



## MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



Thursday, July 11, 2013

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

STAFF: Angela K. Plowman, Town Attorney  
Cindy C. Pearson, Economic Development Coordinator  
David M. Beniamino, AICP, Town Planner  
A.J. Panebianco, Police Chief  
Debbie J. Wheeler, Town Treasurer

ABSENT: Councilmember David B. Stewart

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

### **Special Recognitions by Mayor and Council**

Chief of Police Panebianco introduced Middleburg's newest police officer, Mark Putnam. He noted that he came from Orange County; therefore, he had a small town policing background. Chief Panebianco advised that this was the reason he hired him. He reminded Council that when he hired a new officer, he wanted to hold them to a certain standard; therefore, he required them not only to take the Oath of Office before the Clerk of the Circuit Court but also an Oath of Honor before the Council. Chief Panebianco administered the Oath of Honor to Officer Putnam.

### **Public Comment**

Dennis Cotter, President of the Middleburg Library Advisory Board, noted the project to expand the library. He expressed appreciation for the Council's support in making the project a success. Mr. Cotter reported that the new addition was expected to be completed by the end of next week. He further reported that the next phase was to refurbish the old part of the building and to integrate the two parts. Mr. Cotter advised that in order to do so, they would need to close the library from July 21 through August 11<sup>th</sup>. He reported that a grand re-opening ceremony would occur at 9:30 a.m. on September 7<sup>th</sup>. Mr. Cotter invited the members of Council and Supervisor Clarke to attend.

### **Public Presentations**

Janet Clarke, the Blue Ridge District Supervisor for the Loudoun County Board of Supervisors, appeared before Council to update them on issues in her District. She noted that she had provided Council with some information; and, advised that she would like to answer any questions they may have. Ms. Clarke displayed a map of the Blue Ridge District. She noted that it now covered 236 square miles, including four incorporated towns.

Supervisor Clarke noted that everywhere she drove, she saw development; and, advised that some of it had been approved many years ago. She cited Brambleton as an example. Ms. Clarke displayed a map that showed only residential development; and, noted that she asked her staff to develop it so she could understand what was coming that would impact public facilities. She advised that all of the development was approved prior to her election last year; and, noted that no new residential development had been approved in the Blue Ridge District since she took office. Ms. Clarke noted that this did not mean there were no applications pending; and, advised that there were some around the Metro area.

Supervisor Clarke distributed a copy of the Metro map; and, noted that there would be two stations in Loudoun County. She expressed concern that they would not have adequate parking based upon history; and, advised that this was something she was working on. Ms. Clarke advised that she would like for Loudoun County to be the first jurisdiction to get its Metro parking right.

Supervisor Clarke reported that Route 606 would be widened to six lanes. She noted a public hearing that was recently held on this project; and, reported that some great public comments were received. Ms. Clarke explained that this road needed to be widened so traffic could reach the Metro.

Supervisor Clarke advised that she would like to see a southern entrance developed to the Dulles Airport as she believed there was a problem in funneling all of the traffic up Route 606 to the Loudoun County Parkway to the same points of entrance. She noted that she sent a letter to VDOT explaining her position on this matter. Ms. Clarke opined that the widening of Route 50 for three miles to the Loudoun County Parkway, with an interchange on the airport's property, was needed to feed into the road network. She advised that the State has said they would support that concept and thought it would help to distribute traffic.

Supervisor Clarke reported that the Board of Supervisors would hold a transportation summit on July 18<sup>th</sup>, at which time they would prioritize their road projects. She advised that the Board would also receive a presentation on the status of secondary roads during their July 17<sup>th</sup> meeting and noted that they would prioritize those projects as well.

Supervisor Clarke distributed information on the relocation of Route 659 toward the east. She advised that they were focused on trying to complete the missing links, which should help the traffic on Route 50.

Supervisor Clarke distributed information on the Arcola Center, as approved; and, advised that they have started construction on those homes. She also distributed information on the Dulles Land Shopping Center, including what would be located there. Ms. Clarke noted that these stores would be the closest ones to Middleburg. She advised that the Arcola Center and the Dulles Landing Shopping Center were responsible for a large portion of the new road that was supposed to go to Route 50.

Supervisor Clarke noted the HCA Hospital Project and reported that it was on schedule to open in 2014. She opined that this would be closer for Middleburg's residents and would provide a second hospital for them.

Supervisor Clarke distributed a map of the Route 50 transportation improvements. She distributed information on the Willowsford Project; and, noted that it included four developments between Route 50 and Evergreen Mill Road. Ms. Clarke advised that, when completed, it would consist of two thousand one hundred new homes. She noted that this was a by-right development. Ms. Clarke advised that the project included road improvements along Braddock Road; however, there were missing pieces in between the developments. She reported that she had gotten the developers and VDOT together in order to complete the missing pieces.

Supervisor Clarke reported that she has asked VDOT to look at what could be done at Lena Road and Route 50 with respect to the roundabout that was planned by the Route 50 Task Force years ago. She noted that there was one piece yet to be completed. Ms. Clarke opined that the need continued to exist for the roundabout.

Supervisor Clarke reported that the Gilberts Corner roundabout would be redesigned to a single lane one. She advised that bids would be solicited; therefore, this project would take a little longer.

Supervisor Clarke reported that the Hal and Berni Hanson Regional Park would be the last park to be constructed in Loudoun County. She distributed a sketch of the master plan. Ms. Clarke noted that it would be located on Evergreen Mill Road and would consist of one hundred fifty-four acres. She advised that the house on the property was historic and noted that they were looking at what could be done with it. Ms. Clarke suggested it would be great as an extension of the Loudoun Museum. She advised that the facilities shown in the master plan would be developed piece-by-piece as funds became available.

Supervisor Clarke noted that she provided the Mayor with a NOVEC map; and, advised that everything outside of their service area would be served by Dominion Power. She reported that she has been focused on power issues in the area of Sam Fred Road as there have been chronic outages. Ms. Clarke advised that she was successful in getting Dominion to shorten their fifteen mile transmission line to five miles. She noted that it has been almost a year since there was a power outage. Ms. Clarke reported that she was working on the same issues in St. Louis. She asked that the Council let her know of any areas around Middleburg that needed to be looked into.

Councilmember Murdock noted that when she was driving from Washington, DC to Middleburg, it was “scary” once she got past Route 606 given the construction. She acknowledged the need for more roads; however, she advised that the information provided by Supervisor Clarke did not make her feel any better. Ms. Murdock advised that this was not what the people in Middleburg were about; and, questioned how they would get into Washington, DC.

Supervisor Clarke acknowledged Councilmember Murdock’s concerns. She noted that all of the projects she reported on were already approved. Ms. Clarke reminded Council that construction zones were difficult and advised that the Route 50 widening project was supposed to be completed by December 2014.

Councilmember Murdock noted the travel that Salamander’s guests would have to make to get from Washington, DC or the Dulles Airport.

Supervisor Clarke reiterated that the construction would be complete a year from now; and, expressed hope that it would be possible to get an interchange onto the Loudoun County Parkway/Route 50 directly from the airport. She noted that there would also be a Metro station at the airport.

Mayor Davis asked whether there continued to be talk of an above ground road. Supervisor Clarke confirmed there was not. She noted that this was a VDOT recommendation; however, they did not have the proper right-of-way, take into account the northern road or communicate with the County staff. Ms. Clarke reported that she attended the public hearing, with the result being that everyone was now working together. She reiterated that it would not be an above ground road. Ms. Clarke noted that the overpasses have helped Route 7 and advised that the next one would go in at Belmont Ridge Road. She reported that two interchanges were proposed for Route 50 – one at the Loudoun County Parkway/Route 50 and one at North Star Boulevard.

Councilmember Murdock suggested the need to slow growth so there were not as many people in the area. Supervisor Clarke reiterated that these projects were approved long ago. She noted that the development was market driven. Ms. Clarke described the development approval process for Loudoun County. She reminded Council that the zoning in Loudoun County was changed in 2004. Ms. Clarke suggested that if property owners put their land in conservation easements, it would help to save land.

Supervisor Clarke opined that once the road improvements were made, traffic would get better. She reported that the Board of Supervisors was very focused on transportation improvements, particularly around the Metro station. Ms. Clarke advised that she opposed the Metro station because she did not feel it was being designed to go where the density existed. She expressed concern about the cost and the impact to the community as well. Ms. Clarke noted that the County would receive additional State support to help with the roads.

Mayor Davis thanked Supervisor Clarke for appearing before Council and for the good job she did as the Blue Ridge District Supervisor.

Supervisor Clarke advised the Council that if they ever needed any information, they could send her an e-mail and she would respond.

Supervisor Clarke reported that she has spoken with Jim Herbert about having Visit Loudoun provide the Town with additional assistance given the Christmas parade and other events held in Middleburg. She advised that the staff that assisted with Camp Marathon have agreed to help Middleburg with its parade.

Town Planner Beniamino reminded Council that the Town received a \$35,000 grant from the Coalition of Local Governments for the development of a streetscape plan for Washington Street. He further reminded them that a committee, made up of representatives of the Town's various committees, was formed to work with the consultant, Rhodeside Harwell. Mr. Beniamino reported that the work was complete.

Rebecca Finn, a landscape architect with Rhodeside Harwell, appeared before Council to brief them on the results of the Washington Street Streetscape Project. She clarified that this project was different from the VDOT crosswalk project that was currently underway. Ms. Finn reported that they looked at everything on the sidewalk, including trees, lights and furnishings. She advised that some of their initial observations were that the street trees and architecture on Washington Street were beautiful; however, there were some ways to improve them. Ms. Finn reported that while the street trees added character, their root systems were a problem. She noted that they have addressed that in their report. Ms. Finn advised that the shortage of parking on Washington Street was often a problem; and, advised that they have made some suggestions regarding signage. She opined that there were not enough places to linger; and, suggested the need for more. Ms. Finn advised that the existing street lights were reviewed for replacement as they did not reflect the character and quality of the town.

Ms. Finn advised that after making their initial observations during a site visit, they concentrated their efforts on those areas. She explained that they did not want to change the character of Middleburg, but rather wanted to reinforce it. Ms. Finn advised that their recommendations were related to street trees, street lights, pavement and crosswalk surface treatments, furnishings, gathering places, way finding strategies and the integration of public art into the streetscape. She displayed a drawing of their proposal for the corridor.

Ms. Finn reiterated that the street trees' root systems were a major problem. She noted, however, that the trees were the best feature of Middleburg. Ms. Finn advised that while the trees were old, they seemed to be doing okay. She noted that the pavement was up to their trunks and was buckling, as

were the sidewalks. Ms. Finn advised that this was a problem for the trees as they did not have enough permeable surface around them. She reported that they have offered some recommendations for lengthening and possibly widening the tree pits in order to extend the life of the trees. Ms. Finn noted that the steering committee did not want to lose any parking in order to do so; however, she opined that this needed to be an option. She reported that they believed the Town needed to start thinking about a succession plan for replacing the trees, as they would not last forever. Ms. Finn opined that the Town would lose one or two trees each year. She suggested the need to consider the next wave of trees; and, advised that they have offered some recommendations for placement so they would not intrude on the sidewalks as much. Ms. Finn recommended that they be replaced with large, legacy trees, such as oak trees, that would reinforce the character of the town.

Ms. Finn reported that they also considered the street lights and studied lights in other historical towns in the area. She advised that the Washington Street Streetscape Committee liked the lantern style lights that were used in Old Towne Alexandria and Annapolis. Ms. Finn noted that the Town Administrator was meeting with lighting representatives to further explore this item. She recommended the light poles be capable of holding the Christmas signs and hanging planters.

Ms. Finn reminded Council that the VDOT project recommended the construction of bump outs. She reported that they have not addressed this aspect. Ms. Finn suggested that if this occurred, this would provide opportunities to create gathering places.

Ms. Finn reported that they have made recommendations regarding furnishings; and, advised that they were recommending that more of the existing wooden benches be incorporated into the streetscape.

Ms. Finn reported that they were recommending the use of a basket weave herring bone brick sidewalk pattern. She further reported that they were recommending the elimination of all of the concrete sidewalks throughout Washington Street. Ms. Finn noted that they have also offered recommendations for curb ramps that were similar to those found in Old Towne Alexandria.

Ms. Finn noted the practicality of having way finding signage on a pedestrian scale. She opined that the use of the fox was great; and, encouraged that it be used more, including in the sidewalks. Ms. Finn advised that they have suggested it be used as a part of all of the signage used by the Town. She suggested that it be used so motorists could find the parking lots and so pedestrians could find shortcuts to their destinations. Ms. Finn further suggested the street signs contain the fox symbol. She noted that stores could also use it as a part of their advertising. Ms. Finn advised that they did not believe these signs should be everywhere. She noted that they would add character to the town.

Ms. Finn advised Council that the Town Administrator asked her to consider public art and to work with the Middleburg Arts Council to incorporate it into the streetscape. She noted that they have recommended it be incorporated in the trees and gardens.

Ms. Finn noted that the Town staff was considering a centralized parking meter system. She noted that Old Town Alexandria used a system that was very successful; and, only required one meter on either side of the street.

Town Planner Beniamino reported that the staff would send the Council copies of the plan. He advised that it would be placed on an agenda so the Council could vote on it.

Mayor Davis noted that ten years ago, the Town planted a nursery at The Hill School, which was to be used as replacement trees for when one needed to be removed. She advised that the first time the Town attempted to remove and replace a tree, it was met with objections from the community. Ms. Davis agreed they must be replaced periodically.

Ms. Finn advised that while a few did not look great, most of the trees looked nice. She noted that the average life of an urban street tree was seven years; and, advised that it was remarkable that these had lasted as long as they have. Ms. Finn opined that they were doing well; and, advised that their life could be extended through the implementation of their recommendations. She noted, however, that they would eventually be lost.

Councilmember Hazard advised Council that he has received feedback from some Washington Street merchants noting the need to direct pedestrians to the side streets.

Mayor Davis opined that the sample fox sign the consultant was showing was tall and would be obvious as a directional sign.

Ms. Finn suggested that signs should indicate what could be found within a two or three minute walk.

Town Planner Beniamino noted that the fox, which has been recommended for incorporation into the sidewalks, would serve as a directional arrow to send pedestrians down the side streets. He advised that these would be in addition to the way finding signs.

Ms. Finn advised that she was conscientious of the need to not get “too cute”. She recommended the use of a fox silhouette.

Mayor Davis advised that she liked the proposal. Vice Mayor Kirk noted that she liked the idea of using the fox symbol more.

Councilmember Hazard stressed the importance of things not being “too cutesy”.

Mayor Davis advised Ms. Finn that the Council looked forward to working with them on this project.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that the Council approve the June 10, 2013 Work Session; June 13, 2013 Regular Meeting; and June 27, 2013 Work Session Meeting Minutes as amended.*

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

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**Staff Reports**

**Chief of Police Panebianco** reported that he received quotes for the crosswalk brochures and would order those next week. He advised that he has been working with Goldman Seal, a security company, on the logistics of the Middleburg Film Festival so he would know what the Police Department needed to do. Chief Panebianco noted that they have defined the roles of Goldman Seal and the Police Department. He reported that Goldman Seal would basically be the liaison for the festival and would be on the various sites. Chief Panebianco further reported that the Department would handle any issues that may arise and would develop a plan for emergency services should they be needed. He advised that they have met several times, with each meeting being very positive. Chief Panebianco noted that he was pleased with the working relationship they have developed.

Vice Mayor Kirk asked whether Goldman Seal would have armed security guards present for the event. Chief Panebianco confirmed they would. He advised that he would meet with their staff prior to the event to ensure that everyone was properly licensed. Chief Panebianco noted that they were professionals; and, advised that he was not concerned that they would try to overstate their bounds. He reiterated that they would serve as a liaison for the event to ensure it ran smoothly.

Councilmember Shea asked whether this event would require additional man hours for the Police Department. She further asked whether the Chief had an estimate of the costs. Chief Panebianco confirmed it would involve additional man hours. He noted that he had not yet prepared the schedule; however, it would be considerable. Chief Panebianco advised that most of his staff would be required to be around at times during the event. He noted that while he would know how many people would attend the event, he would not know how many would come to town to watch what was happening. Chief Panebianco advised that being the first such event, he would plan for the worst with regard to crowds and hope for the best.

Councilmember Shea noted that, in the past, the Council talked about the additional cost of events. She asked whether this was something the Council needed to address. Chief Panebianco confirmed it may possibly have to do so, depending on the number of visitors. He noted that he has budgeted for the additional costs associated with the Fourth of July, National Night Out and Christmas Parade in his overtime budget. Chief Panebianco advised that he did not know what to expect for this one; and, expressed hope to have the schedule made by the end of August.

Councilmember Shea asked whether the Council could revisit the events schedule. She noted that the Shakespeare Theatre was also coming to town.

Councilmember Snyder noted that the Council would do a mid-year budget review and suggested it be addressed at that time.

Vice Mayor Kirk asked whether there was an opportunity to use the Loudoun County Sheriff's Department for events. Chief Panebianco confirmed there was. He noted that aside from the Christmas Parade, they required the payment of an hourly rate for off-duty events. Chief Panebianco advised that they would not be available at no charge. He noted that the Town may have to look at using them given the number of events that were coming down the road.

Mayor Davis asked whether the County Sheriff's Department ever sent deputies as a service. She noted that Middleburg was located in Loudoun County.

Chief Panebianco confirmed he could get them to cover calls for the Town if necessary, with the police officers then covering the event. He advised that they could also do extra patrols or help with the event. Chief Panebianco noted that this end of the County was the least populated, which meant it contained the least number of patrol deputies. He advised that they may not have the staff to send to Middleburg without affecting their coverage. Chief Panebianco opined if the Town used the deputies for an event, there would be a cost or they would only be available when needed.

Councilmember Snyder suggested the Town ask the County for occasional coverage for a few special events per year.

Chief Panebianco advised that they did not have an issue providing coverage for Town events. He noted that the issue was for private ones.

Mayor Davis noted that the Town was a part of the Film Festival.

Councilmember Shea suggested the Town could visit the issue and talk about a way to cover some of the charges that would be incurred by bringing in the County's assistance.

Chief Panebianco advised that he had not had a chance to determine what the Department would need and the costs. He noted that he has told the officers they could not take vacation during October. Chief Panebianco advised Council that his initial estimate may need to be tweaked.

Councilmember Shea noted that the Chief thought about events differently than the Council. She asked the Chief to prepare a list of the events for the Council's discussion.

Chief Panebianco noted that the officers provided coverage for the Christmas Shop; however, they were hired as off-duty officers. He advised that while this did not affect the Town's budget, it did affect its manpower as the officers who provided coverage needed to be off the clock at some point. Chief Panebianco suggested the need to discuss where the Department was with regard to events. He asked for the opportunity to get through the Film Festival so he could see what was needed, with the discussion occurring after October.

Chief Panebianco reminded Council of National Night Out scheduled for August 6<sup>th</sup>.

Chief Panebianco commended Officers Fadely and Putnam for their actions in dealing with an unfortunate call that occurred this month. He noted that they performed their duties in a very professional manner. Chief Panebianco commended Lt. Prince for his response to another incident that occurred the following day.

Vice Mayor Kirk asked Chief Panebianco to extend the Council's commendations to the officers. She noted that they were proud of the job they did.

Councilmember Shea commended Chief Panebianco on the relationship he has developed with the Sheriff's Department. Chief Panebianco confirmed the two agencies had a great relationship and would continue to do so.

Councilmember Murdock thanked the Police Department for their efforts during the Fourth of July celebration.

Mayor Davis thanked Councilmember Murdock for organizing the Fourth of July celebration. Councilmember Murdock noted that Terri Domanski did a lot of the work. She reiterated that there were a lot of police officers present.

### **Reports of Town Committees/Council Liaisons**

Councilmember Snyder reported that the Bluemont Concert personnel were working with the Middleburg Arts Council to coordinate events. He advised that the poster advertising the Arts Council's events would be placed at the admissions table for the concerts so people would know what else was going on of an arts nature in Middleburg. Mr. Snyder reported that Bluemont would like to invite the Council to a donor reception they were holding at the Middleburg Country Inn on July 27th, just prior to the final concert of the season.

Councilmember Shea reported that Go Green has launched the Business Challenge. She further reported that it was on the Town's website; and, noted that they handed out hard copies during the most recent Biz Buzz. Ms. Shea advised that they would meet to discuss how to follow-up on the distribution and get more businesses involved.

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

**Council Approval** – Acceptance of Bid – Repairs to Water Treatment Plant

Town Attorney Plowman reported that the contract was drafted as a part of the request for bids; however, it was being amended to address the supplemental and optional items. She explained that the way it was being presented to Council was to approve the bid, subject to the staff working out the final details of the contract, with the form to be approved by the Town Attorney. Ms. Plowman advised that the Council was being asked to approve the bid with a cap of \$239,932. She explained that most of the options were recommended for acceptance.

Councilmember Snyder advised Council that he and the Town Administrator spoke with Bob Krallinger before the Town issued the request for bids. He explained that they were looking for the smartest way to bid the project. Mr. Snyder noted, however, that the Town only received one bid - that being from the contractor who constructed the water treatment plant on Stonewall Avenue. He advised that the contractor was very knowledgeable. Mr. Snyder noted that the contract was very expensive; and, advised that the way the contractor wanted to do the work was also very expensive. He advised that he, the Town Administrator and Mr. Krallinger discussed the proposal and asked the contractor for some leeway so that he could make the repairs at a lesser cost to the Town. Mr. Snyder noted that the bid was a lot more than originally anticipated. He explained that the amendments the staff was working on would allow for some options that could provide \$40,000-50,000 worth of reduction in the costs. Mr. Snyder advised that by working with the contractor, the Town would have the basic repairs, with some options that could be exercised if needed.

Mayor Davis noted that the Town Administrator was anxious to have the contract approved as the work needed to be done.

Councilmember Snyder confirmed it did and advised that the Town could not leave the water treatment plant as-is as it has been six months since it was operational. He reiterated that the proposed cost was \$200,000-240,000.

Councilmember Hazard questioned why only one bid was received. He opined that for a project of this nature, a couple of bids should have been received.

Mayor Davis opined that the project was too small. Councilmember Snyder agreed. He noted that the Town was not in a convenient area. Mr. Snyder suggested the Town may have missed some contractors as they were busy. He noted that they were not certain as to why only one bid was received.

Councilmember Hazard asked how the bid was advertised; and, noted that there were a number of ways to advertise a project of this nature. He asked whether it was advertised in the Dodge Report.

Councilmember Snyder advised that the Town Administrator would have to answer that question.

Councilmember Hazard opined that the Town would not receive bids from national companies due to the size of the project; however, it should have received bids from local ones.

Councilmember Snyder encouraged Councilmember Hazard to offer his suggestions to the staff.

Councilmember Hazard acknowledged that this was an emergency situation; however, he suggested that in the future, the bids be written in such a way that the Town received more than one response. He suggested the need to look at the way the bid documents were written and distributed in the future.

Councilmember Shea noted that Councilmember Snyder, the Town Administrator and the Town Attorney have done a lot of work on this item. She advised that before she voted to accept the bid, she wanted to make sure that no short cuts were done.

Councilmember Snyder noted that there were options in the bid; and, explained that the options allowed for replacements in the event things could not be repaired. He advised that Bob Krallinger would check the tank to determine how much needed to be re-welded; and, if it was not much, there would be a cost savings to the Town. Mr. Snyder explained that if the tank needed to be replaced, the options would be exercised.

Councilmember Shea asked whether this was a construction error that occurred during installation. Councilmember Snyder reported that the engineer was not sure. He advised that the staff was going to talk to Loudoun Water; and, noted that there was some negligence.

Vice Mayor Kirk noted that the Town also planned to solicit bids for the operation of the Town's utility system. Councilmember Snyder confirmed this was being prepared.

Mayor Davis noted that there was a possibility that the Town could be reimbursed for the repairs by Loudoun Water.

Councilmember Snyder confirmed there would be a discussion with Loudoun Water. He opined that they would not mitigate a lot of the costs.

Councilmember Hazard noted that the plant has been down for six months. He asked why the repairs were now an emergency.

Councilmember Snyder explained that over the last six months, the Town was going through the process of developing the bid solicitation, which it then sent out.

Councilmember Shea noted that there was also a delay when the sand was removed so the engineer could determine the extent of the damage.

Mayor Davis noted that the staff was also discussing this with the Town's insurance carrier to determine if there was coverage. She advised that this was covered under a higher coverage level than the Town had; and, noted that the Town needed to revisit its insurance package in the future.

Councilmember Snyder confirmed that part of the delay was so the staff could utilize its engineering expertise.

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council accept the bid of Patterson Construction Company for the Well 4 Treatment Plant Repair Project in an amount not to exceed \$239,932.00. Councilmember Snyder further moved, seconded by Vice Mayor Kirk, that Council authorize the Town Administrator to enter into a contract with Patterson Construction Company for this project as approved by the Town Attorney as to form.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Stewart

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

## **Discussion Items**

Councilmember Murdock reminded Council that they have discussed the Asbury Methodist Church for years; and, noted that it was the oldest African American church in Loudoun County. She advised Council that she attended the recent HDRC meeting in order to hear what the proposed purchaser planned to do with the building.

Town Planner Beniamino reported that the building has been deteriorating over the years; therefore, he sent the owner a notice of violation for demolition-by-neglect. He further reported that the owner's representative met with him to review their plan, which was to enter into a purchase contract with Paul Reimers. Mr. Beniamino advised Council that Mr. Reimers appeared before the HDRC during their July meeting to get some direction on what they would allow. He further advised that Mr. Reimers believed this building would require a lot of work. Mr. Beniamino reported that as the discussion progressed, the HDRC raised the issue of whether the structure should be a single-family dwelling or whether it made more sense for it to be developed as a duplex given the symmetry of the building. He explained that Mr. Reimers believed that significant changes would be required to the exterior façade to make this a single-family dwelling. Mr. Beniamino explained that his idea was that if the Council was serious about restoring the building, it should immediately direct the staff to look into a rezoning of the property from R-2 Residential to R-3 Residential, which would allow for both single-family dwellings and duplexes. He advised that in addition, a zoning text amendment would need to be approved to allow for a duplex in an existing historic building without the need to meet the Town's lot coverage requirements as the building almost covered the entire lot. Mr. Beniamino suggested he could prepare language for the Council's consideration during its next meeting. He opined that if Mr. Reimers had to go through a rezoning process on his own, the Town may not be successful in getting the building into the hands of someone who wanted to restore it.

Councilmember Littleton opined that it would be very difficult to make the project work from a financial perspective, even if Mr. Reimers obtained the property at no charge.

Councilmember Hazard questioned Mr. Reimers' background in historic renovations. Town Planner Beniamino reported that he has done a lot of work in Leesburg's Historic District. Councilmember Shea reminded Council that Mr. Reimers appeared before them in the past to discuss a project he was doing in the Ridgeview Subdivision.

Town Planner Beniamino reported that it was his understanding that Mr. Reimers has hired Bill Turnure as his architect. He opined that this was an indication of the quality of his work; and, reminded Council that Mr. Turnure was the Chairman of the HDRC. Mr. Beniamino advised that Mr. Turnure knew what the Town wanted from the standpoint of the restoration of that building.

Councilmember Murdock opined that the Council needed to encourage this project.

Councilmember Hazard agreed; however, he expressed concern about "spot zoning" the property.

Town Planner Beniamino advised Council that this would not be spot zoning. He explained that the property was surrounded by R-3 and R-4 zoning districts. Mr. Beniamino advised that it made sense to rezone the property from R-2 to R-3 Residential. Councilmember Snyder agreed.

Town Planner Beniamino advised Council that the question was whether the Town wanted the applicant to submit the request for a rezoning, which would allow the Town to exact proffers, or whether it wanted the Town to initiate it. He reminded Council that the Planning Commission attempted to rezone some properties in 2003; however, some of the owners withdrew from the process. Mr. Beniamino noted that he was unsure whether this property was included in that attempt; however, it was the only property that was zoned R-2 in this area.

Councilmember Snyder advised that he was on the Planning Commission when this occurred. He explained that the Commission attempted to make some zoning adjustments; however, a lot of people got upset as they did not understand what was being done.

Councilmember Hazard asked that this not be pushed through. He suggested the need to think about it and to make sure it was right.

Councilmember Snyder suggested the need to study the previous efforts to consolidate some of the Town's zoning. He opined that there was an easier way to accomplish this.

Town Planner Beniamino advised Council that he needed some direction. Councilmembers Snyder and Kirk opined that it was a great idea.

Town Planner Beniamino reiterated that Mr. Reimers had a contract on the property. He advised that if he was looking at the project from a feasibility standpoint, starting the process could show a good faith effort on the part of the Town. Mr. Beniamino noted that this did not mean the Council would approve it; however, he suggested that if the Town took the initiative to rezone the property, it would take the pressure off Mr. Reimers.

Councilmember Snyder opined that this fit in with the work that was being done by the Planning Commission in 2003 to consolidate the zoning. He suggested the Commission failed to sell the changes to the community; therefore, it tabled it at that time. Mr. Snyder explained that one of the things they were trying to look at at that time was how to save beautiful buildings and keep them historic.

Councilmember Shea opined that the idea of exploring it was great. She suggested the Council should look at all of the properties in town, not just this one.

Councilmember Snyder agreed the Planning Commission could look at the list; however, he suggested this property be placed at the top if the rezoning made sense to the Planning Commission. He suggested they needed to take another look at what was done ten years ago.

Councilmember Hazard advised that he thought about things like this from a planning perspective. He further advised that he always asked whether this made sense, even if the situation did not exist. Mr. Hazard opined that the Council did not want to do something because of an emergency. He suggested they do it only if it made sense. Mr. Hazard suggested the Council did not want to rush through this, but rather wanted to think it through.

Councilmember Snyder noted the concern about saving a historic building. He suggested this was a clean way of doing so as the rezoning would fit in with the property's surroundings.

Town Planner Beniamino advised that his initial thought was to take this to the Planning Commission for discussion during their July 22<sup>nd</sup> meeting. He noted that he would report on their discussion during Council's work session. Councilmember Littleton agreed.

Town Planner Beniamino noted that this was not an emergency. He explained that he was only trying to show the potential purchaser that the Town was willing to make a good faith effort to explore a rezoning so he would know he had the support of the Town in the event he purchased the property.

Councilmember Shea suggested that if there were other properties that were not properly zoned, the Town should look at them. Councilmember Snyder noted that this needed to start with the Planning Commission.

Town Planner Beniamino reported that a lot of the properties that opted out of the previous rezoning effort have since come in to initiate a rezoning on their own. He advised that the Commission could undertake this effort; however, he reiterated that a number of the properties that were under consideration for rezoning in 2003 have already been rezoned.

Councilmember Shea explained that when the Town looked at issues such as this zone, she did not want to look at one property but rather wanted to look at the entire town.

Councilmember Murdock agreed; however, she reiterated that this was the oldest African American church in Loudoun County. She noted the history of the structure, which she wanted to save. Ms. Murdock suggested there was no rush. She noted that numerous developers have looked at the property over the years; however, to date, the church has not been saved.

Town Planner Beniamino noted that in the past, the developers always looked at it for commercial development. He advised that this was the first time someone has explored its restoration as residential property. Mr. Beniamino noted that a commercial use was a difficult use for the property given the parking requirements.

Councilmember Snyder noted that the church was constructed back in a time when everyone walked.

Mayor Davis reminded Council that years ago, the Town secured a grant to purchase the property for use as a museum; however, this did not occur.

Mayor Davis reported that she received an e-mail from Terri Domanski regarding the application to turn the Middleburg Elementary School into a charter school. She advised that they needed a letter of support from the community. Ms. Davis noted that she wanted to send such a letter. The Council agreed she should do so.

There being no further business, a motion was made and approved to adjourn the meeting at 7:37 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk