



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES
Thursday, June 25, 2015**



PRESENT: Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton
Councilmember Catherine “Bundles” Murdock
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner

ABSENT: Mayor Betsy A. Davis
Councilmember Erik J. Scheps

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, June 25, 2015 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Vice Mayor Kirk 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, opined that in looking around the town, it looked nice. He credited this to the renovation of buildings, some of which were built in the 1980s. Mr. Turnure opined that the Chet Hughey infill project (Chinn’s Crossing) fit in well. He further opined that the Federal Street Office Building project, which was placed on a difficult lot, worked out well.

Vice Mayor Kirk opined that the HDRC was responsible for how the town looked, as they did all the hard work. She further opined that they did a wonderful job.

Councilmember Murdock questioned whether the food truck located at the cidery came before the HDRC. Chairman Turnure confirmed it did not.

Councilmember Shea noted the need to fix the zoning ordinance that allowed this to occur.

Councilmember Murdock noted that she received a complaint about having it there. Vice Mayor Kirk advised that she liked it better when it was at the Farmers Market.

Councilmember Murdock opined that their food was delicious; however, she suggested it did not fit in with what the HDRC was trying to accomplish. She further opined that it was not in historical keeping with the town.

Councilmember Snyder noted that this was what zoning addressed. Councilmember Shea reiterated the need to fix the zoning ordinance so this did not occur again.

Town Planner Moore noted that this was the first time he had heard the word “complaint” used. He noted that he had received inquiries but not complaints. Mr. Moore reminded Council that the Planning Commission was looking at the temporary use provisions, but has held off due to the sub-committee that was looking at special events and explained that the two were intertwined. He opined that there were uses that would become something that would require Council approval rather than allowing them under an administrative permit.

Councilmember Hazard noted that the staff did the right thing in issuing the permit as the owner did what he had to do to comply with the ordinance, including opening an office in town. He questioned whether Council wanted something different. Mr. Hazard opined that it wanted the ability to have event oriented food trucks.

Councilmember Shea opined that allowing food trucks was intended for events only, which was why the ordinance was written as it was. She advised that she did not anticipate the trucks would be used all summer, every weekend.

Councilmember Murdock opined that the HDRC needed to view them and noted that this one was there every weekend. She further noted that the HDRC worked hard to keep Middleburg looking as the Town wanted it and then this occurred. Councilmember Littleton noted that it was a lesson learned and expressed hope that this would be the last food truck.

Councilmember Shea questioned whether the HDRC was concerned about requiring wooden windows from an environmental perspective and noted the additional weather patterns. She questioned whether the HDRC has talked about the need to use different materials. Ms. Shea reported that her landlord must remove borer bees every season and fill the holes. She noted that they were eating the wood frame windows. Chairman Turnure noted that this was a pest control issue. Councilmember Littleton suggested the landlord needed to make the decision to replace the windows with a material the bees would not bother.

Councilmember Shea explained that she was talking about weather change and insects. She questioned whether the HDRC considered looking at the materials that were allowed. Chairman Turnure noted that, in addition to the wood windows, they allowed windows with a baked enamel finish on the wood. He advised that they did not allow vinyl or aluminum clad windows. Mr. Turnure further advised that they allowed PVC material to be used for fascia and trim. He noted that if someone proposed a material or window that met the historical standards, the HDRC would not be opposed to it; however, he has not seen one. Mr. Turnure advised that the HDRC did allow for the use of hardy plank. He confirmed there were alternative materials that could be used and noted that whether they could depended on the building.

Chairman Turnure commended Town Planner Moore and noted that he stepped into his position seamlessly. He noted that he was on top of the HDRC’s needs and kept things going. The Council agreed he was a good hire.

Councilmember Littleton noted that a majority of the HDRC was present. He further noted that this was different than what has occurred with other committees. Councilmember Snyder agreed and noted that it spoke well for the Committee.

Councilmember Shea questioned whether the HDRC had a plan for rescheduling a meeting if it was cancelled due to inclement weather so the applicants did not wait long for an approval. Chairman Turnure noted that it depended on what was on the agenda, the availability of the members and the meeting room and the urgency of the agenda items. He advised that there have been times when the Committee used an informal electronic vote, with the formal review being held at the next meeting.

Councilmember Shea questioned whether this process was in writing. Chairman Turnure confirmed it was not and opined that the staff was capable of handling it when the need arose. He explained that it was dealt with on a case-by-case basis.

Councilmember Littleton advised that the biggest issue in delaying action was when an applicant did not thoroughly read what must be presented or came before the Committee to “test the waters”. He opined that the HDRC’s approval process was fast compared to other municipalities.

Councilmember Snyder noted that it was important to have continuity in a committee’s membership. He opined that rapid turnover indicated people were not happy with the committee. Mr. Snyder noted that the Town wanted members who were engaged, which the HDRC was.

Chairman Turnure noted that there were not many applications that came before the HDRC that did not eventually achieve a unanimous decision. He further noted that the members were flexible. Mr. Turnure advised that they were on the same page as to what they were looking for to better the town. He opined that the Committee worked well.

Councilmember Littleton noted that it was important that the HDRC did not try to make an applicant spend a lot of money. He advised that the Committee helped applicants achieve what they wanted, while still maintaining the town’s character and complying with the guidelines.

Councilmember Murdock noted that the HDRC allowed one business in the Chinn’s Crossing complex to remove their window panes, but insisted they remain for another applicant. Chairman Turnure explained that in the first case, the windows in the lower levels had multiple muttons, while those on the second floor were Prairie style, meaning the muttons were close to the sash and intersected at the corners. He reported that what they allowed was a Prairie style window on the first floor as opposed to only having one pane of glass. Mr. Turnure explained that in the other case, the windows above did not match the Prairie style. He reported that the HDRC did offer some options to reduce the number of panes. Mr. Turnure further reported that they recommending the brick be painted so the building would appear to be independent of the one next to it; however, the applicant ultimately opted to leave the building as is.

Councilmember Murdock noted that, historically, the HDRC opted for window panes. She suggested it consider the merchants who were showing their wares. Ms. Murdock opined that a single pane of glass was better.

HDRC Vice Chair Punkin Lee noted that this was the applicant’s opinion. She advised that she has been in the retail business for thirty years and reported that she has had panes in her windows. Vice Mayor Kirk noted that her mother’s windows did as well. Committee Member Littleton noted that this was the character of the town.

Councilmember Murdock questioned what occurred in the case of a new building. Committee Member Littleton noted that Chinn’s Crossing’s buildings were new buildings. Chairman Turnure noted that this depended on the building. Vice Chair Lee noted that it also depended on how it was presented.

Councilmember Shea opined that the idea was not that all of the buildings would look identical but rather a building must have an historic persona within itself. She suggested that as the residential areas transitioned into commercial, there would be issues. Ms. Shea cited her bookstore as an example of a commercial building that people thought was a home. She opined that all of the buildings should not look like homes and should look more like retail establishments.

Chairman Turnure agreed if they were retail. He cited the example of Tim Dimos' building, which was a residence that converted to an office use but still read like it was residential.

Councilmember Littleton noted that this also depended on the applicant and what they wanted. He explained that the applicant made the first introduction, with the HDRC going from there. Mr. Littleton advised that if it was an office, it was treated differently.

Chairman Turnure reported that Steve Plescow, a representative of Salamander Development, has come before the HDRC to introduce their development. He advised that they were not looking for guidelines but rather were looking to develop a pattern book that would allow for five to seven styles of houses. Mr. Turnure explained that the HDRC would approach this in the same manner it has for other buildings that were not in the Historic District but were proffered to have HDRC review. He further explained that they would use the Historic District Guidelines as a basis but would not strictly follow them. Mr. Turnure reported that they were expecting to receive something from Salamander this year.

Councilmember Snyder opined that most applicants who proffered to go before the HDRC have benefitted tremendously. He further opined that the Virginia Lane Project came out exceptionally well due to the HDRC's involvement.

Chairman Turnure noted that the Middleburg Library was a project they reviewed and advised that it recently received an award. He further noted that many of the signs they have approved have also received awards. Mr. Turnure opined that the HDRC had a reputation for being tough on signs; however, he explained that they wanted them to have "a fabric". He opined that others played off this; therefore, the town was full of nice signs.

Councilmember Shea reported that she received a citizen complaint that the gold lettering on the Town's new directional sign was difficult to read in bright light. Town Planner Moore noted that the staff has heard that comment a few times. Town Administrator Semmes noted that this sign was a prototype. She advised that the gold leafing would get a patina over time. Ms. Semmes advised that the Council must tell the staff what it liked and did not like about it.

Committee Member Littleton noted that the HDRC did not review that sign's design. Town Administrator Semmes reported that it was reviewed by the Washington Street Streetscape Committee.

Councilmember Murdock opined that Middleburg was not a "gold" town. Vice Mayor Kirk noted that she did not approve gold lettering.

Chairman Turnure opined that the Streetscape Committee's work also added a lot to the town. He noted that the committees pulled together to keep an eye on things.

Vice Mayor Kirk thanked the members of the HDRC for their work.

Public Hearing– Utility Fund Budget Amendment – FY '15

No one spoke and the public hearing was closed.

Action Item – General Fund & Utility Fund Budget Amendments – FY '15

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve amendments to the FY'15 General Fund and Utility Fund Budgets as identified in the Town Administrator's memo dated June 25, 2015.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Scheps

Town Administrator Semmes reported that she and the Town Treasurer held a pre-audit meeting with Mitchell and Company. She advised that they gave the Town a tentative schedule and noted that they would do their field work in September and provide their report in November.

Town Council Reports

Town Administrator Semmes reported that the Economic Development Advisory Committee met this week and approved their bylaws, which would come to the Council for approval. She advised that EDAC heard from Vickie Bendure regarding what she did for the Town and what she felt the Town needed to do in terms of economic development.

Town Administrator Semmes reported that during the Route 50 Traffic Calming Committee meeting, the Town learned that the bids for the Washington Street Project, which were supposed to be opened this week, would not be as there was an issue with one of the quantities identified on the plans. She further reported that because VDOT had to issue an addendum, they gave the contractors more time to submit bids. Ms. Semmes advised that the bid opening was now scheduled for July 22nd and expressed hope that this would allow for more bids.

Town Administrator Semmes reported that the Journey Through Hallowed Grounds would be doing some of the landscaping of the roundabouts at Gilberts Corner by adding trees, which they would be responsible for keeping alive. She further reported that VDOT would install plants that would be easier to maintain and would require less weeding.

Councilmember Shea noted that contractors would do the work on the Washington Street Project. She reported that she observed workers on Liberty Street hassle a woman and noted that she told the supervisor that “this was not okay”. Ms. Shea asked the staff to ensure there was a code of behavior for the contractors. Town Planner Moore noted that this kind of behavior on a government run job could carry serious consequences.

Addition of Item to the Agenda

Councilmember Shea moved, seconded by Councilmember Hazard, that Council add item #7 to the agenda (Closed Session – Personnel)

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Scheps

Closed Session

Councilmember Murdock 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.

Councilmember Murdock further moved, seconded by Councilmember Shea, that these matters be limited to a discussion of the performance of a Town employee. Councilmember Murdock further moved, seconded by Councilmember Shea, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes. Councilmember Murdock further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: Mayor Davis and Councilmember Scheps

Vice Mayor Kirk 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.

There being no further business, Vice Mayor Kirk declared the meeting adjourned at 6:51 p.m.

APPROVED:

Darlene Kirk, Vice Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk