Pendleton Street as the main entrance for Salamander was discussed, the Council felt that having motorists turn at the traffic light would not provide visitors with an opportunity to see as much of the town as they could if they went to Pendleton Street.

Some members of Council disagreed that this was the reason for making the decision to make Pendleton Street the main entrance to the resort; and, noted that it was a straight shot into the resort. Councilmember Snyder noted that two options were discussed, including Madison Street and Pendleton Street. He advised that the Council agreed it would be better to have truck traffic use the Madison Street entrance, with guests using the Pendleton Street one in order to provide a better mix. Councilmember Murdock noted that the decision has been made to use Pendleton Street, which was the discussion item before Council.

Town Planner Beniamino noted that when this item was discussed years ago, the staff raised concerns that the junction at the bakery, the ingress and egress of traffic from the Safeway and the turning of traffic at the intersection resulted in a choke point. He noted that when cars were parked in front of the bakery, it created a one lane street. Mr. Beniamino advised that while the Council did not codify it, they agreed to eventually eliminate the parking in front of the bakery and to turn the four spaces across the street beside the Safeway into fifteen minute parking. He opined that the spirit of the discussion was that cars would not be parked in the spaces all day long; therefore, they would turn over.

Councilmember Hazard reminded Council that the proposal was to eliminate all parking on Pendleton Street, at which point the owner of the bakery attended a Planning Commission meeting to ask that it be changed as his business depended on those parking spaces. He advised that the Commission then asked the Council if something could be done to keep some parking and make the spaces on the other side of the street fifteen minute parking.

Councilmember Murdock opined that this made sense. Vice Mayor Kirk noted that the short term parking would not be solely for the bakery. Mayor Davis noted that it would simply say "15 minute parking"; and, would not be designated to a certain business. Town Administrator Semmes noted that the Town could not designate public parking for use by a certain business.

Vice Mayor Kirk noted that trucks making deliveries to the Safeway parked on Pendleton Street. She suggested the need to consider that. Ms. Kirk noted that the Town must change where the delivery trucks parked. Town Planner Beniamino suggested the Police Chief handle this.

Vice Mayor Kirk noted that the Fire Department parked the fire trucks on Pendleton Street or in front of the Town Office when they went into the Safeway. She suggested this be dealt with as the trucks could not block the street. Ms. Kirk noted that this must be addressed as motorists could not see around the fire trucks.

Town Planner Beniamino noted that these were no parking zones; and, suggested this was an enforcement issue. Town Administrator Semmes noted that she was making note of these concerns. Councilmember Murdock suggested that when the parking spaces changed to fifteen minute ones, a lot of police activity would be needed for the first year.

Town Administrator Semmes suggested the parking meters may need to be removed as she did not believe they could be programmed for fifteen minutes. Councilmember Snyder suggested they be replaced with "fifteen minute parking" signs. He further suggested that "no parking" signs be placed in front of the bakery.

Councilmember Shea expressed concern about having motorists frequently pulling in and out of parking spaces on a heavily travelled street. She suggested the need to consider this.

Vice Mayor Kirk expressed concern about using Pendleton Street as the main entrance for Salamander due to the location of the eye doctor's office. She noted that patients could have drops placed into their eyes and find that they then had to back their cars out onto a busy street.

Mayor Davis suggested that unless there was an event at the resort, there would not be a massive amount of traffic as people would be coming and going at various times. Vice Mayor Kirk agreed there would only be a large amount of traffic during events. Councilmember Murdock expressed hope that the Police Department would be aware of the events so they could address the traffic issues.

Town Planner Beniamino advised Council that during the Planning Commission meeting, it was stated that Pendleton Street was a bad situation now regardless of the resort. He reiterated that parking in front of the bakery created a choke point that caused a bad situation. Mr. Beniamino stressed that Salamander was making the situation worse; however, it was not causing it.

Vice Mayor Kirk agreed the two-minute parking designations should never have been allowed.

Town Planner Beniamino noted that this was a Council discussion, not a Salamander issue. He advised that it was raised by the Planning Commission, who wanted to remind Council that these discussions were held years ago and suggested it was time to put it back on the agenda so it could be addressed.

Vice Mayor Kirk advised Council that the Police Chief told her he planned to talk to the Stines about this issue. Mayor Davis asked whether this was discussed with the Stines. She further asked whether they were agreeable with this change. Councilmember Hazard confirmed they were, as long as some short-term parking was available.

Councilmember Murdock advised that she was almost involved in a head-on collision in this area. She explained that a horse trailer was parked in front of the bakery, a motorist was exiting the Safeway and she was traveling down the road. Ms. Murdock advised that she backed up her car in order to avoid a collision as there was not enough room for everyone.

Mayor Davis suggested it made sense to make the changes based upon the merits. She agreed this was not a good place. Ms. Davis further agreed the four parking spaces should be changed to fifteen minute parking and the two should be removed from in front of the bakery.

Councilmember Snyder reiterated the need to install signage. Vice Mayor Kirk noted the need to enforce it. She suggested the staff advise the bakery of the changes so they could alert their customers.

Councilmember Shea opined that there were other things the Council could consider, such as the establishment of a short-term parking space around the corner from the bakery, in front of Salamander Touch. Mayor Davis suggested a short-term space not be put on the main street.

Vice Mayor Kirk noted that there were usually two or three cars parked in front of the bakery. She suggested that providing just one parking space would result in people double parking in the street. Ms. Kirk further suggested the need to provide enough options so motorists would not be encouraged to do things such as double parking.

Town Planner Beniamino opined that they would use the Safeway parking lot.

Councilmember Snyder suggested that nothing would be resolved during this meeting. He further suggested the need to bring this item back to the Council.

Town Planner Beniamino explained that the Planning Commission wanted this to be a discussion item; therefore, Councilmember Hazard asked the Town Clerk to put it on the agenda.

Vice Mayor Kirk agreed the timing was perfect. She suggested the need to make a decision soon so the Town could inform the businesses on the street of the changes. Ms. Kirk further suggested these changes needed to occur before Salamander opened so people could get used to them.

Councilmember Hazard suggested the Town advertise the changes thirty days before they went into effect. He further suggested that for the first fifteen days after the changes, the officers simply put a warning notice on windshields, with tickets being issued after the first two weeks.

Town Administrator Semmes reminded Council that customers from the hair salon currently parked in this area. She noted that it took more than fifteen minutes for an individual to get their hair done. Ms. Semmes recommended that at least one long-term parking space be left in place.

Vice Mayor Kirk noted that there was a lot of long-term parking on Marshall Street. Councilmember Shea noted that a lot of motorists parked on Marshall Street early in the morning, leaving no spaces available.

Vice Mayor Kirk suggested meters be installed on Marshall Street. Town Administrator Semmes suggested the Council also consider making this area a loading zone for horse trailers. Vice Mayor Kirk suggested at least a couple of spaces be made available for the hair salon customers.

Councilmember Shea opined that there was no easy solution. She noted that if the four parking spaces on Pendleton Street were changed to fifteen minute parking, it would eliminate the parking for another business(es). Ms. Shea noted that the Courtyard at Middleburg was just sold.

Town Planner Beniamino reported that the hair salon had no customer parking. Mr. Devadas confirmed the on-site parking was for employees, not guests. Town Planner Beniamino advised Council that the Courtyard only had nineteen parking spaces, even though it contained a lot of square footage. He noted, however, that the building could only be used for offices, which should help with regard to short-term parking. Mr. Beniamino suggested the need to look at who was parking on the street across from the Town Office as the spaces were already full when the staff arrived in the morning.

Vice Mayor Kirk suggested that a combination of short- and long-term parking would cause confusion.

Town Administrator Semmes advised Council that she would ask the Maintenance Supervisor whether it was possible to set the meters for short-term parking.

Town Planner Beniamino opined that it sounded as if the Council was in agreement that the parking in front of the bakery needed to be eliminated soon. He suggested there needed to be another discussion regarding overall parking in this area. Mr. Beniamino noted that long-term parking was also available on Marshall Street between Pendleton and Pickering Streets.

Mayor Davis noted the need to look at all of the parking on Marshall Street. She further noted that motorists parked there for the day. Town Administrator Semmes suggested that meters could be installed on Marshall Street.

Town Planner Beniamino suggested the elimination of these free parking spaces would help the Town's parking lots.

Councilmember Murdock recommended the Council move quickly on the change in front of the bakery. She noted the need to figure out where the parking would go; and, recommended this be addressed in two pieces.

Mayor Davis asked that an item be placed on the May work session agenda so the Council could continue its discussion. She suggested the staff bring back information for the Council's consideration at that time.

Mr. Devadas advised Council that he has had conversations with the Stines; and, noted that they were Salamander's neighbors and he respected their business. He stressed that he did not want to hurt their business. Mr. Devadas advised that he has devised a plan to direct motorists who were exiting the resort to go to Foxcroft Road if they were traveling east and to go to Pickering Street if they were headed west. He opined that, with a few exceptions, there would be no increase in the traffic headed south. Mr. Devadas advised that the resort's check-in time would be 4:00 p.m.; therefore, the majority of their guests would arrive after the bakery was closed and when the Safeway was not receiving deliveries. He opined that most of the traffic from large events would be coming north bound. Mr. Devadas expressed hope that the resort would not create a further problem. He advised that he respected the Council's discussion of the existing problem; and, appreciated that this was what their discussion was about. Mr. Devadas reiterated that he liked the bakery and did not want to affect their business. He opined that the Stines have not accepted the proposal to relocate the short-term parking. Mr. Devadas noted the offices in this location. He opined that people would park in Safeway's parking lot; and, suggested they would have to take action to stop it.

Councilmember Hazard suggested the Council needed to do something with the parking in front of the bakery. Vice Mayor Kirk agreed it needed to be removed. Councilmember Snyder opined that the Council was in agreement in this regard.

Councilmember Shea opined that traffic would increase regardless of Salamander's opening, as the Town was experiencing increased tourism and traffic. She suggested the Council's discussions needed to be based upon those conditions. Vice Mayor Kirk agreed. She noted the need to improve traffic movements throughout the town.

Mayor Davis reiterated that the Council would discuss this further during its May work session.

Information Items

Town Administrator Semmes reported that the Town received a commitment from Tyler (St. Clair) Johnson to join the Council in facilitating its retreat on June 29th. She advised that she was just waiting to hear from Ms. Johnson on whether she wanted to interview the members individually or do so through the use of a survey. Ms. Semmes opined that they would begin discussions on the format and items that the Council wanted to cover. She noted that she has already advised Ms. Johnson that economic development was something that was important to the Council, including how the Town would deal with the coming transition. Ms. Semmes advised that she provided Ms. Johnson with some background on the changes that were in store for the town. She noted that the next step was for Ms. Johnson to finalize a letter agreement and send it to the Town to finalize the procurement of her services. Ms. Semmes suggested this item would come back during the work session.

Councilmember Shea noted that she and the Town Administrator would work on the meal arrangements.

Councilmember Murdock announced that an Open Community Meeting would be held at the Middleburg Elementary School on Monday, May 13 at 6:30 p.m. to discuss becoming a charter school. She advised that the purpose of the meeting was so that people could find out how all of Loudoun County's students could attend Middleburg's public charter school.

Vice Mayor Kirk announced that the Upperville Volunteer Fire Department would hold a Pancake Breakfast on May 12th.

Mayor Davis reported that she was talking to people about the Middleburg Elementary School; and, was trying to get information that she could relay to the School Board. She advised that she planned to be up front with the members of the School Board and would let them know that she would do anything she could to save the school. Ms. Davis reminded Council that Loudoun County Supervisor Janet Clarke was scheduled to attend Council's June work session and School Board Member Jill Turgent was scheduled to attend Council's June regular meeting. She noted that the closing of the school was a huge concern for everyone. Ms. Davis opined that the Town must pull out everything it could. She advised that one of her biggest concerns was that when the School Board discussed the cost to educate a child, all they looked at

were the operating expenses divided by the number of students. Ms. Davis reminded Council that the Middleburg Elementary School shared a principal, combined some of its grades and used part-time employees; therefore, the numbers were “skewed”. She noted that Middleburg Elementary School did not incur water and sewer costs nor did it have debt service. Ms. Davis advised that she was working behind the scenes; and, opined that anything the Council could do to help was important.

Mayor Davis announced that the Middleburg Library would hold a book sale on May 11th at the Community Center.

Mayor Davis announced that the Alumni Association of The Hill School paid to refurbish the Town’s Christmas signs. She noted that they had to remake one sign; however, the remainder were the original signs. Ms. Davis advised that they did a phenomenal job of refurbishing the signs. She noted that in order to make the signs last longer, the Association fabricated storage sleeves. Ms. Davis advised that the Hill School has agreed to allow the signs to be stored in their barn, which would also give the Town back some of its storage space in its garage.

Vice Mayor Kirk asked whether the signs would be accessible to the public in the barn. Mayor Davis confirmed they would not. She opined that it was nice of the Alumni Association to take on this project; and, reiterated that the signs looked great.

There being no further business, a motion was made and approved to adjourn the meeting at 7:23 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk