



**MIDDLEBURG TOWN COUNCIL
WORK SESSION MINUTES
Thursday, January 27, 2011**



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
Councilmember David B. Stewart

STAFF: Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
David M. Beniamino, AICP, Town Planner

The Town Council of the Town of Middleburg, Virginia held their regular work session on Thursday, January 27, 2011 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Council Discussion – Development of Middleburg Museum

Mayor Davis expressed her opinion that the Council was anxious to move forward with the development of a museum. She noted that they wanted to see if Eura Lewis had put any thoughts together. Ms. Davis asked whether a committee had been assembled to work on the museum.

Ms. Lewis advised Council that she had a list of names of potential committee members; however, she did not want to release it as she did not know if the individuals were still interested in working on this project. She suggested that once she received the Council’s plans, she would contact the individuals about setting up a committee meeting. Ms. Lewis suggested the Council may wish to have a representative serve on the committee.

Ms. Lewis asked whether she could use the Town’s letter head in the event that the committee conducted a fund drive. She noted the need to raise funds for the museum. Ms. Lewis reminded Council of the repairs being made to the Health Center; and, expressed her opinion that this was in her favor. Ms. Lewis suggested the committee work on the development of the museum while the repair work was being completed. She noted that she had not done any more than what she had presented; and, advised that the development of the museum would involve a lot of work, as well as expense. Ms. Lewis expressed her opinion that there were a lot of Middleburg artifacts that needed to be preserved and protected. She asked how the Council wished to proceed.

Mayor Davis expressed her opinion that it was great that Ms. Lewis had a list of names for the committee; and, suggested that she start forming it. She agreed the committee should contain a member of the Council; and, asked whether anyone was interested in serving. Ms. Davis suggested the committee develop a budget for what it believed it would cost to start the museum. She expressed her opinion that most people who were approached about donating funds would want to know what the expenses would be.

Vice Mayor Kirk asked whether Ms. Lewis had a “game plan” for the museum. She further asked how she envisioned the museum would come about and what she envisioned it would be. Ms. Kirk asked whether Ms. Lewis had any Middleburg artifacts. Ms. Lewis confirmed that she had a few that she started to collect when she was on the Town Council.

Councilmember Murdock suggested that when sending the fundraising letters, Ms. Lewis should also include a request for Middleburg memorabilia, as well as tapes and stories. She asked whether she had a location in mind for the museum. Mayor Davis reminded Council that there has been some discussion about using a room at the Health Center.

Councilmember Murdock asked whether there would be any legal problems associated with the use of the Health Center since the building was supposed to be rented. Councilmember Snyder reminded Council that the Town already used a portion of the building for the Police Department. Councilmember Murdock expressed her opinion that the Town paid for the use of that space. Vice Mayor Kirk noted that the Police Department was getting their space for free. She advised that, at one time, the Town paid rent for the space. Councilmember Snyder suggested that the issue of Town use of the Health Center be referred to the Town Attorney for comment. Vice Mayor Kirk expressed her opinion that the Town has already agreed to allow the Police Department to use their space at no charge.

Councilmember Shea suggested that before dedicating a room to the museum that the hallways would be a great place to start displaying artifacts. She noted that this could be done as long as the display cases were secure. Ms. Shea reminded Council that the main floor hallways were pretty big; and, expressed her opinion that they would hold some nice display cases. She noted that this would allow the museum to start displaying materials so the Committee could then tell perspective donors “this was what we have and we want to expand it”. Mayor Davis agreed this was a good idea. She noted, however, that display cases were not cheap. Ms. Davis asked whether Ms. Lewis had an idea as to how many were needed and the price.

Councilmember Murdock reminded Ms. Lewis that she would need to apply for 501(c)(3) status so that any donations would be tax deductible. Councilmember Shea asked whether the museum would be a separate entity from the Town. Councilmembers Murdock and Snyder suggested it should. Town Planner Beniamino suggested the Streetscape Committee be used as a model. He noted that the Streetscape Committee was the Town committee, with the Beautification Committee serving as the fundraising arm. Vice Mayor Kirk suggested that Ms. Lewis talk to Punkin Lee, Chairman of the Beautification Committee, about what was involved in setting up their organization.

Ms. Lewis asked that Vice Mayor Kirk serve on the committee. Vice Mayor Kirk agreed, unless someone else wanted to serve. Councilmember Littleton advised that he would try to help as much as possible. He noted that he may have some artifacts for the museum.

Mayor Davis suggested that artifacts be solicited using the local newspapers, the Town’s website, and the Town’s e-mail blast. Town Administrator Semmes noted that this was what they did in Purcellville. She reported that they received a lot of nice photographs as a result, which they scanned electronically. Mayor Davis expressed her opinion that Tyler Gore had a lot of photographs. Councilmember Murdock expressed her opinion that someone needed to tape record the stories that Mr. Gore knew about Middleburg.

Vice Mayor Kirk suggested the Economic Development Coordinator work with Ms. Lewis to get an idea of what size display cases could be used. Town Administrator Semmes advised that Purcellville had some unused display cases that she may be able to secure. She noted that they contained a glass top and sides.

Mayor Davis noted that Town Attorney Whiting served on the Board of Directors for the Loudoun Museum. She further noted that when the Town thought it may develop a museum at the Asbury Church, the Loudoun Museum expressed an interested in assisting. Ms. Davis suggested that even if they would not give the Town artifacts, they may allow them to be borrowed. She noted that years ago, the Loudoun Museum indicated that they had artifacts from Middleburg.

Ms. Lewis noted that she would also like to talk to Karen White, who started a museum in The Plains. She reminded Council of the need for guidelines and a mission statement. Ms. Lewis expressed her opinion that it would take a long time to get the museum off the ground. Councilmember Shea noted that the committee would need to develop a mission statement and related items in order to apply for 501(C)(3) status.

Councilmember Hazard suggested that even if the Loudoun Museum could not provide display cases, a lot of places had used ones that could be secured inexpensively. Town Clerk North noted that she purchased display cases inexpensively through auctions. Mayor Davis suggested that if any member of Council saw a deal on used display cases that they keep the museum in mind.

Ms. Lewis noted the need for the artifacts to be secure, as some of the items could be valuable. She advised that even if they were displayed in the same building as the Police Station, she would not want them to be stolen. Ms. Lewis noted that the development of the museum would be a lot of work; however, she was willing to do it. Councilmember Shea advised Ms. Lewis that she would be willing to help her in setting up the organization.

Mayor Davis suggested the committee get together to start talking. Ms. Lewis asked whether she could hold the meetings in the Town Office. Mayor Davis confirmed she could.

Councilmember Shea suggested that Ms. Lewis establish the committee. She further suggested that she not call it a "board" as a board of directors would be needed for the 501(c)(3) designation. Ms. Shea expressed her opinion that there should be an advisory committee that would be a part of the town, with the board being established as a part of the 501(c)(3) application.

Councilmember Snyder agreed with Councilmember Shea. He suggested that Ms. Lee could probably give Ms. Lewis a lot of pointers on the structural aspect of how she set up the Beautification Committee. Ms. Lewis advised that she would also like to meet with Mary Kay Garwood to get her input on how she set up the Pink Box. She suggested that there were a lot of resources that could be used.

Mayor Davis suggested that Council put this matter into the hands of the committee to start the ball rolling. She asked that Ms. Lewis keep the Council informed. Ms. Davis suggested that if anyone found Middleburg artifacts that they give them to Ms. Lewis.

Ms. Lewis noted that it would not be long before the Town held its Centennial Celebration. She advised that she would like to see something in place by that time. Ms. Lewis noted that it may not be in operation as a "museum"; however, she would like to see something in place. Councilmember Shea noted that it may be possible to have some photographs up by then.

Ms. Lewis advised Council that she would keep them informed as to her progress. She noted that she would start by calling potential committee members. Vice Mayor Kirk asked that if anyone knew of someone who may be interested in serving that they contact Ms. Lewis.

Council Discussion - Proposed Planning Commission goals

Town Planner Beniamino reminded Council that during the joint meeting, they heard from the Planning Commission regarding the list of goals they would like to accomplish in the coming year. He noted that those goals were separated into two categories, with the first three falling under the category of the Comprehensive Plan and the last five falling under the category of the zoning ordinance. Mr. Beniamino recommended that Council have a short discussion on each item, and then rank them in order of importance. He noted that the review of the zoning location permit process has been removed from the goal list as it was being considered separately.

Councilmember Murdock asked about the separation of the items. Town Planner Beniamino noted that this did not matter from the standpoint of ranking. He expressed his opinion that the Council wanted to identify the importance of where to place the individual items on the scale. Mr. Beniamino noted that in theory, the Planning Commission would tackle two or three items during the year, with more items being added to the list the following year and the goals being re-ranked by the Council. Mayor Davis noted that some members of Council may have items for consideration that were not even on the list and others that should be deleted. She suggested that before ranking the items, the Council should see if there were any that they wished to add. (None were raised.)

Councilmember Shea suggested that a point of clarification that the Planning Commission needed from the Council was whether the pedestrian plan should focus on pedestrian or vehicle circulation. She advised that she could see there being two different plans. She reiterated the need to clarify whether the Council would support moving pedestrians over moving cars. Councilmember Snyder advised Council that he did not see any huge opportunities for changes to auto circulation; however, he did with pedestrian circulation.

Mayor Davis advised Council that she had issues with the thought of changing the pedestrian circulation on the back street. She reminded them that a year or so ago, they were told that in order to install sidewalks on Federal Street, it would require that the street be made one-way. Town Planner Beniamino expressed his opinion that part of the overall discussion on pedestrian circulation would include this concept. Mayor Davis advised Council that she took the movement of cars very seriously. She suggested that to change Federal and Marshall Streets to one-way would change the life style of the residents.

Town Planner Beniamino noted that this was only one aspect that could be considered. He advised Council that the Planning Commission felt that the development of a pedestrian plan was on the top of the list. He reiterated that considering making some streets one-way would be a facet of the plan they would consider. Mr. Beniamino explained that the Commission would consider whether there was sufficient right-of-way on Federal Street to construct sidewalk the entire length, whether they envisioned a fragmented sidewalk or whether the Town had the ability to make the street one-way in order to install sidewalk. He suggested that the devil was in the details as opposed to an overall concept.

Vice Mayor Kirk agreed the Council needed to determine which type of circulation should be considered.

Councilmember Murdock expressed her opinion that the Council needed to pull back on this issue. She noted that the installation of sidewalk would involve a huge amount of money. Ms. Murdock reminded Council of the need to do repairs on the main street that were critical. She asked about the difference between a pedestrian plan and a sidewalk plan.

Councilmember Shea expressed her opinion that this was not necessarily about sidewalk installation, but was about planning for how the Council would like to see pedestrians move around town. She noted that this could involve the installation of mid-block crosswalks. Ms. Shea suggested there was a stairwell at the old book store that could be extended to improve pedestrian circulation.

Councilmember Snyder suggested that the question was how sidewalk installations would be done in areas. He reminded Council that the pedestrian plan would just be a planning document; and, did not necessarily need to affect the budget. Mr. Snyder suggested the Council give advice to the Planning Commission that they should plan for pedestrian circulation within the existing traffic patterns. He advised that he did not see Federal and Marshall Streets becoming one-way.

Councilmember Shea expressed her opinion that the Council should not get into what the plan should say, but rather should have the Commission focus on what could be done with pedestrian circulation. Councilmember Snyder noted the need for a section in the Comprehensive Plan to address pedestrian circulation. He expressed his opinion that the Commission should develop its thoughts on how the Town should plan for pedestrian circulation. Mr. Snyder noted that this would then be reviewed each time the Comprehensive Plan was updated. He reminded Council that the Comprehensive Plan was not a static document.

Councilmember Murdock inquired as to how in-depth the Planning Commission should go as she did not want the staff to spend a lot of time on it. Councilmember Snyder suggested it would be a ten to twenty page document.

Councilmember Hazard agreed with Councilmember Snyder. He suggested that if it was the consensus of the Council that making the street one-way was something to pass on, they could tell the Planning Commission that it should not be a point of emphasis. Mr. Hazard advised that this was a concept that has been discussed in the past. He noted that currently there was no need to consider making streets one-way; however, he asked whether the Commission should keep it as part of the Comprehensive Plan in the event that traffic became gridlocked in the center of town.

Councilmember Snyder expressed his opinion that there may be reasons to address traffic patterns. He noted that once the Salamander Resort opened, it could “tilt” things in a manner the Town did not like and wanted to fix. Mr. Snyder advised that in terms of sidewalk, he would like for the Planning Commission to look at the existing sidewalks and pedestrian patterns to determine where holes existed that should be filled, as well as identifying how they should be filled. He recommended this be done as a section in the Comprehensive Plan.

Councilmember Hazard suggested that before developing the Comprehensive Plan section, the Commission should prepare a drawing for the Council’s review that would identify the direction the plan was going in and what they would recommend be done in ten to twenty years. He noted that the Comprehensive Plan was a living document that needed to focus on the future. Councilmember Snyder recommended the Commission forget about establishing a timeline; and, instead concentrate on what existed and what was needed.

Vice Mayor Kirk expressed her opinion that the Commission has already said that it believed sidewalk was needed everywhere. She suggested the Commission was adamant about wanting to take away the Council’s right to say “it did not want sidewalk” at a specific location.

Councilmember Snyder expressed his opinion that there were some locations in which the Town would not get sidewalk. He suggested the Ridgeview Subdivision was too mature to receive them.

Town Planner Beniamino suggested the Commission look at the issue of pedestrian circulation in relation to the Middleburg Meandering Trail. He further suggested that the plan not just focus on sidewalks, but also address the trail so there would be a cohesive pedestrian network. He reminded Council that the Planning Commission also wanted to look at the town's future need for parking and the best way to get pedestrians safely from the parking areas to the center of town.

Councilmember Snyder expressed his opinion that the creation of additional public parking lots was extremely unlikely. He reminded Council that the Town almost went broke developing the last one.

Town Planner Beniamino expressed his opinion that the Town should look at this from a planning perspective. He noted that even if they determined that there would be no sidewalk on Federal Street without making it one-way, it did not mean the White properties could not be sold and developed by someone. Mr. Beniamino suggested, in that case, there may be a requirement to install sidewalk along the frontage. He reminded Council that a pedestrian plan would not just be a document for when the Town had money, but would also be a document for developers.

Councilmember Snyder agreed that this was why it was important to have it in the Comprehensive Plan. He expressed his opinion that it would be a "fool's errand" to try to plan for the development of additional public parking lots now, as there was no land available for them that would make any sense.

Councilmember Shea reiterated her opinion that the Council should not focus on what the pedestrian plan should say. She suggested that the Council work with the Planning Commission to offer some direction. Ms. Shea expressed her opinion that the Council could not predict what a property owner would do. She suggested that the Council wanted to make sure the items that were important be included.

Councilmember Snyder advised Council that he would like to address the trail, the existing sidewalks and pedestrian circulation around town, especially in the business district. He further advised that he would like for the Planning Commission to identify any holes in the sidewalk network and how they should be addressed when opportunities arose, including redevelopment.

Town Planner Beniamino expressed his opinion that if the Town had a document that identified the need for public parking in a certain location, there could be a benefit. He explained that if the need had been identified during the planning for the Chinn's Crossing Project, the Town could have worked with the developer on something mutually beneficial. Mr. Beniamino expressed his opinion that a document was a good thing to have, even if it only identified potential areas for future parking. He suggested that how pedestrians accessed that parking was important.

Councilmember Littleton asked whether the development of a pedestrian plan was one of the Commission's top priorities. Town Planner Beniamino confirmed it was their top priority. Councilmember Littleton advised Council that he would like to identify two or three of the most important items for the Commission to work on; and, once accomplished, allow them to move onto others.

Councilmember Littleton expressed his opinion that addressing the issues of the expansion of the Historic District and the development of a housing-to-scale ordinance needed to happen "tomorrow", with the other items on the list occurring later.

Councilmember Shea reminded Council that when the Commission presented their list, they talked about the need to expand the Historic District or, at a minimum, to develop an entrance corridor overlay district. She suggested the Council could say “no” to the Historic District expansion; and, recommended that they look at the development of an entrance corridor overlay district and zoning ordinance changes. Ms. Shea expressed her opinion that the Council could take one of the items off the list.

Vice Mayor Kirk expressed her opinion that Councilmember Littleton was saying the expansion of the Historic District was important. Councilmember Littleton reminded Council that someone could apply to do something tomorrow; and, noted that if the property was not located within the Historic District, they could make a major change. He suggested this was a “tomorrow” thing. Mr. Littleton advised that the same was true of the development of a housing-to-scale ordinance that would apply to the Ridgeview Subdivision. He reminded Council that the housing prices were now such that people would buy the properties as investments, with the intention of tearing the houses down and rebuilding. Mr. Littleton advised that this could happen tomorrow. He expressed his opinion that while the other goals were important, they could happen later.

Councilmember Snyder agreed there were some properties in town that were ripe for tear down. He further agreed with the need to address those issues. Mr. Snyder suggested the Council rank the issues. Councilmember Littleton advised that these were his top two priorities.

Councilmember Snyder advised that his priority was updating the zoning ordinance. He reminded Council that this had not been done in fifteen years. Mr. Snyder suggested that doing so would fit in nicely with the development of a housing-to-scale ordinance. He suggested that updating the zoning ordinance, while paying attention to the housing-to-scale issue, would address two of the Planning Commission concerns at once. Mr. Snyder advised that he did not want to tell the Commission how to update the zoning ordinance, except to say “pay particular attention to housing-to-scale issues”.

Councilmember Murdock expressed her opinion that the Council already discussed the housing-to-scale issue. Town Planner Beniamino expressed his opinion that this was different. He suggested that the expansion of the Historic District, the development of an entrance corridor overlay district and the development of a housing-to-scale ordinance were all tied to the same issue. Mr. Beniamino reminded Council that these were the three options available that would give the Town control in the Ridgeview Subdivision. He noted that a housing-to-scale ordinance to allow for less footprint and height and a greater area ratio requirement would prevent large houses in the Ridgeview Subdivision; however, it would not address issues such as color or materials. Mr. Beniamino noted that the Council previously discussed the pros and cons of the expansion of the Historic District. He reiterated that another option was the creation of entrance corridor standards. Councilmember Murdock expressed her opinion that the latter should be high on the priority list.

Town Planner Beniamino reminded Council that the State allowed localities to protect its main arteries by putting an overlay district on top of them. He noted that while the corridors would not be in an historic district, it would allow for extra architectural controls on those properties in the corridors. Town Administrator Semmes expressed her opinion that it was a form of an historic district.

Councilmember Murdock asked whether the revisions to the current zoning ordinance definitions and the future development of Federal Street had a correlation. Councilmember Snyder noted that he crossed the future development of Federal Street off the list; and, said it should be addressed in the zoning ordinance and Comprehensive Plan.

Town Planner Beniamino disagreed; and, suggested it should be high on the priority list. He expressed his opinion that the Town could go further with Federal Street. Mr. Beniamino suggested the Town had the ability to apply for grants to prepare a small area land use plan for this area. He expressed his opinion that there was a chance that an independent hardware store could not survive in the future; and, that the property could be sold. Mr. Beniamino expressed his opinion that the Town should look at what it would like to see the street turn into in the future. He reminded Council that this street contained large pieces of property that could be developed. Mr. Beniamino recommended the Town set the stage for what it would like to see in this area in the future so it would be proactive as opposed to being reactive.

Vice Mayor Kirk asked whether Councilmember Hazard had a preference. Councilmember Hazard reminded Council that sidewalks were critical to the Planning Commission. He advised that they would not only like to put together a plan for where they thought they should go, but also develop a priority list. Mr. Hazard expressed his opinion that some of the sidewalks needed to be installed right away. He noted the funding issue associated with doing so; however, he reiterated his opinion that this needed to occur.

Councilmember Hazard reminded Council that when they discussed changes to the zoning ordinance, particularly with regard to height issues, Commissioner Clites developed models to show what could be done. He suggested this goal should not be rejected, but should be made a part of the expansion of the Historic District. Mr. Hazard reminded Council that this expansion did not need to occur under the same regulations as currently existed, but rather could be done as a separate district. He noted that the Ridgeview Subdivision was a large part of the town. Mr. Hazard suggested the regulations should not be onerous on the property owner; however, he expressed his opinion that the Town needed to have zoning controls in order to protect the look and feel of Middleburg.

Councilmember Snyder asked whether Councilmember Hazard was proposing to protect the look and feel of the Ridgeview Subdivision. He suggested that if that was the case, he should “forget about it”.

Town Planner Beniamino expressed his opinion that when talking about the Ridgeview Subdivision, a case could be made that the area was historic; however, one could not be made that it was architecturally significant. He reminded Council that if they expanded the Historic District to include this area, the Town must preserve what currently existed. Mr. Beniamino suggested that if the Council wanted to expand the Historic District, it would have to say “this area is something that is important and we want to maintain it for the ages”. He asked whether the Council was prepared to make that statement with regard to a nine hundred square foot craftsman style ranch house that was the prevalent stock in Ridgeview or whether it simply wanted to control redevelopment.

Councilmember Snyder advised that as a homeowner in the Ridgeview Subdivision, he has in the past asked himself why he just didn’t tear down his house and rebuild it so it was much nicer. He noted that this would be difficult if he was in the Historic District. Mr. Snyder agreed there should be restrictions, such as prohibitions against building to the lot line or on the construction of large houses. He recommended that whatever was built in the place of an existing structure should be within the scale of the neighborhood. Mr. Snyder suggested this was a zoning ordinance issue.

Councilmember Shea expressed her opinion that the Town needed to protect its entrance corridors. She suggested that it could then look to zoning. Ms. Shea expressed her opinion that the Town needed to look at the zoning for the entire town, not just for the Ridgeview Subdivision.

Councilmember Hazard noted that an update to the zoning ordinance would be for the entire town. Councilmember Snyder noted that the zoning for the Ridgeview Subdivision would apply elsewhere as the R- 2 designation existed in other areas. He reminded Council that the R-2 designation was an “oops” zoning classification because the town had a lot of this “existing stuff”.

Town Planner Beniamino advised Council that the Planning Commission had already done a lot of work on the development of a pedestrian plan; and, has done some work on the expansion of the Historic District. He reported that they have done nothing with regard to the development of an entrance corridor overlay district. Mr. Beniamino noted the need to do work on the zoning ordinance issues. He expressed his opinion that it would be pretty optimistic to believe they could complete three or four items on the list; and, suggested that they may be able to complete one large one. Mr. Beniamino noted that the zoning ordinance update would take a long time; and, suggested the development of a pedestrian plan could be completed in less time. He further suggested that a small area land use plan for Federal Street would take less time.

Councilmember Littleton expressed his opinion that the Council needed to identify what was important. Councilmember Snyder advised Council that his biggest priority was updating the zoning ordinance, while also combining the housing-to-scale ordinance and the development of a small area land use plan for Federal Street as sub-items. He noted, however, that he was willing to “horse trade”.

Vice Mayor Kirk agreed with the need to update the zoning ordinance. She also agreed with Councilmember Littleton that the Town needed to take a hard look at the Ridgeview Subdivision. Ms. Kirk noted that she could see people buying houses for redevelopment; and, advised that there were five for sale on her street alone. Councilmember Shea noted that there was a house near Vice Mayor Kirk that should be in an entrance corridor district as it was located on a double lot.

Town Planner Beniamino advised Council that an entrance corridor overlay district would be in the zoning ordinance. He noted that from a Comprehensive Plan standpoint, it should talk about the entire town being historic and the need to protect it. Mr. Beniamino reiterated that an entrance corridor overlay district would be a zoning ordinance provision; however, he suggested that it be written and enforced by the HDRC. Councilmember Snyder agreed that the development of an entrance corridor overlay district should be done in conjunction with the zoning ordinance update.

Town Planner Beniamino expressed his opinion that, with the exception of Councilmember Hazard who felt that the development of a pedestrian plan should be first, the Council was saying that updating the zoning ordinance should be the first priority for the Planning Commission. He suggested they were further agreeing that the development of a housing-to-scale ordinance would occur as a part of this update. Mr. Beniamino expressed his opinion that the development of an entrance corridor overlay district should occur as a separate discussion item that could be done at the same time as the zoning ordinance. Vice Mayor Kirk expressed her opinion that this was not how the Council was seeing the priorities. Councilmember Snyder advised that he would like to see the development of an entrance corridor overlay district as being high on the priority list if it was handled separately.

Councilmember Shea reminded Council that the Town had a year before it had to review the Comprehensive Plan. She advised that she would like for the Commission to take a look at what needed to be changed in it. Ms. Shea further advised that she would like for the Commission to take a look at including an entrance corridor overlay district and the pedestrian plan in some way in the update of the Comprehensive Plan.

Councilmember Snyder inquired as to what year the Town must review the Plan again. Councilmember Shea expressed her opinion that it was due in one year. Councilmember Snyder expressed his opinion that this was not correct. He noted that the State Code required a review every five years; however, this did not mean the Town was required to change it. Town Planner Beniamino advised Council that the Comprehensive Plan was reviewed in mid-2007. He suggested the next review did not need to occur until 2012.

Councilmember Shea noted that she may not have the dates correct; however, she expressed her opinion that the Council should try to identify concrete goals that the Commission needed to address in the next year. She suggested that a secondary item was the need to look at what should be updated in the Comprehensive Plan. Ms. Shea expressed her opinion that the entrance corridor overlay district should be identified as needing to be included even if the Planning Commission could not get to it right away.

Councilmember Snyder expressed his opinion that having the development of the entrance corridor overlay district as a separate item from the zoning ordinance or the Comp Plan update would accomplish that. He suggested the Council tell the Commission that the development of the entrance corridor district was a goal it wanted them to address.

Town Planner Beniamino suggested the Commission would look at the Comprehensive Plan as a part of the entrance corridor development process, as well as including language in the zoning ordinance updates and the preparation of guidelines for the HDRC's use.

Vice Mayor Kirk expressed concern that the Council was giving the Planning Commission too much to accomplish in one year. Councilmember Shea suggested the zoning ordinance update could not be completed in one year. Councilmember Snyder noted that it took a year and a half the last time it was done. Vice Mayor Kirk noted the need for the Commission to start work on it. Councilmember Snyder suggested the goals did not need to be completed in the same year they were assigned, including the first priority.

Town Planner Beniamino suggested the Council should identify where it wanted the Commission to focus. Councilmember Snyder suggested that updating the zoning ordinance should be the first priority.

Town Planner Beniamino noted that if the Council chose a smaller goal as the first priority, the Commission could do it quickly. Vice Mayor Kirk reminded Council that if they delayed the update of the zoning ordinance, it would be two and a half years before it was complete. She suggested the Commission start working on it.

Councilmember Hazard noted that the zoning ordinance update was huge. He asked whether the Council wanted the Commission to target a couple of the sections within it. Councilmember Snyder advised that he did not. Councilmember Shea advised that she did. Councilmember Snyder suggested that, to get started, the Commission should look at the land use categories, rank them and attack accordingly.

Councilmember Hazard suggested that those that affected the Ridgeview Subdivision should be given emphasis since there were five houses for sale on one street in that area. He noted that the R-2 District would be a classification to consider.

Councilmember Snyder expressed his opinion that the Commission would come to an agreement in a single meeting as to what should be tackled first. Councilmember Hazard noted that some sections, such as those that were just written for the Salamander Project, did not need reviewing immediately.

Councilmember Shea expressed her opinion that it was important for the Council to say that the development of a housing-to-scale ordinance was something it really wanted the Commission to focus upon. Councilmember Snyder suggested they look at buildings-to-scale, not just housing. Councilmember Littleton agreed.

Councilmember Stewart noted the desire to keep the historical part of Middleburg the way it was. He advised that he could see the White property selling; and, possibly being turned into a huge office building. Town Planner Beniamino noted that there were already some protections against that. He asked whether the Council want to see a non-commercial version of what Councilmember Stewart described in the Ridgeview Subdivision. Councilmember Littleton asked whether they wanted to see it on Lincoln Road.

Councilmember Snyder suggested the Planning Commission perform a quick scan of the land use categories in the zoning ordinance; and prepare a list of what should be addressed and what could be deferred.

Mayor Davis asked whether the entire bottom part of the Commission's proposed goals list was related to the zoning ordinance. Town Planner Beniamino confirmed it was. He noted that this would be a larger undertaking than he originally thought; however, he advised that this did not mean the Commission could not do it. Mr. Beniamino agreed with the need to break the task into sections; and, to prioritize the work instead of tackling the entire project. Vice Mayor Kirk agreed there were parts of the zoning ordinance that did not need updating. Councilmember Snyder noted that the same was true of the Comprehensive Plan. He reiterated that just because the Plan was reviewed, it didn't mean it needed to be changed.

Town Planner Beniamino recommended that the Commission start the zoning ordinance update with an analysis of the R-2 District. Councilmember Hazard agreed that there were critical items associated with this district. Councilmember Snyder recommended the Planning Commission prioritize what needed to be addressed in the zoning ordinance.

Councilmember Murdock noted that the Town had a summary of the charrettes that were previously conducted. She advised that she would like for Councilmember Hazard to read about those meetings. Town Clerk North noted that she would send him a copy of the minutes.

Councilmember Murdock noted that she was not in favor of having big and little houses in the Ridgeview Subdivision. She reminded Council of the lack of public participation in the planning charrettes. Councilmember Littleton noted that most people would not attend a meeting until something happened. He cited the Chinn's Crossing Project as an example. Councilmember Snyder noted that he was approached by individuals who asked whether they would no longer be able to pick the color of their house. He advised that his suggestion was that they attend one of the meetings. Vice Mayor Kirk noted that she had people approach her who did not want a big house next to theirs. Councilmember Shea expressed her opinion that the Council could not ignore the public input; however, she noted that the Council was elected and at times had to say "this is the way we have to do this". Councilmember Murdock suggested the need to protect property values.

Vice Mayor Kirk agreed with Councilmember Littleton that the Commission should address things that would hit the town sooner. Councilmember Littleton suggested the need to address items over which the Town had no control. He noted that it had control over the construction of sidewalks.

Town Planner Beniamino noted that the Town did not have to create a new zoning ordinance, it only needed to update the existing one. He further noted the need to ensure there was nothing in it that was repetitive or contradictory.

Town Administrator Semmes reminded Council that the zoning ordinance was supposed to implement the Comprehensive Plan; and, suggested there was guidance in the Plan as to what the Commission should work on. She recommended that the Town not start with amending the zoning ordinance. Ms. Semmes expressed her opinion that there appeared to be issues; and, advised that there was nothing wrong with addressing them as they arose. She recommended that the Town not do a lot of amendments piecemeal, but rather that it just address the issues. Town Planner Beniamino noted that the Town has been through two iterations of updates to the Comprehensive Plan; however, the zoning ordinance has not been changed.

Town Administrator Semmes inquired as to what the Comprehensive Plan said with regard to the issues raised by the Council. She reiterated that the zoning ordinance should implement the Plan. Ms. Semmes asked whether there were items in the Comprehensive Plan that required changes to the zoning ordinance.

Councilmember Shea expressed her opinion that there were items in the Comprehensive Plan that needed to be looked at; and, suggested there should not be items in either document that did not support the other. She noted that the house she currently lived in was now zoned C-2, with proffers. Ms. Shea asked what would prevent the property across the street from seeking a C-2 designation. She suggested the need to look at this from a Comprehensive Plan and zoning standpoint.

Town Administrator Semmes suggested the Town may have something in the Comprehensive Plan that alluded to housing-to-scale. She further suggested that if there was not, the Council could do a Comprehensive Plan amendment along with the zoning ordinance amendment.

Town Planner Beniamino noted that this was why he divided the goals into two categories. He suggested that the Comprehensive Plan issues be addressed first, with the Town then creating the regulations associated with the Plan changes. Mr. Beniamino agreed the zoning ordinance update usually came after the Comprehensive Plan update. He noted that the Commission reviewed the Plan in 2007, with no large scale changes being recommended with the exception of those sections that affected the Salamander Project.

Town Administrator Semmes advised Council that she would be surprised if the staff did not find something in the Comprehensive Plan related to the entrance corridors.

Town Planner Beniamino expressed his opinion that the question was how out of date the Comprehensive Plan was in the areas the Council was discussing. He suggested that there was nothing in the issues that could not be found in the Comprehensive Plan. Mr. Beniamino suggested that the sections may need to be expanded upon; however, he expressed his opinion that the key tenants were present. Town Administrator Semmes advised Council that the staff could usually find something in the Plan to support a position. She expressed her opinion that it sounded like the Council was in agreement with the Commission on the issues; and, that it was just that the work needed to be done.

Councilmember Hazard expressed his opinion that things “got out of whack” because the two bodies went months without communicating. He recommended that he take ten minutes during each monthly work session to report on the Commission’s progress related to these goals. Councilmember Shea reminded Council of the item on the regular meeting agenda entitled “Reports of Committees”; and, recommended this was the appropriate place for Councilmembers

to make committee reports. Councilmember Hazard agreed to provide a four to five minute report. Mayor Davis noted that Councilmember Shea was talking about a report during the regular meeting; whereas, Councilmember Hazard suggested it be done during the work session. Councilmember Murdock advised Council that she would prefer that it occur during the regular work session. Councilmember Shea suggested that committee reports be made a work session agenda item.

Councilmember Shea asked whether the Council should ask the Planning Commission look at these items in relation to the Comprehensive Plan to see if there were any that were not covered. Town Planner Beniamino suggested this would be a good exercise leading up to the Comprehensive Plan review. He noted that the Commission would refer to the Comprehensive Plan as it looked at issues in the zoning ordinance. Mr. Beniamino advised that if the Commission found things in the Plan that it did not like, it could either recommend a small Plan amendment or he could keep a running fix-it file that could be addressed following the zoning ordinance update.

Vice Mayor Kirk asked that the staff include a section in its monthly report regarding the Commission's progress on updating the zoning ordinance or Comprehensive Plan. Councilmember Snyder agreed.

Town Planner Beniamino expressed his opinion that the zoning ordinance update would take until 2012. He asked whether the Council wanted to assign sub-categories. Town Administrator Semmes expressed her opinion that Council already said it wanted the Commission to work on a housing-to-scale ordinance and the development of an entrance corridor overlay district. Town Planner Beniamino noted that it could also include a demolition-by-neglect ordinance if the Council felt this was important. He expressed his opinion that there was still some merit in continuing to discuss the expansion of the Historic District. Mr. Beniamino suggested that if the Council put the entrance corridor issue into the zoning ordinance update, it would run the risk of putting changes into the process that were debatable.

Vice Mayor Kirk expressed her opinion that there was interest from the Council in considering an entrance corridor overlay district. She suggested the Council has dropped the idea of the development of a pedestrian plan.

Town Planner Beniamino recommended that the HDRC be tasked to work on the entrance corridor overlay district, as they would enforce it. Councilmembers Snyder and Shea agreed this was a good idea. Councilmember Shea noted that if the Go Green Committee was not already working on an environmental section of the Comprehensive Plan she would say to let them handle the pedestrian plan. She recommended that another committee, such as the trail committee, address it. Councilmember Murdock noted that the Meandering Trail Committee was different as it was addressing a grant project. Councilmember Shea suggested that if there was a committee that was related to one of the issues, they be asked to do the basic work.

Town Planner Beniamino noted that Go Green developed the lighting plan ordinance without his assistance. He reminded Council that he staffed the HDRC and Planning Commission. Mr. Beniamino suggested that if the work could be farmed out to an ad-hoc group, more could get done than by simply relying upon him.

Vice Mayor Kirk inquired as to who was the Chairman of the Land Use Committee. Town Planner Beniamino expressed his opinion that the Committee had been eliminated. Councilmember Snyder suggested that when the Council became a committee of the whole, it lost the sense of committee chairs. Town Planner Beniamino reiterated his opinion that this committee was abolished. Councilmember Snyder noted that it was not; and, advised that the

Land Use Committee was important in dealing with Salamander. He expressed his opinion that he was the chair of the Land Use Committee. Mr. Snyder advised that there had not been a lot of action for the Land Use Committee; therefore, he had not spent time on it other than trying to get progress on the zoning ordinance update. Vice Mayor Kirk suggested the Land Use Committee work on the future development of Federal Street. Town Planner Beniamino noted that the Town may have an opportunity for a grant to bring individuals in to help with that project. Town Administrator Semmes suggested the Town could use the same group that it used with the Salamander Project. She expressed her opinion that the Town should apply for the grant.

Councilmember Shea advised Council that she would like to farm out the initial work for some of these items. Councilmember Snyder noted that it would allow a fresh set of eyes to look at the issues. Town Planner Beniamino expressed his opinion that it was important that the Town not burn out its volunteers by giving them too many items to work on all at once. He advised that while the Commission would still continue to work on the other items on the list, it sounded as if the zoning ordinance update was the Council's primary objective.

Councilmember Snyder asked that the entrance corridor overlay district be the second priority. Councilmember Shea agreed as long as the Council was not asking the Planning Commission to do all of the work. Town Planner Beniamino expressed his opinion that the Council was talking about having the combination of the entrance corridor district and the expansion of the Historic District as the second priority. Councilmember Snyder expressed his opinion that the expansion of the Historic District was extremely unrealistic. Councilmember Littleton suggested that if the HDRC was not working on a housing-to-scale ordinance, it should be involved in the development of the entrance corridor overlay district. He expressed his opinion that combining the two items made sense. Councilmember Snyder expressed his opinion that the expansion of the Historic District was a giant step all at once. He noted that the entrance corridor overlay district standards could be implemented incrementally over time. Mr. Snyder recommended the Town take baby steps in that regard and take bigger steps later.

Councilmember Shea expressed her opinion that the entrance corridors could be placed under the Historic District expansion. She advised that she would like for the HDRC to publicly focus on developing entrance corridor standards, knowing it was part of the Historic District expansion. Ms. Shea noted that she did not want to talk about the Historic District expansion into the Ridgeview Subdivision the way it was discussed during the charrettes. Councilmembers Kirk, Littleton and Murdock agreed.

Councilmember Murdock recommended the development of a pedestrian plan be the third priority. She expressed her opinion that the Town should not lose sight of that item.

Town Planner Beniamino suggested the Council was saying to put the demolition-by-neglect and the housing-to-scale ordinances under the zoning ordinance update.

Town Administrator Semmes expressed her opinion that the Council needed to discuss the priority of those two items more to determine their priority within the zoning ordinance update. She noted that the Commission could spend a lot of time cleaning up issues within the zoning ordinance. Ms. Semmes advised that if the Council wanted the Commission to pursue the housing-to-scale ordinance, they needed to know that; and, noted that she was not clear on it.

Councilmember Hazard advised that what he heard the Council say was that it wanted the Planning Commission to prioritize how the zoning ordinance update would be done. Town Planner Beniamino asked whether the Council wanted the Commission to look at the housing-to-scale ordinance as quickly as possible or whether it wanted them to include it as a part of the update of the entire zoning ordinance. Councilmember Hazard expressed his opinion that the

zoning ordinance would have to be addressed piecemeal. Town Planner Beniamino recommended that it be done piecemeal, with an eye toward doing it comprehensively. He suggested that, at the same time, the Commission should deal with the housing-to-scale ordinance first, followed by the demolition-by-neglect ordinance, followed by the Federal Street issue. Mr. Beniamino expressed his opinion that the Council wanted the zoning ordinance update to be the Commission's priority over the next year. Councilmember Snyder noted that while it could be a priority, the zoning ordinance update would not be completed this year.

Councilmember Murdock expressed her opinion that the items that required immediate attention would come right out. Councilmember Snyder agreed it made sense to address the building-to-scale and demolition-by-neglect ordinances as priorities in how the Commission attacked the zoning ordinance.

Mayor Davis advised Council that she differed in her opinion on the Federal Street issue. She reminded them that they have received two requests this past year for a special use permit. Ms. Davis expressed her feelings that this was an item that should be addressed. She reminded Council that it was zoned C-3 Commercial; and, noted that years ago, the street had larger use businesses on it. Ms. Davis further reminded them that the area has now evolved; and was becoming more of an area for retail and restaurants. She noted, however, that it was hard to use it as such. Ms. Davis reiterated her opinion that this issue needed to be dealt with fairly quickly.

Councilmember Snyder recommended it be done outside of the zoning ordinance update. Town Planner Beniamino expressed his opinion that the Town could develop a small area land use plan; and, could fix the zoning issues that have prohibited redevelopment. Town Administrator Semmes noted the need to first know what the Council wanted there. Councilmember Snyder suggested the Commission look at changing the Federal Street zoning from C-3 to C-2 so it would be friendlier to retail. He noted that the parking issues that were being experienced in the C-3 District were waived in the C-2 District. Mr. Snyder expressed his opinion that extending the C-2 District to cover Federal Street would improve the business climate in town.

Councilmember Shea expressed her opinion that all of the issues under the zoning ordinance category were important. She advised that she would like for the Planning Commission to look at them and say "this is how we could address them quickly".

Councilmember Hazard noted that the Commission has discussed the restaurant issue. He advised that while they had not reached a consensus, a change in zoning may not be the best approach. Mr. Hazard suggested the C-3 District regulations be changed to allow restaurants with no parking requirements. He advised that while the Commission has discussed this, it needed to talk about it more comprehensively. Mayor Davis suggested the need to do so soon given the economy. Councilmember Hazard advised that he would add it to the list. He expressed his opinion that addressing the Federal Street parking issue was critical. Councilmember Snyder advised Council that he wanted to make Federal Street restaurant friendly. He noted that he was willing to entertain innovative ideas. Mr. Snyder advised Council that he would love for Middleburg to become a restaurant "Mecca". Councilmember Murdock suggested the need to be more retail friendly.

Town Planner Beniamino advised Council that he, Councilmember Hazard and Commissioner Clites would take their thoughts to the Planning Commission in February. He expressed hope to return with a priority list shortly thereafter.

Council Discussion – Alternatives for the Town’s Development Review Processes

Town Planner Beniamino reminded Council that there were four different types of acts in Virginia: (1) legislative acts, in which the power rests with the elected body and could not be delegated; (2) quasi-judicial acts, which under State Code were handled by the BZA; (3) ministerial acts; and, (4) discretionary acts. He noted that the first two acts were mandated by the State Code; therefore, the Town’s processes could not be changed. Mr. Beniamino reminded Council that the latter two acts were ones that they have discussed with regard to streamlining the processes. He noted that ministerial acts involved items such as site plans, subdivision plans and zoning permits. Mr. Beniamino explained that if the Town had guidelines in place and the items within those guidelines were addressed by the applicant, the Town had no choice but to approve the request regardless of who issued the approval. He advised that discretionary acts, which included waivers and modifications, could be delegated to the Planning Commission or staff or the Council could keep the authority. Mr. Beniamino noted that while these items were open to more discretion, there still must be a factual basis for them in the ordinance.

Town Planner Beniamino reminded Council that as to ministerial acts, currently the process allowed site plans and subdivisions to be approved by the Planning Commission. He further reminded them that zoning occupancy permits could be issued by either the Council or the staff; however, he noted that the ordinance did not say when each would approve it. Mr. Beniamino advised that as to zoning location permits, the Council approved those after the site plan was approved by the Planning Commission. He advised that this latter permit was one on which he wanted to “harp”. Mr. Beniamino explained that once the Planning Commission approved a site plan, he had to put the zoning location permit on the Council’s agenda for them to basically “rubber stamp” it. He noted that they had no discretion in approving the permit, as they must do so if all of the Town Code requirements were met. Mr. Beniamino asked whether the Council really wanted to see those.

Town Planner Beniamino advised that as to discretionary acts, there were many waiver provisions in the Town Code, with some being handled by the Council, some by the Commission and some by the staff. He suggested the need to have the waiver authority rest with one body, regardless of what body the Council chose. Mr. Beniamino expressed his opinion that there should be some rational behind who was handling the waivers.

Town Planner Beniamino advised Council that he developed a table that identified how Middleburg, Purcellville, Hamilton, Leesburg and Winchester handled the different permits/approvals. He noted that he could poll more jurisdictions if Council desired.

Councilmember Murdock asked how the Council could streamline the processes. Town Planner Beniamino advised that the staff felt there were ways to improve performance by changing the way applications were processed. He noted that this could not be done immediately as it would require changes to the ordinances. Mr. Beniamino suggested the development of a check list so there was some uniformity to the process. He further suggested the need for the Council to see what the staff was proposing.

Town Planner Beniamino reported that the Planning Commission discussed this item during their last meeting; and, advised that they were pretty set against having any large scale changes to the processes that currently existed. He explained that the Planning Commission Chairman wanted the staff to express to the Council that he believed that any project in Middleburg was important; and, that the Commission wanted to continue with the current reviews and approvals.

Councilmember Snyder noted that he agreed with this with regard to subdivisions; however, he did not with regard to site plans, zoning location permits or zoning occupancy permits as he believed the staff should handle those.

Town Planner Beniamino advised that he tried to relay this information to the Planning Commission. He noted that they were talented; and, advised that to lose their review on any application would be bad. Mr. Beniamino expressed his opinion that there was a way to develop a process whereby the Commission had initial comment authority, with the staff approving items administratively as long as it believed the issues raised by the Commission had been addressed.

Councilmember Snyder noted that the Planning Commission had expertise on site plans; however, he suggested that the problem was that they were spending their time as if they were a building commission or a design committee. He suggested that once the boxes were checked, an application was going to be approved. Mr. Snyder noted that, with regard to a subdivision approval, the Planning Commission could add a lot of value for the time they spent on an application. He expressed his opinion, however, that the Commission was being turned more into an engineering review team than a planning body.

Councilmember Hazard disagreed; and, noted that the Commission did not see that many applications. He expressed his opinion that there was value in going through the body once.

Councilmember Snyder noted that the expertise on the Planning Commission could be temporary. He suggested the need for a more fundamental process that involved having plans clear the Town Engineer's review, followed by staff approval.

Councilmember Shea expressed her opinion that the Council could implement things to streamline the process, without moving items out of the Planning Commission's review.

Councilmember Snyder asked why an item should be in the Planning Commission's hands if it was a ministerial act. He reminded Council that if a site plan met the Town Code requirements, it must be approved. Mr. Snyder expressed his opinion that the Planning Commission was now saying things like "move this to the right" because their engineer expertise told them of the need for clearance. He suggested this was nice to have; however, he advised that this was not why the Town wanted to have a Planning Commission.

Councilmember Hazard noted that this was not all that happened. Councilmember Snyder agreed the Commission performed a lot of hard work. He suggested the need to formalize the process to allow for an engineering review by the Town Engineer, with the application moving to the Town Planner for a final check and approval. Mr. Snyder suggested this would meet most of the Planning Commission's objectives.

Councilmember Shea asked whether the Town Engineer currently checked plans. Town Planner Beniamino confirmed he did. He suggested that in streamlining the processes, the Town could differentiate between a major and minor site plan and subdivision. Mr. Beniamino noted that the process was currently set up for larger subdivisions. He cited the Allen subdivision as an example of a minor subdivision. Mr. Beniamino cited the value of having the Planning Commission review a forty-nine lot subdivision; however, he questioned the benefit associated with a one to four lot subdivision. He expressed his opinion that instances such as that would benefit from an administrative process. Mr. Beniamino suggested that the same was true for site plans. He reminded Council that the Windy Hill Foundation recently put a small addition onto their community room; and, noted that they had to go through the same site plan process that Salamander went through. Mr. Beniamino expressed his opinion that there were items that the Planning Commission could catch with a project as large as Salamander's that they were unlikely

to catch for a small application. He suggested the Commission should not be taken out of the review of major projects; however, he recommended the development of easier standards for small improvements. Councilmember Snyder suggested this was a good idea.

Councilmember Hazard noted that the Planning Commission, whose members served voluntarily, wanted to see these projects. He asked why this should be taken out of their jurisdiction. Councilmember Snyder explained that he wanted the Planning Commission to be planners. Councilmember Hazard noted that plan review was a part of planning. He cited the case of the Chinn's Crossing Project. Mr. Hazard reminded Council that the Planning Commission tried to save the tree that was on the site; and, noted that its removal ended up being a "huge bone of contention" in the community. He suggested that if the Town had done what the Commission said, it would not have been an issue. Mr. Hazard noted that the Commission was not just looking at applications from a planner's perspective, as it also had engineers and architects on it. He expressed his opinion that applicants had sets of eyes looking at their plans as both residents and professionals; and, asked why this should be taken away.

Councilmember Shea advised that she tended to agree with Councilmember Hazard; however, she suggested the process did not necessarily have to be one way or another. She advised that she would like for the Commission to look at all subdivision and site plans. Ms. Shea suggested that if they were doing so, they should have a clear understanding of what they were doing and how quickly they could do it. She noted that if an applicant did not show up in Purcellville for a review, the process started all over. Ms. Shea suggested the need to clarify some things before the Council could decide if they should take these responsibilities away from the Commission.

Councilmember Snyder expressed his opinion that the Commission would drop everything to focus on a site plan; and, would bring an applicant back many times before approving it. He suggested that the cost was that they were not spending time doing planning.

Councilmember Hazard advised Council that he could not think of a case in which the applicant came back repeatedly on a site plan, with the exception of Salamander and the property behind his. He noted that in the case of the latter, the applicant did not do anything.

Councilmember Snyder explained that he saw this as something that was eating up a lot of the Commission's time; and, asked whether this was a misperception. Councilmember Hazard confirmed it was.

Councilmember Murdock asked about the Windy Hill Project. Councilmember Hazard agreed that some things could be done administratively; however, he noted that there were ways to go about doing so. He suggested the use of a consent agenda.

Councilmember Snyder advised Council that he would like to build on the staff's idea of separate processes for large and small projects. He suggested that small ones be handled administratively, with larger ones going through the Planning Commission.

Councilmember Shea disagreed; and, cited the Chinn's Crossing Project. Councilmember Murdock expressed her opinion that the Chinn's Crossing Project was a big one. Councilmember Shea noted that items were missed; and, reminded Council that water lines were installed that were not appropriate. She expressed her opinion that the use of a check list would be great. Ms. Shea suggested the Town Engineer needed to look at the plans; however, she expressed her opinion that having the Planning Commission at least review plans, even if they did not approve them, would help.

Town Planner Beniamino reminded Council that the idea was not to take the Commission out of the process - it was just to conduct the review as a free review process. He advised that he understood Councilmember Shea and the Planning Commission's position; however, he noted that he worked with the applicants closer than the Commission.

Town Planner Beniamino reminded Council that there was an expense to the applicants to pay an engineer to present a plan to the Commission. He expressed his opinion that this was a lot to go through for a one lot subdivision. Mr. Beniamino reiterated that he had no intention of removing the Commission completely from the process; and, suggested that even for small plans, it would be appropriate to have them complete a working review in a pre-application meeting so they could identify any issues they saw. He suggested that the staff could then take their comments and run with them as opposed to bringing the plans back in a meeting.

Councilmember Snyder advised that he could agree with that. Councilmember Hazard advised that he could as well. Councilmember Snyder noted the issue associated with the Chinn's Crossing water line; and, suggested the need to determine the appropriate amount of expertise that was required for the reviews.

Town Administrator Semmes suggested the use of a check list would allow the staff to make sure that things like the water meters, lines and sizes were shown on the plans. Town Planner Beniamino noted that he was working on that issue.

Councilmember Murdock asked whether the Planning Commission should still see a project such as the Windy Hill one. Councilmember Littleton noted that it would only take the Commission ten minutes to review. Councilmember Murdock noted that it took staff time to prepare the agenda. Town Administrator Semmes noted the cost to the applicant to wait for a decision.

Town Planner Beniamino expressed his opinion that what he was hearing was that the Council would like to see the differences between major and minor site and subdivision plans. Councilmember Hazard advised Council that the Commission wanted to specifically see what would be administrative, not broad categories. He advised that they wanted to see a list of things the staff could handle that would not need to come back once items were addressed on a check list. Councilmember Snyder noted that he was more comfortable with that.

Mayor Davis inquired as to the next step. Town Planner Beniamino advised Council that he would develop some processes and give Council the alternatives for their consideration.

Councilmember Littleton advised that he was okay with this as long as someone had an eye on it. He further advised that he believed applications could be handled administratively as long as everyone had a chance to touch them.

Councilmember Shea advised Council that she had some ideas that she would like the Commission to consider. She further advised that the first was whether there was a time frame in which a Planning Commission meeting must be rescheduled if cancelled. Town Planner Beniamino advised that, under the State Code, the Planning Commission must meet every two months. Councilmember Shea explained that her question was whether they had a time frame to reschedule their meeting in the event it was cancelled due to the lack of a quorum. Town Planner Beniamino advised that, in that case, they met within a month. Councilmember Shea asked whether this was adequate. She reiterated that she would like to ask the Commission to look at this issue. Mayor Davis suggested that Councilmember Shea was saying that they must meet within the next week. She noted that the Council had a rule that it must have the meeting on the following Thursday when it was cancelled.

Councilmember Shea advised that the other issues she would like the Commission to consider was the development of a check list and how long it took them to get something to the Council. Councilmember Hazard noted that the latter could be difficult, as it depended upon the application. Councilmember Shea reiterated that she would like the Commission to look at these issues. Town Planner Beniamino reminded Council that certain items were addressed by the State Code. He noted that the Town could have its own process; however, he reiterated that some items were already addressed in the State Code. Town Administrator Semmes reminded Council that they could always set a date for when they would like the Commission to report back to them. Councilmember Snyder explained that, under the State Code, some items were deemed to be automatically approved if the Commission did not address them within the required time period. Councilmember Shea explained that she would like for the Commission to look at these questions to determine if it could expedite some things.

Councilmember Shea asked whether there was information that the Council would always wanted the Planning Commission to send to them when they were considering a request. Councilmember Snyder expressed his opinion that there was not; and, explained that there were infinite variables. Mayor Davis suggested the Commission needed to give the Council a reason why it recommended what it did. Councilmember Shea suggested that this needed to be conveyed to the Commission. Councilmember Snyder suggested that typically the Council either wanted a lot of input from the Commission and they had time to do so or they wanted an item back quickly.

Mayor Davis noted that the staff would provide Council with suggestions for how to handle items such as site plan approvals. She asked about zoning location and occupancy permits. Town Planner Beniamino confirmed that those would be included in his recommendation. He advised that he would like to see the staff handle the latter items administratively. Mr. Beniamino noted that the Mayor has asked that no action items be scheduled for the work sessions. He advised that sometimes he must push an item onto the work session agenda due to timing.

Councilmember Shea expressed her opinion that as long as the Town had a check list, it would make a difference. Councilmember Snyder expressed his opinion that it would be good to make the zoning occupancy and location permits a part of the staff's function. Town Planner Beniamino noted that he was working on changing the documents to capture items that were not currently on it, such as meter sizes. Councilmember Snyder noted that meter sizes did not matter in the past.

Mayor Davis asked whether the staff would have the information available for Council's discussion during the next work session. Town Planner Beniamino confirmed he would.

Discussion

Councilmember Hazard noted that he looked at the September through December water loss numbers in the monthly utility report. He asked why they fluctuated so much.

Councilmember Snyder advised Council that he wanted to start getting a comparison of the number of gallons pumped, minus that which used for flushing, against the water bills. He expressed his opinion that it made no sense to compare the number of wastewater gallons treated versus the number pumped out of the ground. Mr. Snyder noted that all of the water used in a yard did not go through the wastewater treatment plant. He reiterated that he wanted information on the number of gallons pumped into the system versus that used in the Town's operations and that which was billed. Mr. Snyder suggested this would give the Council the true water loss figure.

Town Administrator Semmes noted that the staff did back out the flushing number. She advised Council that she had no confidence in the loss number provided by the report; and, noted that the Town had to change the membrane total.

Councilmember Snyder expressed his opinion that the Town has tried to rely on the data. He noted that it had been trying to build up the comparisons over time; however, he suggested that they were built upon a system that made no sense from the beginning.

Town Administrator Semmes advised Council that part of the difference in the monthly numbers was the result of water loss due to water line breaks. She further advised that part of it was the result of a faulty meter at the new wastewater treatment plant that was not capturing enough of the flow. Ms. Semmes noted that the meter has been replaced; however, she was not sure whether the other meter at the end of the plant had been totally recalibrated. She expressed her opinion that the Town still needed to conduct a water study; and, advised that she was trying to include funding for it in this coming year's budget.

Councilmember Shea asked whether it was possible to include what was treated in the wastewater treatment plant and what was billed. Councilmember Snyder explained that the value of looking at what was pumped and what went through the plant was how much I&I existed. He noted that if the Town had a lot of rainwater coming into the sewer system, it was treating rainwater. Councilmember Shea expressed an understanding of the system; however, she asked whether the figures would be more accurate if they included the number of gallons that were billed.

Town Clerk North reminded Council that it would be difficult to do on a monthly report given that the Town only billed quarterly. Councilmember Littleton suggested the report be provided on a quarterly basis. Councilmember Snyder suggested that when doing a water loss comparison, this was the only logical way to do it. He further suggested that when looking at water loss, it may have to be a quarterly report. Mr. Snyder suggested that when looking at I&I issues, it made sense to do so monthly. He expressed his opinion that it made sense to continue reporting both numbers. Town Clerk North noted that the information the Council was receiving was an excerpt of the information that the Town was required to provide to the State. Councilmember Snyder advised that he wanted to refine the information provided to the Council so it would see the numbers for the gallons billed versus pumped, minus any used in the backwash system.

Councilmember Shea suggested the need to include the water loss that resulted from water line breaks.

Councilmember Hazard noted that the loss was down to five percent in November versus thirty-five percent. Councilmember Snyder expressed his opinion that this was the result of the Town's not experiencing a lot of rainfall that month. He noted that this was the only data currently available to calculate the Town's water loss. Mr. Snyder reminded Council that the auditor has been "dinging" the Town for its water loss; however, he expressed his opinion that the numbers were not accurate.

Councilmember Murdock inquired as to the status of the water study. Town Administrator Semmes confirmed this was on her plate. Councilmember Snyder noted the need to budget for the study. Town Administrator Semmes noted that she would start including the requested information from the quarterly billings in the utility report.

There being no further business, a motion was made to adjourn the meeting at 8:02 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

PROPOSED GOALS FOR PLANNING COMMISSION

1. Update Zoning Ordinance
 - A. Housing to Scale Ordinance
 - B. Demolition by Neglect Ordinance
 - C. Federal Street (C-3 Parking)

2. Development of Entrance Corridor Overlay District/Expansion of Historic District

3. Development of Pedestrian Circulation Plan

4. Development of Federal Street Plan