



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



Thursday, December 11, 2014

PENDING APPROVAL

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

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner
Cindy C. Pearson, Economic Development Coordinator
Debbie J. Wheeler, Town Treasurer
Stuart Will, Inboden Environmental Services

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, December 11, 2014 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

Barbara Smith, Principal of the Middleburg Community Charter School, announced that they would be holding an Education Fair on December 13th from 9:00 a.m. to 12:00 noon, so people could find out what was happening in education around the world. She reminded them that the school was using the Leonardo da Vinci curriculum, which encouraged people to think outside of the box. Ms. Smith explained that before talking about the vision for the school, they wanted to look at examples of visions that have worked well around the world. She advised that this session would consist of brain storming sessions and noted that they wanted the community to be involved as it played a huge role in the school. Ms. Smith invited the Council and community to join them for this event.

Public Hearing

Councilmember Murdock left the dais as she had a conflict of interest regarding this agenda item.

Zoning Map Amendment 14-02 – Ordinance to conditionally rezone 0.74 acres from R-1 Residential to C-1 Commercial – 301 East Washington Street

Mildred Slater, an attorney located at 9005 John Mosby Highway, Upperville, appeared before Council representing Dr. Betsee Parker, the applicant. She advised Council that Dr. Parker would like to purchase the historic home of Howard and Nancy Allen, which was built in 1820, and immediately gift it to the Middleburg Museum Foundation. Ms. Slater reported that they have already drafted the deed and forwarded it to the attorney for the Foundation. She noted that Dr. Parker recently purchased the Unison Store and gifted it to the Unison Preservation Society, which was a great success.

Ms. Slater advised that Dr. Parker's financial advisors have advised her that if she was going to make a gift of this property, she needed to do it this year. She noted that one of the questions that came to her was why they were pursuing a C-1 rezoning as opposed to a special exception permit. Ms. Slater explained that there were two reasons, with the first being that time was of the essence. She noted that they consulted with the staff as soon as the property was under contract to ask what would be the quickest way to get this through, with the staff indicating that to do it this year, they would need to pursue C-1 zoning, not a special exception permit. Ms. Slater advised that the second reason, which was beneficial to the Museum Foundation, was that if the property was zoned C-1, under the proffers they have offered, the Foundation could rent twenty-five percent of the existing house for use as professional offices. She opined that this would be good as it would bring in income for the museum that would help with the upkeep of the property. Ms. Slater noted that the property's by-right uses would be restricted by the proffers; and, explained that the proffers would prohibit its use as a municipal parking lot; for retail stores and shops, with the exception of being used as an accessory to a permitted use, which would allow the museum to have a gift shop; as a rooming or boarding house; and as a social/fraternal club or lodge. She reiterated that her client was willing to give a generous gift to the Middleburg Museum Foundation if the property could be rezoned to C-1 this year.

Dr. Betsee Parker, 35955 Huntland Farm Road, advised Council that since she came here from England twenty-five years ago, she has felt it was sad that this wonderful community did not have its own museum. She noted that there were many different kinds of histories in the community that needed to be kept and preserved. Dr. Parker opined that there were families that may have no representation but may have photographs that depicted the history of Middleburg. She advised that she sat on museum committees that were very specific to a sport and noted that they only represented a specific population. Dr. Parker advised that the same thing occurred with Upperville and Aldie. She reiterated that she never felt that Middleburg had adequate representation of its history. Dr. Parker noted that she was in a position to provide this as a gift and advised that she was honored to offer it to the community as it has done much for her. She noted that sometimes things came to you that may not have the best timing; however, you simply must deal with it. Dr. Parker noted that she and her late husband have done projects that came at difficult times and cited some examples. She opined that sometimes such projects could galvanize the community to bring people together. Dr. Parker advised that she did not want to be a part of those who operated the museum and was only interested in giving the gift. She further advised that she wanted the Museum Foundation to decide its direction. Dr. Parker noted that the Clarke County Museum worked well with little income and noted that Mural Kalbien, the Historian for Clarke County, was willing to help as a consultant on this project. She suggested the community must muster itself and opined that there were a lot of people who could and would do that.

Richard Kirk, 501 Stonewall Avenue, advised Council that he has lived in the Middleburg area for over seventy years and knew a lot about its history. He noted that over the last two years, the Museum Committee has been meeting with people to ask for their support and to talk about preserving the history of Middleburg. Mr. Kirk further noted that their most frequently asked question was "where are you going to locate". He advised that the Committee went to people seeking a sponsor and noted that they now had one. Mr. Kirk further noted that the Committee was excited about the project and asked that the Council approve the rezoning so they could accept this gift.

Mr. Kirk advised Council that he has been interviewing individuals who knew the history of Middleburg and shared one of the stories that were told. He opined that tourists would love to hear such stories. Mr. Kirk further opined that the museum would be great for the town. He suggested this location could not be better as it was on the main street and had parking. Mr. Kirk reiterated his request that the Council vote in favor of the rezoning.

Genie Ford, 36523 Mountville Road, noted that she served on the Board of Directors for the Middleburg Museum Foundation. She opined that the Allen house would be a great place for a museum. Ms. Ford noted its historical importance and advised that it could also serve as a gate way for visitors. She opined that it was a lovely spot for a museum. Ms. Ford noted that she would leave it to the Council to decide the best way to accomplish this.

Sonny Underwood, 404 West Washington Street, advised Council that they had a chance to make history. He opined that people made a town and advised that he would like to have a place to go where he could learn about the people in Middleburg. Mr. Underwood noted that he was originally from Winchester and advised that he was proud to be a part of a historic building renovation in that community.

Kim Hart, 102 West Washington Street, advised Council that he was speaking on behalf of himself and his wife, Linda, in favor of the proposed museum and the rezoning that was necessary to make it possible. He further advised that he and his wife have lived and had businesses in the area for forty years and expressed a belief that a strong museum would increase visitors to Middleburg and increase business. Mr. Hart advised that as the Executive Director of the Windy Hill Foundation, he believed it would help educate adults and children about the history of the area and the benefits of being part of the community. He noted that he was a member of the Board of Directors of the Unison Preservation Society, which received a community changing gift from Dr. Parker that helped to preserve a historic structure and created a space to bring people together. Mr. Hart advised that based on his experience, he knew that she was a great benefactor and was good to her word. He submitted a letter from Peter and Patty Nicolle in favor of the proposal.

Eura H. Lewis, 116 North Madison Street, reminded Council that it has been five years since she met with them about a museum. She advised that she supported the zoning map amendment and opined that it was a great opportunity for a permanent location for the museum as it was visible and had historic value. Ms. Lewis expressed gratitude to Dr. Parker for her generous gift. She expressed hope that the Council would approve the zoning change to allow the Foundation to accept and use the property as a museum. Ms. Lewis presented letters from individuals in support of the zoning amendment. She asked those individuals in the audience who were in support of the museum to stand, to which much of the audience stood.

No one else spoke and the public hearing was closed.

Councilmember Murdock returned to the dais.

Action Items related to Public Hearing

Zoning Map Amendment 14-02 – Ordinance to conditionally rezone 0.74 acres from R-1 Residential to C-1 Commercial – 301 East Washington Street

Town Planner Moore opined that Ms. Slater did a good job of summarizing her discussions with the staff prior to filing the application. He confirmed there were two paths to achieve the stated use of a museum and explained that in order to get this potentially acted upon by the Council this year, a rezoning was the only path that would work. Mr. Moore advised that in order to achieve the desired use of a portion of the property for professional offices, the applicant had to go this route as this would not be allowed under a special exception permit. He noted that the Council had the background information from the Comprehensive Plan. Mr. Moore advised Council that the Planning Commission forwarded a recommendation for approval as the request was generally in conformance with the Comprehensive Plan. He opined that based upon the applicant's reputation and the community support the Council had heard that they could take comfort in knowing there was momentum toward the stated use as a museum. Mr. Moore asked, however, that the Council set aside the use as a

museum. He reminded them that this was a rezoning and noted that there was no proffer requirement that the property be used for a museum. Mr. Moore asked the Council to look at the application before them, which was to rezone the property to a C-1 Commercial designation, with proffers that removed certain uses. He suggested they ask themselves whether this location was suitable for the uses that remained, including a museum. Mr. Moore noted that the applicant has proffered out some by-right uses as stated by Ms. Slater. He further noted that the proffer would limit the professional office space to twenty-five percent of the existing principal structure. Mr. Moore suggested the Councilmembers needed to ask themselves if they were okay if six months from now any of the remaining uses would go in this location. He reviewed the list of allowed uses and asked whether the Council was okay with any of them being located on the property.

Town Planner Moore reminded Council that the C-1 District was a transitional district between intensive commercial and residential uses. He noted that, through the adoption of the Town Code, the Council has already made a statement that C-1 can be compatible with adjacent residential uses. Mr. Moore advised that by proffering out additional uses, particularly retail which could affect the neighboring residential properties, the uses were tightened even more. He further advised that the staff, in conjunction with the Planning Commission, was supportive of the request. Mr. Moore reiterated his request that the Council consider this application independent of the proposed use as a museum and asked that they consider what could be there if it was not used as a museum.

Councilmember Hazard questioned whether this property could be used as a museum if the zoning remained R-1 Residential. Town Planner Moore confirmed it could if the applicant applied for and received a special use permit.

Councilmember Hazard questioned whether it was correct that not getting the zoning change would not preclude the property from being used as a museum. Town Planner Moore confirmed it was.

Councilmember Hazard noted that this application was reviewed on a very short time scale and reminded Council that every time anything of this magnitude came to the Town, they usually had four or five months of reviews with the applicant. He noted that they were now being told it must be done in a month. Mr. Hazard expressed an understanding that this was a wonderful gift; however, he asked whether the applicant could make the gift to the Museum Foundation, if the property remained R-1, and still get a tax exemption.

Ms. Slater noted that it was her understanding that a special exception permit must be approved before the property could be used as a museum. She advised, however, that the answer to Councilmember Hazard's question was that the applicant would not make the gift without the rezoning. Ms. Slater advised that the gift must be given this year.

Mayor Davis reminded Council that the Town Planner was saying that what the Council needed to address was what it would allow to be located there. She noted that if the property was zoned C-1, the museum could be there. Ms. Davis reminded Council that they were voting on the C-1 zoning question, under the options that were available.

Councilmember Hazard agreed. He opined that no one in the room had a problem with the property being used as a museum. Mr. Hazard noted that the issue was that the Town had a Comprehensive Plan that showed this property to be the end of the residential district and opined that to change the zoning would go against the Comprehensive Plan. Mr. Hazard advised Council that he has talked to a number of zoning attorneys who indicated that the Town would leave itself open to a lawsuit by anyone else who came in seeking a rezoning that went against the Comprehensive Plan. He opined that this was the real issue, not the museum use. Mr. Hazard suggested that the issue was that the Council was being asked to make a change that it did not have to make. He questioned whether the Council could take a straw poll on the issue of a special exception permit.

Town Attorney Plowman reminded Council that the Comprehensive Plan was a guide, not a zoning ordinance. She noted that Fairfax did things differently in that they abided by their Comprehensive Plan like it was a zoning ordinance. Ms. Plowman reiterated that the Comprehensive Plan was a guide.

Mayor Davis noted that she attended the Planning Commission meeting when this item was discussed. She further noted that at that time, it was said that the Comprehensive Plan was a guide and that the Town would not be doing anything against the Plan.

Town Planner Moore confirmed it was a guide. He advised that if an overlay of the Comprehensive Plan was made with a parcel map, it would be clear that this property was in an area that was on the edge of the area that called for residential use. Mr. Moore further advised that across the street was an area that was designated for commercial use. He opined that the Comprehensive Plan was not intended to be looked at on a parcel level. Mr. Moore suggested that a street was a clear break and noted that there was flexibility. He advised Council that the example he gave to the Planning Commission was that if this property was moved to the east, it would clearly not be in conformance with the Comprehensive Plan. Mr. Moore noted that it was on the edge of the district between two different uses. He advised that he would not characterize this request as going against the Comprehensive Plan. Mr. Moore suggested that if the Council was looking for a reason to say the rezoning was wrong, one could argue that; however, he could argue that it was not.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt an ordinance to conditionally rezone 0.74 acres of land at 301 East Washington Street from R-1 Single Family Residential District to C-1 Restricted Commercial District.

Councilmember Hazard asked whether Dr. Parker could deed the property to the Museum Foundation this year and still get the tax exemption if it remained R-1. Ms. Slater confirmed she would not do so. She reiterated that she has sent a draft deed to the Foundation's lawyer. Ms. Slater explained that Dr. Parker would like to get the property deeded to her from the Allen's so she could then immediately gift it over to the Museum Foundation. She reiterated that they wanted it zoned C-1.

Mr. Kirk noted that this must either be done this way or the Foundation would lose the donation. He opined that it was their only chance to get the building. Mr. Kirk reminded Council that the committee has been trying to find a home for the museum for five years.

Mayor Davis reminded Council that they were voting on the rezoning to C-1 on its merits. She questioned whether, all things allowed, the Council was comfortable with that.

Councilmember Snyder confirmed he was. He noted that the C-1 District was intended as a buffer between more intensive commercial and resident uses, which the museum was.

Town Planner Moore reviewed the uses that would remain under the C-1 zoning.

Vote: Yes – Councilmembers Kirk, Littleton, Scheps, and Snyder

No – Councilmember Hazard

Abstain: Councilmember Murdock (conflict of interest)

Absent: Councilmember Shea

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

Mayor Davis recessed the meeting briefly. She called it back to order at 6:45 p.m.

Special Recognitions by Mayor and Council

Mayor Davis thanked the Town staff and Christmas in Middleburg Committee for a job well done. She noted that Christmas in Middleburg was always fantastic and advised that it was exceptional this year despite the weather. Ms. Davis advised that she was amazed at the number of attendees.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the November 13, 2014 Regular Meeting Minutes as amended.

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

No – N/A

Abstain: N/A

Absent: Councilmember Shea

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

Staff Reports

Town Administrator Semmes reported that the Route 50 Traffic Calming Committee held a meeting earlier in the day. She further reported that the staff also met with the Director of the County's Transportation Office on funding for the project. Ms. Semmes advised that they set the stage to ask the County for additional funding assistance should it be needed.

Economic Development Coordinator Pearson reported that the next Middleburg Film Festival would be held October 22-25, 2015.

Chief of Police Panebianco thanked his staff for their hard work during the Christmas in Middleburg parade. He noted that in addition, the Town utilized staff from the Loudoun County Sheriff's Office, the Virginia State Police and the individuals the Council agreed to hire, and opined that they were an asset to the parade.

Chief Panebianco reminded Council that the Police Department was using social media, including their Facebook page. He advised that they put a warning up on people who were trying to get into houses in order to steal. Chief Panebianco noted that there have been no victims in town; however, people have been approached by such individuals. He reported that their Facebook post reached more than ten thousand people.

Chief Panebianco thanked the Council for their support. He noted that they received a lot of credit for the parade; however, it was a community effort.

Councilmember Snyder asked Chief Panebianco to address the Council during their January work session about community policing and how the Town prevented things like what happened in Ferguson.

Vice Mayor Kirk advised the Chief that she was approached this afternoon by an individual wanting to do a roofing job at her house. She further advised that he told her that her roof needed to be replaced, to which she responded that "it had just been replaced".

Councilmember Murdock questioned whether soliciting was legal in Middleburg. After some discussion, Chief Panebianco advised Council that he would research this matter further and would consult with the Town Attorney.

Chief Panebianco asked Councilmember Snyder to provide him some guidance on what he was looking for with regard to the work session item. Councilmember Snyder explained that he wanted to hear about Middleburg's community policing efforts and why what happened in Ferguson would not happen here. He opined that Middleburg was doing "all the right things" and suggested the Chief tie them together. Councilmember Murdock and Chief Panebianco agreed the Police Department was prepared.

Councilmember Snyder asked, and the remainder of Council agreed, to move the monthly **utility report** to the top of the staff report list.

There was some discussion held regarding the recent occurrences of pink water. Councilmember Snyder reminded Council that Well 4 did not have a clear well that IES could use to gauge the level of chemicals versus minerals in the water. He noted that this meant that the use of chemicals could occasionally go overboard before the personnel could see it and change the levels.

Councilmember Snyder reminded the staff that he has asked that they install a water fountain in the Town Office. Town Administrator Semmes advised Council that the staff researched this matter; however, she could not remember the outcome. She noted that she would research it again.

Action Items (non-public hearing related)

Council Approval – Health Center Fund Donations

Vice Mayor Kirk moved, seconded by Councilmember Littleton, that Council approve annual charitable contributions for FY '15 as recommended by the Health Center Advisory Board.

Mayor Davis questioned whether the Town ever heard from the American Legion. She further questioned whether someone was going to call them to find out if they needed a donation.

Councilmember Snyder noted that the proposal was to donate \$32,000 from the Health Center Fund. He questioned whether the fund generated that much excess revenue. Vice Mayor Kirk confirmed it was close. Town Administrator Semmes reported that it generated \$28,000.

Mayor Davis reminded Council that they agreed to put in extra money from the General Fund. Councilmember Snyder noted that he wanted this to be a conscious decision.

Vice Mayor Kirk asked the Town Clerk to contact the American Legion. She reported that the Health Center Advisory Board worked hard and discussed each application that was received.

Mayor Davis suggested that \$1,000 be added for the American Legion to the donation list, with the funds to come from the General Fund.

Town Administrator Semmes questioned whether all of the donations should come from the Health Center Fund or whether a portion should also come from the General Fund. The Council agreed it wanted to balance the Health Center Fund and that the remainder should come from the General Fund.

Town Administrator Semmes reminded Council that they traditionally made the donations in December; however, they did not know what funds would be available until June. She suggested they consider changing the cycle to give the donations in July. Vice Mayor Kirk noted that she liked the idea of giving the donations around the holidays. Councilmember Snyder noted that a lot of people donated at that time of year; however, during the other months, the donations could be lean.

After some discussion, the Council agreed to take \$29,000 out of the Health Center Fund for the donations, with the remainder coming from the General Fund. They further agreed to add a \$1,000 donation for the American Legion.

Town Clerk North questioned whether the Council wanted her to call the American Legion or whether they just wanted to send them a donation. Vice Mayor Kirk suggested the Town just send the donation. Councilmember Scheps asked that they be sent another application with the donation so the Town would have some type of paper trail.

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

No – N/A

Abstain: N/A

Absent: Councilmember Shea

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

(On motion as amended)

Discussion Items

Salamander Proffer/Plan Amendment

Mayor Davis reminded Council that the plans for the streets for Salamander’s housing component included a street behind the Community Center, where the Farmers Market was currently held. She opined that no one realized it was on the plans. Ms. Davis advised that she remembered talking about the streets and where they would connect to the town. She further advised that she remembered it being mentioned that a street could go in this location; however, she remembered that the discussion was not only that it did not make sense, but also that it would be dangerous.

The Council held some discussion regarding the proposed location of the road. Town Planner Moore advised Council that the Town has now received an application for the proffer amendment. He noted that the last page contained a map, which identified the proposed street that would go through the Community Center’s property.

Vice Mayor Kirk questioned why the street was proposed for this location. Councilmember Murdock noted that it was included in the approved proffers.

Town Planner Moore explained that the proposed proffer amendment would remove the proposed street connection and would move it opposite of Reed Street in the existing right-of-way. He reported that there were two substantive changes proposed to the proffers – the street relocation and to have the streets within the development be private rather than public.

Councilmember Snyder noted that the right-of-way opposite Reed Street went through two yards that were currently fenced. He expressed an understanding of the legal issues associated with the construction of fences in the right-of-way; however, he opined that it would be nice if someone mentioned the need to take care of those people to Salamander.

Town Planner Moore reported that in addition to the fences, there were utilities that would need to be relocated if the proffer amendment was approved.

Councilmember Snyder opined that it would be nice if Salamander took care of the fences. He advised that he would not be pleased if the Town received bills for the infrastructure relocations.

Mayor Davis advised Council that this request needed to be sent to the Planning Commission and questioned whether the Council was willing to do so. The Council agreed they would like for the Planning Commission to work on it.

Councilmember Hazard asked the Town Planner to provide a list of the pros and cons of private roads for the Planning Commission's consideration. Town Planner Moore advised Council that the staff just received this request this week. He further advised that he would not have a complete analysis for the Planning Commission's consideration during their December meeting, as the meeting has been moved to December 15th due to the holidays. Mr. Moore noted that the Commission could begin their discussion during their December meeting and would have a full staff report for their January one.

Steve Plescow, the applicant's representative, noted that there has been talk about possibly holding a joint public hearing with the Planning Commission in January. He asked the Council to consider doing so. After some discussion, the Council agreed to wait for the Planning Commission's recommendation.

Councilmember Murdock noted that the proffers must be changed as the road could not go through the Community Center's property.

Town Planner Moore reminded Council that there were two parts to the proffer amendment. He agreed that if Salamander did not have the property owner's permission, it could not put a road on their property. Mr. Moore explained that the issue of a private versus a public street was more involved. He reiterated that the proffer amendment covered both requests.

Councilmember Snyder suggested the Council defer the issue of holding a joint public hearing until the Commission gave the Council their recommendation.

Councilmember Murdock questioned why the proffer amendment addressed who would own the streets. Mr. Plescow explained that this was a housekeeping item and advised that Salamander wanted to own and maintain the roads.

Councilmember Murdock questioned whether the original proffers mentioned whether they would be owned by VDOT or would be private roads. Town Planner Moore confirmed that the proffered plan, which accompanied the proffers, contained a general layout of the streets and specifically called them out as public streets.

Councilmember Littleton questioned whether the roads needed to be built to VDOT specifications. Councilmember Hazard explained that this was why he wanted to vet this issue with the Planning Commission.

Town Administrator Semmes reminded Council that originally Salamander was allowed to put an extension off North Pendleton Street temporarily, with the thought being that once they built the public road network, this road would have a tee that would meet VDOT standards. She advised that otherwise, in order for VDOT to maintain the street, it must contain a cul-de-sac. Ms. Semmes explained that these were the kinds of things that needed to be sorted through by the staff and Planning Commission so they could provide Council with the best advice.

Town Planner Moore advised Council that the Planning Commission has had a related discussion, which they planned to take up again this month, about the general alignment of the R-3 portion of the property. He noted that this was the area located behind the existing homes on Stonewall Avenue. Mr. Moore advised that the discussion involved a history of the development of the project and how it was envisioned that this area would be an extension of the village and the street grid. He questioned what making the streets private would entail and whether it would just be about maintenance or

whether it would be about making the area seem like a private area. Mr. Moore noted that this was more than just a maintenance issue. He explained that the Commission was going back to the vision for this area and whether this was still the vision. Mr. Moore reiterated that this was a broader discussion than just maintenance.

Chief Panebianco noted the need to consider police enforcement as well. He explained that if the roads were private, the Police Department could not do traffic enforcement on them unless the homeowners association asked them to do so. Chief Panebianco noted that once they did, the request could not be retracted. He advised that he knew that this could be done; however, he was not familiar with the process for doing so. Chief Panebianco reiterated that traffic enforcement was different on private streets versus public ones.

Mayor Davis noted that there were two roads in town that were already private. Chief Panebianco confirmed there were and noted that the Police Department could not do traffic enforcement there or address issues such as vehicle stickers. He explained that they could only ticket a car for the lack of a vehicle sticker if it was caught being driven on a public street.

Vice Mayor Kirk questioned whether an officer would write a ticket for the lack of a vehicle sticker if the car was parked on a private driveway. Chief Panebianco confirmed he could not. He suggested these were things to consider. Chief Panebianco noted that he did not know the resort's or the Town's vision for this area, as it occurred prior to his arrival. He reiterated that the Council needed to be aware of the fact that the Department was limited to traffic enforcement on public roads.

Mr. Plescow advised Council that Salamander's intent was not to block traffic, but was that they did not want to rely on VDOT to maintain the roads.

Mayor Davis summarized that this item would be forwarded to the Planning Commission.

Proposed Tourism/Special Event Program Funding Application Process

Economic Development Coordinator Pearson advised Council that the staff felt that when people came to the Town for money, the Town should have more information. She noted that she has suggested a form that could be used for this purpose.

Councilmember Murdock noted the need to address whether police resources would be used. Economic Development Coordinator Pearson confirmed that the draft application asked whether police assistance would be needed.

After some discussion, the Council asked the staff to bring this item back to them in January, with a recommendation as to who would serve on a committee to review the funding requests. They suggested the form be simple. It was noted that the Mayor should also appoint a member of Council to serve on the committee.

Christmas Eve Holiday

Town Administrator Semmes reminded Council that the employees would get a half day off for Christmas Eve. She noted that the Town Office did not do a lot of business that day and advised that the staff would like to know whether the Council would allow them to use vacation time for the other four hours so the office could be closed for the entire day.

The Council held some discussion as to whether to grant this as additional holiday time and the overtime costs. Town Administrator Semmes and Town Planner Moore volunteered to cover the office that day so it could remain open. The Council agreed to give the staff flexibility in determining whether to keep the office open or closed utilizing vacation time for those four hours.

Wayfinding Sign Concept

Town Administrator Semmes advised Council that the proposed wayfinding signs were ones the staff would like to put up in town. She noted that they would also include stop signs and street name signs and advised that the current street name signs were not in compliance with federal law. Ms. Semmes advised that the idea was to get the Council's general thoughts on the concepts.

After some discussion, the Council agreed they liked the dark green background better and suggested it be as dark as possible. They asked that the route numbers be placed on a separate sign that could be attached to the street name sign. The Council directed that the signs not use the symbol "I" to represent "information" but rather use the term "visitor center". They agreed the signs, with the exception of the smaller ones, should contain a fox; and, suggested the use of the fox as shown in the green signs.

Councilmember Hazard asked the staff to check into the maintenance associated with the use of powder coating and opined that it could be an issue.

Town Administrator Semmes noted that the background would not be shiny. She advised that the traffic control and street name signs would contain reflective lettering. Ms. Semmes reported that John Ralph, of Quail Run Signs, told her that Round Hill had some signs whose lettering was cast so they stuck out. She advised that she would take some photographs of those signs for Council's consideration.

Town Administrator Semmes reported that the Committee recommended, rather than having a visitor kiosk map that contained all of the businesses names, which would have to be reproduced often as businesses changed, that the detailed shopping/dining maps be placed in a box so people could take them. She further indicated that the Committee recommended that the map on the kiosk be simple and include items that would not move, such as the parking lots, visitor's center and public restrooms. (Councilmember Shea arrived at the meeting at 7:32 p.m.)

Councilmember Hazard suggested the kiosk contain a map that could be inserted and replaced as updated. Town Administrator Semmes noted that it could be printed on a replaceable water proof board and advised that those details could be worked out later. She reported that the next step would be to review the sign proposal with VDOT and noted that she has sent them a draft agreement that would allow the Town to place the signs in the right-of-way. Ms. Semmes advised that the signs must meet VDOT standards. She noted that the Washington Street Streetscape Committee felt the larger signs needed a base; however, they must break away, which would make them more expensive. Councilmember Littleton suggested the base be made of non-structural plastic that looked like concrete.

Town Administrator Semmes opined that the signs would be unique.

Information Items

Vice Mayor Kirk announced that the Upperville Fire Department would hold a breakfast on December 13th. She noted that the proceeds would be donated to Vance Thompson, who used to work at the post office and who was in need of a heart transplant.

Councilmember Shea advised Council that Go Green has requested permission to use some girls from the Foxcroft School to assist them with a project or two. She explained that they hoped to use them to develop a shopping list or plan a Go Green Spring Fair. The Council agreed to allow the use of the students for these projects.

Councilmember Hazard reported that the Middleburg Community Charter School would have stations set up during their event on December 13th. He noted that they really wanted community input, which would be used to help develop the curriculum for the coming year.

Councilmember Snyder noted that he read in the *Washington Post* about the problems the principal was having with the State regarding her certification. Councilmember Hazard opined that this was an administrative issue and noted that this was the only charter school in Northern Virginia; therefore, they did not know who should submit the application. He reminded Council that she was a Canadian citizen and advised that she would be asked to take a course or two. Mr. Hazard reported that she received a phone call confirming that they would work through the process. The Council discussed the detail of the news article and asked Councilmember Hazard to alert them if something needed to be done to address this matter.

There being no further business, Mayor Davis declared the meeting adjourned at 7:41 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk