



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION & REGULAR MEETING MINUTES**



**MONDAY, DECEMBER 19, 2022
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair
Edward R. Fleischman, Member
Rachel Minchew, Member
H. H. “Dev” Roszel, Member
Mimi Dale Stein, Member
Morris “Bud” Jacobs, Councilmember

STAFF: William M. Moore, Deputy Town Manager/Town Planner
Rhonda S. North, MMC, Town Clerk
Estee LaClare, Planning & Project Associate

The Middleburg Planning Commission held their regular meeting on Monday, December 19, 2022 in the Town Hall Council Chambers. Chair Cooke called the work session to order at 6:37 p.m. Town Clerk North called the roll.

Discussion Items

SD 22-01: Waiver of Section 3.5.B.6 of Subdivision & Site Plan Ordinance to allow for 2-lot subdivision – 22941 Foxcroft Road – Foxstone Estate, LLC

Deputy Town Manager Moore reported that the request was for the approval of a waiver of a subdivision & site plan ordinance provision – not for the subdivision itself. He further reported that the majority of the almost 95-acre parcel was located within the Middleburg Extraterritorial Subdivision Control Area, meaning Middleburg was the approval authority for the subdivision application. Mr. Moore noted that the applicant erroneously filed the application with Loudoun County and following a cursory review, the County referred him to the Town. He explained that the County had a subdivision waiver plat process, which was similar to the Town’s minor subdivision process, which applied in cases of when a single lot was being subdivided into two parcels and there were no associated public improvements that required a technical review. Mr. Moore reported that in this case, an easement would be dedicated over the existing driveway to provide access to the second parcel. He explained that in order to be considered a minor subdivision in Middleburg, the property must be one acre or less in size. Mr. Moore suggested it was important to consider the intent of the ordinance, which was to avoid going through a full subdivision process. He advised that with the exception of the one-acre parcel limitation, the subdivision met all the other ordinance requirements for a minor subdivision. Mr. Moore explained that the applicant was seeking a waiver of the one-acre parcel limit. He further explained that the Planning Commission would make a recommendation, which would go to the Town Council for their action. Mr. Moore noted that this action would inform how the subdivision would be reviewed by the Town. He reported that one important distinguishing factor was that there was a conservation easement on the land, which limited development to two lots, meaning that no further subdivision would be feasible.

In response to an inquiry from the Commission as to what unusual situation existed that made adherence to the regulations a hardship for the applicant, Deputy Town Manager Moore opined that a distinguishing factor was that the property was subject to an easement and the lots could not be subdivided again into smaller parcels. He reminded the Commission that the Town’s ordinance was crafted with smaller lots in mind. Mr. Moore advised that he would not say having to go through the subdivision process would be a substantial injustice if the waiver was not granted; however, he questioned what would be accomplished by having the applicant go through a preliminary plat and final plat process. He noted that this would result in an additional \$2,000 cost to the applicant.

Chair Cooke expressed an understanding of why the applicant was seeking the waiver given the conservation easement and the fact that no further subdivision would be allowed.

In response to a comment from the Commission that most conservation easements did not allow for construction, Deputy Town Manager Moore advised that conservation easements did not necessarily prohibit development. He explained that in this case, the conservation easement allowed for two lots and up to six homes to be constructed. Mr. Moore noted that the County's Zoning Administrator would have to issue an opinion on the number of homes that could be built; however, the applicant's plan was to build an additional home on the second lot.

In response to an inquiry from the Commission as to the reason for the waiver, Deputy Town Manager Moore noted that the applicant listed his justifications in the application. He opined that it was an issue of the timeline desired for construction.

The Commission expressed concern about setting a precedent. They opined that \$2,000 was not a lot of money and noted that \$2,000 would be spent in staff time to consider the waiver request.

John Erickson, of Morris & Ritchie Associates, the engineer on the project, explained that the owners were trying to speed up the process as they were eager to start building after the first of the year. In response to an inquiry from the Commission, Mr. Erickson advised that it would add two months to the timeline if the applicants had to go through the normal process.

Councilmember Jacobs opined that there was nothing wrong with the waiver request. He further opined that even if the request was denied and the applicant went through the normal process, ultimately, the Commission would approve the subdivision as it would be a ministerial decision. Mr. Jacobs noted, however, that if the waiver was not approved, there would be a public hearing on the subdivision and the Commission would take action, as opposed to the subdivision being approved administratively. He opined that there was value in hearing the public's input. Mr. Jacobs advised that he was opposed to the waiver.

Commissioner Fleischman agreed with Councilmember Jacobs. He suggested the Town could receive future waiver requests from property owners located on the opposite side of the road if this waiver was granted.

Resolution: Require Additional Information on Zoning Plats Related to Grading and Drainage

Deputy Town Manager Moore reminded the Commission that the ordinance outlined the requirements to submit a site plan. He further reminded them that there was an exemption related to single-family dwellings that required only a zoning plat, as opposed to a site plan. Mr. Moore advised that there was no requirement that grading and drainage plans be included on the plat. He reminded the members that grading and drainage had been recent topics of conversation by the Commission. Mr. Moore explained that the Town Code allowed the Planning Commission, by resolution, to ask for information not specifically enumerated in the ordinance. He advised that he recently started asking applicants to provide this information and, thus far, they had voluntarily done so. Mr. Moore noted that there were three pending new residential applications in the Ridgeview area that had been received or would be forthcoming and advised that he would rather not rely on voluntary compliance with his request. He advised that if the Commission required the information to be provided through the adoption of a resolution, he would follow-up later with an ordinance amendment to require it.

Chair Cooke reminded the Commission that he had personal experience in dealing with a single-family dwelling that was constructed without the required County grading permit.

There being no further discussion, Chair Cooke adjourned the work session and called the regular meeting to order at 7:02 p.m.

Disclosure of Meetings With Applicants

In response to an inquiry from the Commission regarding a recent application that was received by the Town, Deputy Town Manager Moore reported that it was for the construction of a single-family dwelling on a vacant lot on Walnut Street, between Martin Street and Blue Ridge Avenue.

No meetings were reported with applicants by the members.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission accept the October 24, 2022 regular meeting minutes as presented.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, Roszel, and Stein and Councilmember Jacobs

No – N/A

Abstain – N/A

Absent – N/A

(Chair Cooke only votes in the case of a tie.)

New Business

SD 22-01: Waiver of Section 3.5.B.6 of the Subdivision & Site Plan Ordinance to allow for a 2-lot subdivision – 22941 Foxcroft Road – Foxstone Estate, LLC

Commissioner Roszel noted that under Loudoun County’s zoning, the applicant was allowed to do what he was proposing. He further noted that if the subdivision came before the Commission, it would be a ministerial act. Mr. Roszel inquired as to the Commissioners’ thoughts behind requiring the applicant to go through the additional subdivision process.

Chair Cooke questioned what the Commission would do during a ministerial review that would ensure there were no unintended consequences for the Town.

Deputy Town Manager Moore explained that if the waiver was granted, he would review and approve the subdivision administratively; whereas, if it was denied, the Planning Commission would review it. He reminded the members that in either case, Loudoun County would be responsible for the zoning review and VDOT would review the access. He reiterated that there would be no public road improvements associated with the application. Mr. Moore advised that regardless of who reviewed the subdivision application, he would wait for the reviewing agencies’ comments and forward them to the applicant. He noted that once those comments were resolved, he would administratively approve the application, assuming the waiver was granted, or the Commission would approve it as a ministerial act. Mr. Moore further noted that if the comments were not resolved, the application would be denied. In response to an inquiry from the Commission, he advised that the workload on the staff was about the same regardless of which process was used; although, he noted that if the Planning Commission was the approving authority, there would be more as a public hearing would have to be advertised and held. Mr. Moore advised that it was not a heavy lift either way.

Commissioner Roszel advised that he was opposed to creating unnecessary steps for someone.

Councilmember Jacobs reiterated that part of the process would involve hearing input from the public. He acknowledged that those comments may not influence the Commission’s decision on the application; however, he opined that there was value in accepting public comment.

Vice Chair Woodruff expressed concern that six homes could be constructed. He reminded the Commission of the public’s belief that there should not be additional traffic on Foxcroft Road. Mr. Woodruff suggested the need to consider the real intent of the applicant. He advised that he had no problem with the application if it was only for one house.

Chair Cooke reminded the Commission that the lots would not be able to be further subdivided. He opined that if six homes were constructed, they would have to be owned by the same person.

Deputy Town Manager Moore explained that six homes could be constructed on the property as a whole under the conditions of the conservation easement; however, it was up to the County’s zoning regulations as to whether this would be allowed. He noted that the AR-2 District allowed for an accessory dwelling unit on a lot. Mr. Moore noted that he was unsure six could be achieved even though that number was allowed under the conservation easement.

Commissioner Roszel moved, seconded by Chair Cooke, that the Planning Commission forward SD-01 to Council recommending approval of a waiver of Section 3.5.B.6 to allow for the subdivision to be processed as a minor subdivision.

Vote: Yes – Commissioner Roszel
No – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs
Abstain – N/A
Absent – N/A
(Chair Cooke only votes in the case of a tie.) (by roll call)

Deputy Town Manager Moore advised that if the motion was to recommend denial of the waiver, it would be helpful to include the reason(s) for the recommendation for the Council’s consideration.

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission forward SD 22-01 to Council recommending disapproval of a waiver of Section 3.5.B.6 for the following reasons: (1) it is important for the public to be heard on zoning requests like this one; and (2) concern about the precedent that granting the waiver might set for future applications.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs
No – Commissioner Roszel
Abstain – N/A
Absent – N/A
(Chair Cooke only votes in the case of a tie.) (by roll call)

Commission Approval – Resolution to Require Additional Information on Zoning Plats Related to Grading & Drainage

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission adopt a Resolution to Require Additional Information on Zoning Plats Related to Grading & Drainage.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, Roszel, and Stein and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – N/A
(Chair Cooke only votes in the case of a tie.)

Council Representative Report

Councilmember Jacobs reported that the Council adopted the zoning text amendment related to short-term rentals as recommended by the Commission. He advised that some Councilmembers felt the regulations needed additional work.

In response to an inquiry from Councilmember Jacobs, Deputy Town Manager Moore reported that the sewer main replacement beside 408 East Washington Street was complete, with the only remaining work being the restoration of the yard.

In response to inquiries from Councilmember Jacobs, Town Clerk North reported that Dominion Power set the transformer on the pole and ran the line to the new Town Hall building; however, because the electric panels had not been received, there was no permanent power to the building at this time. She confirmed the windows had been installed; however, she noted that there was a problem with them that the team was working to resolve.

Councilmember Jacobs reported that the reviews of Christmas in Middleburg were positive. He noted that the estimate was that 6,000-9,000 people attended the event. Mr. Jacobs estimated the number at 7,000. He advised that the merchants reported an increase in sales, with one reporting a 30% increase, which was huge. Mr. Jacobs opined that having 7,000 attendees was the “sweet spot” for Middleburg. In response to an inquiry from the Commission, he reported that there were approximately 8,000-9,000 attendees at last year’s event. He noted that in the past, there have been huge numbers of attendees, which did not work well for the community, as it was not safe to have that many people in town.

Discussion Items

Christmas in Middleburg Parking Limitations

Chair Cooke advised that he was disturbed by the “no parking” signs that were placed all over town during Christmas in Middleburg, as he felt it sent an unwelcome message. He noted that he spoke with the Town Manager about his concerns and was surprised to learn the businesses did much better with less people at the event. Mr. Cooke advised that he wished there was a better way to handle the parking; although, he admitted he did not have a better answer. He expressed a desire for limiting how long the warning signs were placed out in advance of the event and noted that he had a repairman at his house the day before who thought he could not park on the street due to the signage.

Councilmember Jacobs noted that the organizers of Christmas in Middleburg would brief the Council on the event and advised that he would be happy to raise the issue of parking at that time.

Commissioners Roszel and Minchew expressed concern that no one gave the Chinn Lane residents advance notice of the plans to place “no parking” signs on their street.

Deputy Town Manager Moore explained that the amount of available parking translated into the number of attendees. He advised that this was an important topic of discussion between the Town Council and the Christmas in Middleburg organizers, in particular limiting the amount of parking passes sold and restricting parking in town. Mr. Moore explained that this was how the number of attendees was managed. He acknowledged that the amount of “no parking” signs was more extensive this year.

Commissioner Roszel suggested the need to get residents’ feedback and advised that having no parking was awkward for the residents who wished to entertain that day.

Deputy Town Manager Moore noted that this was not an issue for the Planning Commission. He suggested that if anyone wished to share their individual views, they appear before the Council during the Public Comments section of the agenda. Mr. Moore noted that the staff would alert the members of the date the Christmas in Middleburg organizers were scheduled to give their annual report.

Vice Chair Woodruff noted that he heard comments from residents who lived on Landmark School Road, who were upset that the State Police would not allow them to access their homes even after the parades were over.

Commissioner Fleischman noted that his experiences were all positive. He advised that he explained to the police officer that he lived down the street and he let him through the barricades. Mr. Fleischman noted that the “no parking” signs were quickly removed following the last parade.

Quorum for January Meeting

The members indicated they would all be present for the January meeting.

There being no further business, Chair Cooke adjourned the meeting at 7:37 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
December 19, 2022

(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video that is on the Town's website – www.middleburgva.gov)

Terry Cooke: Okay, Rhonda, we ready to convene?

Rhonda North: Yes.

Terry Cooke: We will call to order this work session of the Planning Commission for Monday, December 19, 2022. First order of business is our roll call. Rhonda, would you please?

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Here. Thank you.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Here.

Rhonda North: Commissioner Roszel.

Dev Roszel: Here.

Rhonda North: Commissioner Stein.

Mimi Stein: I'm here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terry Cooke: Thank you all. We have two discussion items on the work session agenda. Item number 2A SD 22-01 request of Fox Stone Estate LLC for a waiver of section 35 excuse me 3.5B6 of the Middleburg Subdivision and Site Plan Ordinance. I think we all received a memo on this, but Will, would you like to just summarize where we are?

Will Moore: Certainly. And thank you. So this is a a waiver request that is before you. It's not for approval of the subdivision, but for approval of a provision of the ordinance. A little background. This parcel, the vast majority of it, nearly a 95-acre parcel north of town along Foxcroft Road, is within the Middleburg Extraterritorial Subdivision control area. So you're familiar with that, similar to Banbury Cross being within that radius, we were an approval authority on that application. This was originally filed with the county, which is not uncommon because the Extraterritorial Subdivision control area is not that well known of a thing. So the applicant originally originally filed it with the county. The county did a cursory review and returned it to the applicant, informing them that they have to apply for the process through the town rather than through the county. So the county has a provision which is called a subdivision waiver plat, which is similar in nature to what we have in town that we call a minor subdivision. And that's when there is a a single lot proposed to be divided into two lots. That does not involve any required or proposed improvements that would be subject to more detailed technical review that would go along with the second step in the typical full subdivision process, which is the construction plans and profiles. So so there are no proposed public or private streets. There is no widening of Foxcroft Road. The they're using an existing driveway which serves the one parcel. They're dedicating an easement across that to serve the proposed second parcel. No, no need with a simple subdivision like this for stormwater improvements or anything like that. So the similarities there again between the county's subdivision waiver plat and the town's minor subdivision, and there the one requirement to be considered a minor subdivision in town though, is that it has to be an acre or less in size. So clearly this is much larger than that. I think it's important to consider the intent of that provision. So there are a number of requirements that have to be met to be considered a minor subdivision. And most of those go to the the simplicity of the subdivision being proposed, the size requirement that the town has put in place. The intent of that was to avoid subversion of a full subdivision process. That is, if somebody had a parcel that was a little bit larger than an acre, which is pretty large for an in-town parcel, we didn't want them to be able to divide it into using a minor subdivision and then in two, again using a minor subdivision, and to do that sequentially to try to subvert doing a full subdivision and which might bring along some of those required public improvements. The county manages that in a different way. They don't have a size limitation on their subdivision waiver plat, but they manage it through duration of time in between those types of applications. So you have to wait at least a year in between. So that's kind of why our one-acre provision is in place. Otherwise, the proposed subdivision here meets all the other checkmarks for minor subdivision. It well, it will be reviewed to ensure that it does. The first one is that it conforms to all applicable zoning regulations. The county actually is the determiner on that and that would be reviewed through the subdivision process. Even with the minor subdivision process, it would be routed to them for their review and comment and would go back and forth. And just like a preliminary plat would or a final plat would, it doesn't involve creation or extension of any public street or private road, does not obstruct floodplain or a planned street does not adversely affect any part of an adopted plan and does not in any way violate the

intent of the subdivision ordinance or applicable zoning ordinance. So other than that size limitation, it would meet the requirements of a minor subdivision. So in this case, the applicant is requesting a waiver of that one-acre limitation. You act as a recommending authority to the council on waiver requests. So what is asked of you tonight is to either recommend approval of the waiver or recommend denial of the waiver. It would then go to council for action and depending on the final action that is taken, would then inform how the subdivision would have to be filed and reviewed by the town. That's a broad overview of it. The the other thing I think that is important in this case and kind of a distinguishing factor is that there is a conservation easement on the parcel of land, the subdivision option. And if you recall, there are three different types of development options that can be used for subdivision. And there are two. There's the base density, which is a minimum of 40 acres per lot. There's principle subordinate, which is being proposed here, which you can get a lot yield of one for 20 acres maximum. And then there's the cluster subdivision similar to Banbury, which gives you a lot yield of up to one per 15 acres. They're using, they're choosing to use the principle subordinate. Which theoretically could give them four lots maximum. However, the conservation easement that is on the property. Limits division of the parcel into only two lots. So even though they're choosing that principle subordinate option, there is no eligibility for future subdivision of this lot if it's subdivided as proposed here. So that's any further subdivision would be not feasible because of the the existing easement on the land. I would invite your questions comments at this time. I also point out Mr. John Erickson is here. He's the engineer with Morris & Ritchie Associates representing the applicant. If you have any questions for him, feel free to invite him up, Mr. Chairman, and he could talk with you as well.

Terry Cooke: Thank you, Will. I sent you a note earlier in the week about this. I just wondered if you could give us your thoughts on what the unusual situation is that exists here that makes strict adherence to the to the regulation a substantial injustice or hardship for the applicant?

Will Moore: Yes.

Terry Cooke: Is it strictly because this happens to be subject to an easement and the lots can't be again subdivided into smaller parcels.

Will Moore: I think that's a distinguishing factor. I don't know that that's so the way the language reads it can be an unusual circumstance or strict application would result in an.

Terry Cooke: A hardship.

Will Moore: Hardship. The unusual situation doesn't necessarily have to translate into [multiple speakers]. In this case, it is an unusual situation because we have the similar provision for this minor subdivision slash waiver plat. We have a similar provision in our ordinance that the county does. Our ordinance was crafted, I would suggest not in consideration of or extraterritorial subdivision. It was crafted specifically with the smaller lots in town in mind, which is I think, why that one-acre limitation was in place. So it's a little bit of an unusual circumstance. I don't know if I would say it would be a substantial injustice if the waiver were not granted. But but what I would say is that it would. I would invite your questions, maybe as to what further

could be accomplished by having the applicant go through the full process when the preliminary plat and the final plat are essentially going to be the same thing, it's going to be nearly \$2000 more in application fees for them to do a simple subdivision that doesn't have any public improvements. So I. That's it's a hardship, but it's not necessarily substantial or an injustice. But there might not be anything to be gained from going through that.

Terry Cooke: I just. Will, thank you. I just kind of scratched my head over the fact that there's obviously a huge difference between dividing a almost 100-acre parcel into two very large parcels and subdividing a site that's less than one acre. And but the other element of that as well. What? What is what is the the the downside to allowing this waiver? And in view of the easement and the fact that those two resulting parcels can't be further subdivided. This beautiful piece of land, by the way, I drove out there and looked at it's very pretty out there. But the fact that they can't be further subdivided and you're not going to have a subdivision of homes going in there, I guess that. That's why I understand why they're looking for the waiver. But I'll invite any any of my fellow commissioners to ask any questions or comments. Commissioner Woodruff.

Don Woodruff: Don Woodruff. Just curiosity. Most easements do not allow for any additional building areas. Is their intent to build on this property?

Will Moore: Yes. So I would actually question the first part of the statement you made. The easements don't necessarily prohibit further development. It's always very important when discussing a conservation easement that is in place to understand the specifics of that easement. So in this case, this particular easement that is in place allows for it to be divided into no more than two lots, which is proposed. It does allow for development of the easement of up to a maximum of six homes on the land. Now, whether the zoning would allow for that or not, I can't I can't in good conscience give you an interpretation of their zoning ordinance because their zoning administrator would have to do that. It's known that they are proposing an additional dwelling on the property at this time. Now, whether there would be further accessory dwellings that are allowable under Loudoun zoning or not. Those would be future decisions. But at this time we do know they are proposing an additional home on the [inaudible].

Don Woodruff: I guess Virginia easements are different than those in Pennsylvania and Maine. Because the easements that we have property in both states, our right, my family does, and that we put it all in easement we can't build on it, can't build anything on any of it outside of a five-acre building lot.

Will Moore: Yeah. Yeah. It's always.

Don Woodruff: It's vastly different.

Will Moore: Yes. It's always important to understand the specifics of the easement.

Don Woodruff: Thank you.

Will Moore: Yes, sir.

Terry Cooke: Any other questions? Comments? Commissioner Fleischman.

Ed Fleischman: Thank you, Mr. Chairman. I guess I don't have any problem with the actual subdivision request. It's more of a procedural issue. So if the applicant is proposing a waiver, for what reason? I heard mentioned \$2,000 is there other reasons that the applicant would want to waiver?

Will Moore: You know, So I don't want to speak for the applicant. I mean, we can invite Mr. Erickson up. There is a bulleted list of justifications that they proposed for the waiver. It's somewhat maybe a timeline and it's somewhat of procedural.

Ed Fleischman: But just don't want to set a precedent here if it's not necessary. I mean, if it's only \$2,000, I mean, it seems like we're spending \$2,000 here if we, you know, looking at the waiver and then has to go to council and the council approves the waiver, I mean, it's sort of a big deal. If it's only \$2,000 unless there's some other reason that they want to waiver. Could we ask the applicant? Is that proper? Mr. Chairman is that.

Terry Cooke: Oh, yes, please. And please give your name and.

John Erickson: Oh, hi. My name is John Erickson. I'm principle with Morris & Ritchie Associates. And I'm the guy who didn't realize this was inside the one-mile middle of town of Middleburg. So really, it is about the process of the application and our original intent when we discussed this with the owners and their timeline for building was that subdivision at Loudoun County is a staff review only. There's no planning commission, there's no town council. So when we realized this needed to come here first and then we can't go to town council until we've had the Plat reviewed and done everything else, we talked to Will about if there was a faster way. And that's really why we're here mainly is just to kind of speed the process up. The owners are very eager to start building very soon after the first of the year, so that's really the reason behind it more than anything else.

Terry Cooke: Council Member Jacobs. [off mic]

Ed Fleischman: If I might just a follow up question. So, Mr. Erickson, what is the delay? What's how long extra is it to go through the normal procedure versus a waiver?

John Erickson: Oh, it was probably two months, Will.

Ed Fleischman: Thank you.

Terry Cooke: Council Member Jacobs.

Bud Jacobs: Will, thanks for putting this all together. So. For once. For me, it's easy to understand. I like the way you did it. There's absolutely nothing wrong with the request, as I understand it. If we don't give the waiver and Will approves the subdivision, that's one course of action. The other course of action, of course, is that we don't approve the waiver and then we have public hearings and it's basically a ministerial decision for us, as it was with Banbury Cross, which is a long way of saying it'll be approved. There's no question. Ed, I mentioned, process, and I want to focus on that a little bit. Around here people are, or they can be very neuralgic about subdivision requests, certainly inside of town, but also outside of town and within our extraterritorial jurisdiction. And I think there's some value in hearing what the public might have to say about this subdivision. It might be useful for us. I recognize that it requires us to hold public hearings and do all of that, and it will slow down and apparently slow down the the beginning of the building for it. But on balance, having thought about it, I'm kind of opposed to giving the waiver. I think we should go ahead and run this through our normal processes. Hold the public hearing. Hear what folks have to say. If anything. There may not be much interest in this. I don't really know. But that's kind of that's kind of where I am.

Terry Cooke: Commissioner Fleischman.

Ed Fleischman: Thank you, Mr. Chairman. This is one of the few times that I agree with the Council Member Jacobs. I think that since they're possibly in the future, might be another request that comes through on the other side of the road in that area, that it might be good just to follow through on the full procedure and not do a waiver. Thank you.

Terry Cooke: Anyone else? Before we move on. Thank you. Thank you. This was a discussion item. It will come up in a few minutes under our regular meeting agenda for an action by the commission. But we'll move on at this time to discussion Item 2B Resolution of the Town of Middleburg Planning Commission to require additional information on zoning plats related to grading and drainage. Will, anything to comment on here?

Will Moore: Well, so you have my memo just kind of in hopefully quick summary, our ordinance outlines what requirements are for submission for site plans, which are very detailed. But it also exempts certain types of development, one of those being those for single family detached dwellings from site plan requirements and instead requires a zoning plat with specific requirements that are much less detailed than a site plan. And for good reason. In many, many cases, however, we have no specific requirement listed on that plat for grading or drainage plans, and we know that that has been a big topic of discussion with the Commission recently. I give some background on that in my memo. What the ordinance does allow for, though one of the things under the plat requirements is the by resolution, the commission can ask for other information that's not specifically enumerated in the ordinance already. Recent applicants note in here. For some single family detached dwellings, I have been asking them for grading and drainage plans and they have been voluntarily complying. Now, that being said, we have the ongoing development at the Residences at Salamander. We have the benefit of the overall grading plan for the construction plans and profiles, but they are submitting individual lot grading plans with the individual houses voluntarily at this point. And I have three pending new residential applications that we can expect to see. One has been

officially submitted. One is under review right now and one is pending. Three homes in the Ridge View subdivision. Those applicants are voluntarily complying, but I would rather not rely on the voluntary compliance. So I see this resolution as kind of a stopgap, something we can implement quickly. So we have it officially if anybody were ever to try to challenge that requirement. I would follow that up in some time in the coming year with probably an ordinance amendment where it's specifically enumerated in the ordinance, not relying on a separate resolution. But I'm suggesting that this time, if you adopt that resolution, then that gives the teeth if if we're ever necessary, if an applicant ever pushed back on submitting a grading plan for a single-family home.

Terry Cooke: Thank you, Will. This is the Chairman. I was struck by one comment in your memo where you say lot grading or drainage plans are not currently included as a requirement of the plat to accompany a single-family home permit application. I know from personal experience that there has been at least one structured, one residence built without first obtaining a grading permit, which I think was required by Loudoun County, was it not?

Will Moore: Yes. And if I can just clarify, we have a zoning plat that does not currently contain those requirements. There is a threshold of disturbed area that if met, they have to then do a grading plan with the county. What I'm proposing is that regardless of whether that threshold is met or not, they have to do a basic grading plan.

Terry Cooke: Okay. All right. Thank you. Any questions or comments from other commissioners before we move on. Again, this is a discussion item. It will come up for action in our regular meeting, which we can convene now. Rhonda Ok. We will adjourn the the work session and move right into the regular meeting for December 19, 2022. I will call that meeting to order. First item of business is disclosure of meetings among the Commission members with any parties having matters coming before the Commission and we will call the roll on that Rhonda please.

Rhonda North: Chair Cooke.

Terry Cooke: I've had no meetings or discussions with applicants.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: I have had no meetings.

Ed Fleischman: Commissioner Fleischman.

Ed Fleischman: I have had no such discussions with applicants.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I've not had any discussions with any applicants.

Rhonda North: Commissioner Roszel.

Dev Roszel: I have not had any meetings or discussions with any applicants.

Rhonda North: Commissioner Stein.

Mimi Stein: I've had no meetings or discussions with any applicants.

Rhonda North: Council Member Jacobs.

Bud Jacobs: I've had no meetings or discussions with any applicants with any matters pending before this commission.

Terry Cooke: Thank you all. Commissioner Fleischman a question?

Ed Fleischman: Yeah, before we close this discussion. Will mentioned there was an application that's been submitted. Is that something that we should know about so that we can say we haven't participated with that application?

Will Moore: Sure. So the application that has been submitted is for a single-family dwelling on Walnut Street. This is going to be in between Martin and Blue Ridge on Walnut Street. So just a couple of homes north of the large home at the corner of Walnut and Martin and just around the corner from the two homes that were recently constructed on Blue Ridge Avenue.

Ed Fleischman: Is it a vacant lot?

Will Moore: It is a vacant lot.

Ed Fleischman: Yes. I've had no discussions with anyone on that issue.

Terry Cooke: Okay. Thank you. Thank you all. That concludes that agenda item. Public comment. We have no public hearings scheduled tonight, but this is an opportunity for any members of the public who have a matter they wish to bring to the commission's attention to address us at this time. Anyone here have anything to talk about? Okay. And anyone on the phone, Rhonda?

Rhonda North: No.

Terry Cooke: Okay. We will conclude that agenda item and move on to approval of the minutes for the October 24, 2022 regular meeting. Do we have a motion?

Don Woodruff: I move the minutes be accepted as presented.

Terry Cooke: Thank you.

Bud Jacobs: Second.

Terry Cooke: We have a motion and a second. Any questions or comments? All in favor say aye.

Everyone: Aye.

Terry Cooke: Opposed. Hearing none. The minutes are approved. We move on to new business, and we are back to item 7A, which is SD 22-01 requests of Fox Stone Estate LLC for a waiver of Section 3.5.B.6 Of the Middleburg Subdivision and Site Plan Ordinance. We've had a discussion during the. What do you call it? The work session. During the work session. Any further comments or questions among the commission members before we take action on this item? Commissioner Roszel.

Dev Roszel: Yes, hi. Commissioner Roszel You know, we were talking earlier about whether to provide the waiver or make them go through the standard process. It's my understanding that. Because of the the by-right piece in Loudoun County. They are allowed to do. And plus with the easement, they're allowed to do what they have requested. Our role is really, once they meet the requirements of Loudoun County, our role is primarily ministerial, correct. So to make them go through additional hoops, I don't really understand what the thought process for that. Thank you.

Terry Cooke: Any one wish to speak to that. I share your concern about that. I just wonder. And that was sort of embedded, I think, in my comment or question earlier. And I'm sorry, this is the chairman speaking. As to what we need to check on this. I mean, what do we need to check off during the ministerial review to make sure that this doesn't result in unintended consequences for lack of a better term for the town of Middleburg and the residents of Middleburg? And what are we going to what are we going to review in that in that ministerial process?

Will Moore: Well, you will review, as would I if the waiver were granted, I would eventually be the approving authority for a minor subdivision. If that waiver is not granted, you will eventually be the approving authority. In either case, the application is routed to Loudoun County for their zoning review, and that's really where the the technical review comes into play. We will route it to VDOT as well. There are no proposed public road improvements along with this. They would need to weigh in on whether it meets a certain threshold to require some additional dedication of right of way with on the subdivisions side of the street. But we would wait until those review comments came back. We would go through the kind of iterative process where we get the comments back, send them to the applicant, and once all the comments are resolved, then it's a ministerial act and you would need to approve it. If those comments cannot be resolved and there is not

compliance with an ordinance, then you would deny it. But you know, that's it will go through that iterative process until it is in an approvable form.

Terry Cooke: Commissioner Roszel.

Dev Roszel: Yes. Does it put undue extra work on you if the waiver is approved?

Will Moore: If it's approved.

Dev Roszel: If we approve the waiver to have it, speed it up and you become the the authoritative voice on what happens rather than the commission, does that put extra stress? I mean, does that make you have to jump through hoops and get things done from a administerial note? I mean, because you do that in the town anyway, there are certain things that just fall into your purview, and you can make those decisions without it coming to the Planning Commission. So my question would be, if it puts undue stress on you and having to use town resources to get it done in a hurry or through the waiver factor, I would say, hey, maybe we shouldn't do that. But I'm just concerned about the fact that we're making an applicant go through the process of something that's going to end up at the same spot anyway, assuming that the process is followed the way it's supposed to be followed. That's my.

Will Moore: I appreciate your question about my workload. Council Member Jacobs posed the same question on the phone to me last week. It's essentially going to be the same. If anything, it's a little more work. To go have it go through you being the approving authority, because I'll then have to go through scheduling the public hearing, go through making sure we meet those deadlines that are required in relation to the meeting. It's not a heavy lift on me either way, though.

Dev Roszel: So just just so that you understand I'm not against the process. I just think that when we get into a process, if if the end result is going to be here and the discussion, whether we have it or not, isn't, it's like the Banbury Cross thing. I mean, we had to make a decision based on what we're appointed to do. So that's all I'm saying. I'm not against the process. I just want to go on record that I'm against having creating steps that aren't necessary for somebody that's an applicant.

Terry Cooke: Anyone else. Council Member Jacobs.

Bud Jacobs: Dev's points are well, well stated, and maybe I didn't make my viewpoint especially clear. Another part of the process is to hear from the public about these kinds of subdivisions and admittedly, the public input, as we know from the case of Banbury Cross, was interesting to hear and took many hours to get through. But in fact it did not influence the decision that we ultimately had to make. And this is a similar situation, obviously. However, I believe there's value in providing an opportunity for the public to come before us and express whatever views they may have about this kind of of application. So that's where that's how I came at this position that I have.

Terry Cooke: Commissioner Woodruff.

Don Woodruff: Yes. One of the things that concerns me about this was the comment that was made that this is a subdivision being made in order to build one home, but that there may be lurking behind that six more homes of further subdivisions. One of the things that we tried to work with, the gentleman on the other side of the road was the fact that we didn't believe Foxcroft Road needed to have additional traffic because it's dangerous enough as it is. And I just think from the public's perspective, particularly as it goes out to the school, that maybe this is something that should be considered. What the real intent is, if the intent is one house, I have no problem with it. If the intent is six or seven, I have a real problem with it. Thank you.

Terry Cooke: Just for my personal understanding, it's. Although you say that potentially there could be six residences constructed on this, what do we call it? Subservient lot. They the lot couldn't be divided into six more properties. If there were multiple residential structures, they would all have to belong to the same lot owner, correct.

Will Moore: Correct. So just just to be clear, it's within the easement that they're correct. There would be no more than six residential structures built or maintained on the property, and that's the property as a whole, not on so on.

Terry Cooke: That's the whole 94 acres, Correct. Okay.

Will Moore: Now, whether or not they could be allowed to have a total of six would be subject to on whether it's three and three or however they might be split would be subject to Loudoun's zoning regulations. I do know and I don't want to get too far into their zoning because, again, I can't officially make determinations on their ordinance, but I do know AR2 allows for an accessory dwelling. So like whether that's within the principal structure or a freestanding one, like an apartment over a garage that's allowable in AR2. So whether or not six could be achieved under their regulations, I'm not sure. But that's the most that could be ever constructed on that property as a whole per the easement.

Terry Cooke: Thank you. Anyone else? Before we call for a motion on this, I would just remind the commissioners that if there is a motion to deny the application, we should include a reason. So please, if you would make that a part of your motion, or obviously we could entertain a motion to approve it, but I'll call for a motion on the matter either way. Anyone? Commissioner Roszel?

Dev Roszel: Yes, Commissioner Roszel. I move that Middleburg Planning Commission forward SD 22-01 The Council recommending approval of a waiver of Section 3.5.B.6 to allow the subdivision to be processed as a minor subdivision.

Terry Cooke: Thank you. Do I hear a second? Anyone, I suppose. Although I won't vote unless there's a tie. I will second the motion.

Ed Fleischman: Are you allowed to do that?

Terry Cooke: I don't see why not. I could make a motion. Why not? Sure. Call for a vote on that motion. We'd better do a roll call vote.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Nay.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: No.

Rhonda North: Commissioner Minchew.

Rachel Minchew: No.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: No, and you did ask for a reason. And one of my reasons.

Terry Cooke: Well, that motion fails. So if anyone has an alternative motion, now's the time to make it.

Will Moore: Complete the vote. Yeah.

Rhonda North: Council Member Jacobs.

Bud Jacobs: No.

Rhonda North: Motion fails.

Terry Cooke: Now we want to see if anyone has a a alternative motion. Do we? There must be one out there somewhere.

Bud Jacobs: [off mic] so it automatically it goes to the regular process.

Will Moore: It would be helpful to actually have a motion.

Terry Cooke: I think we need a motion.

Bud Jacobs: I'm not sure how to structure the motion.

Will Moore: I have a draft at the [off mic]

Don Woodruff: The recommendation of the planning commission that.

Terry Cooke: Suggested language. You see it, Bud.

Bud Jacobs: But I'm getting there.

Terry Cooke: Under the recommendation section.

Will Moore: To reiterate. To reiterate the chairman's point, it would be helpful if a reason was included only in so much as that can then be iterated to the Council along with your recommendation to deny it is not a requirement of the ordinance for you to include a recommendation, but it would be, or a reason, but it would be helpful.

Terry Cooke: And would give the council a sense of what the concern is. Council Member Jacobs.

Bud Jacobs: I move that the Middleburg Planning Commission forward SD 22-01 to Council recommending disapproval of a waiver of Section 3.5.B.6 for the following reasons. I believe it's important for the public to be heard on requests of zoning requests like this one, and I am also concerned about the precedent that granting the waiver might set for future applications.

Terry Cooke: Do we have a second?

Don Woodruff: Second.

Terry Cooke: We have a motion and a second.

Ed Fleischman: Just we ought to take out the I in the motion and because it's the commission.

Terry Cooke: Okay. Everybody understand that

Bud Jacobs: Friendly amendment accepted.

Terry Cooke: The Grammarly consultant has spoken. All right, we have a motion and a second. Rhonda roll call, please.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Yes.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes.

Rhonda North: Commissioner Roszel.

Dev Roszel: No.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Motion carries. Thank you all. We move on to the next action item, which is lost my place here. There we go. 7B the resolution of the town of Middleburg Planning Commission to require additional information on zoning plats related to grading and drainage. I would love to hear a motion for approval. Anyone?

Don Woodruff: Oh, yes. Thank you. I move that the commission adopt a resolution to require additional information on zoning plats related to grading and drainage.

Terry Cooke: For the record, that was Council Member. I mean, Commissioner Woodruff.

Bud Jacobs: Second.

Terry Cooke: We have a motion and a second. All in favor.

Everyone: Aye.

Terry Cooke: Opposed. Hearing none, the motion carries. Thank you. Next item. Council Representative Report Council Member Jacobs.

Bud Jacobs: Highlight of the night. Not much to report. I think you're all aware that zoning text Amendment 22-02 passed Council. There was, however, some discussion around the question of short-term rentals, and there is a sense among some members of the Council that we need to do additional work on that. And I don't know how that will unfold in the coming weeks and months, but just so that everybody is aware. I think you've all noticed I hope you've all noticed the large project that Mr. Moore has going on right next to 408 East Washington, preparing sewer mains. When is that going to be done, do you know Will.

Will Moore: The replacement is in place, so it's essentially needs to just be restored now.

Bud Jacobs: And I have to say, and Will is pointed out in a couple of occasions that the homeowners at 408 East Washington have been very understanding and helpful in permitting us to do this work. And what else? Town hall is being built. The windows are in. I think it's got power. It's got gas.

Rhonda North: It does not have power.

Bud Jacobs: It does not have power. Rhonda, why didn't it happen?

Rhonda North: Because we are waiting for the electrical panels to be put in.

Bud Jacobs: Oh, right. Of course.

Rhonda North: The power source has been built out at the pole by Dominion, and the line has been run into the building. But the panels are not inside the building in order to create permanent power.

Bud Jacobs: Was what I said about the windows correct?

Rhonda North: The windows are in. There are some issues with the windows.

Bud Jacobs: Oh.

Rhonda North: That we are working to resolve.

Bud Jacobs: Good to know. And finally, I think this is the first meeting we've had since Middleburg Parade day, and it appears that the reviews for the parade have been overwhelmingly positive. The chief of police, I guess, didn't do a a methodical count. The method that they use to count attendance at these events is something called the Jacobs method. I was a little upset that he didn't use it, but he he estimated between six and maybe 9000 people. I think seven is probably a good guess. And there have been some reports I don't think there's been any rigorous survey done, but some business owners reported increases in revenue

and sales over last year's parade. So it may be that 7000 visitors is the sweet spot. In one case, one merchant told me that they they they received 30% more business this Christmas parade over last year. And I'm told in the world of retail, that's a huge number. So and that's about it unless anybody has questions.

Terry Cooke: Yes, Commissioner Fleischman.

Ed Fleischman: 7000 approximately. But how many were last year? I didn't recall how many showed up last year.

Bud Jacobs: I think it was more I think it was maybe between eight and nine, but honestly, I don't remember.

Ed Fleischman: Okay. So the increase in retail sales is very good. If there were more people actually last time. Yeah. Okay. Thank you.

Bud Jacobs: And the I think the high-water mark, I don't remember all the numbers, but we've had huge attendance at this thing which did not work out well. And I think we've had frequent attendance at about the 10,000-person level. So it appears 7000 may be the magic number.

Terry Cooke: Thank you. Council Member Jacobs. Next items, discussion items. I'm going to bring up something it's following up on on Council Member Jacobs report. And I shared this with town administration, and I may be the only one who feels this way, but I was I was disturbed by the no parking signs plastered all over town, east and west for the Christmas parade. I don't know what the answer is to that, but I found it sent a very unwelcoming message to members of the public. That event is probably the largest event of the year in terms of bringing folks into town to support local businesses. I was surprised to learn that merchants felt that they did better with a smaller number of people. And I felt that the crowd was appreciably smaller, just in my unscientific estimation of seeing the density of the people along the parade route. So maybe, maybe I'm completely wrong about this, but I wish there were a better way to handle the parking than to have a mile long distance of no parking signs, which basically I said we might as well put a banner across the entrance to Route 50 East and West saying, Don't bother coming in. This is a town event. Please turn around and go back home. That's the way I would have felt had I been coming in from Winchester or Upperville or someplace else. So again, I don't have an answer. It's easy to complain when you don't have an answer to suggest, but I wish we could come up with a way to be a little less zealous in our discouraging folks to come into town and enjoy the parade. I know we have the parking situation at Mickey Gordon Park and that's fine, and I'm sure lots of people took advantage of it. Boy, just seeing all those orange signs and frankly, the signs went up on Wednesday or maybe Thursday. And I only saw one sign that had written on it. There was no parking by police order from 10 p.m. Friday to throughout Saturday. So folks coming in and I know again, from a personal experience, I had a tradesperson coming to the House on Thursday, I think it was or maybe it was Friday, and he called me from outside my house and said, Where can I park? You know, I can't park anywhere in town. And I said, I'm sure you can come in. You can park on the road. And he

said, Well, what if I get a ticket? I said, I don't think police are enforcing on Friday, but I don't know. So I said, Just pull in the driveway, don't worry about it. And that's how we resolved it. But it's we need to do a better job of limiting that warning about no parking to the period that the parades are going to be taking into a place and not 48 hours in advance. So I'm off my soapbox. Thank you. Council Member Jacobs.

Bud Jacobs: Quick comment. At some point, maybe next month, the parade organizers are going to give council a back brief on how what they think worked and didn't work and so on. And I'm happy to raise the question of how we handle parking in that discussion.

Terry Cooke: Sure. Thank you. Yeah. Commissioner Roszel.

Dev Roszel: In the same vein, I mean, you and I had a conversation about it, so I don't think anyone really. I don't know who came up with the idea, but it was not discussed, let's just say, with the Chinn Lane residents, because I frequently have a large group. This year I was at my son's wedding, so I didn't have a large group. But had I had the large group, I would have taken the signs down because they would have needed to park somewhere. So I don't think it's right to put up signs all the way around through Chinn Court. I get the fact that people park up and down the road, but still, if I want to have guests at my house, they should be able to park there. I don't know. Will's rolling his eyes.

Will Moore: No, I'm. I'm not weighing in at all. It's a conversation to have the. It's a big topic of conversation. The availability of parking directly translates into that number of attendees. There are other things that come into play. You know, weather being a huge one. But that has been a high. A very important topic of conversation between the parade organizers and the town council over the last couple of years and limiting the amount of available parking that they would sell and then restricting as much parking in town as possible so that the parking that they are selling is the parking for the parade. There are going to be people that find a spot here and there, but that that's the way they have chosen to manage it. I'm not weighing in one way or another what the right way to do it is. But I hear your concerns and I do understand that this was the first year that Chinn Lane was signed. I think there was much more extensive signing of other areas for no parking in town. And the fear was if Chinn Lane wasn't signed, everybody who's in town. hunting for that spot, elusive spot would end up lining.

Dev Roszel: And I have no problems with it. I think that there just needed to be some more discussion from the town with residents particularly, you know, just just a heads up and get some feedback about whether or not people. Hey, what are you doing? You know, to put arbitrarily put 100 signs in Chinn lane that says nobody can park here is you know, makes it awkward if you want to entertain on that day because I live in town, I like to entertain when there's people here. So all I'm saying is not that it was a bad idea. I think the intent was right, but I think there should have been a little bit more of a heads up in certain spots about what was going to happen and how to. What do you do if you are there and you want to have people? How do you handle that? So that's all I'm saying. So it wasn't bad idea, was just it's the wrong idea.

Will Moore: That Mr. Jacobs is here. He can help translate some of those concerns. I would also encourage those who feel strongly to attend the council meeting and speak at the public comment period, particularly once we know. Rhonda, do we know which meeting Christmas in Middleburg is scheduled for, for their brief yet? We can get that to you. Yeah, just so you know. And it might I'm sure Mr. Jacobs would be happy to try to translate your concerns as best as possible. But these aren't necessarily planning commission concerns. It's a resident concerns.

John Erickson: And not meant to be derogatory in any way. It's a conversation that should be had.

Terry Cooke: Councilmember Minchew.

Rachel Minchew: Well, I think the, I think the one concern is, as I've said, is that suddenly the signs were out there and there was no conversation and maybe going in the future. Yes, there were signs everywhere. It's not very welcoming. We look like we're very standoffish. And I did make my point clear to Bridge. About that as well. I just think it needs to be a discussion topic amongst the community, if that's possible, because maybe Chinn Lane has to address it themselves by having somebody to monitor, I don't know. But I think having the conversations well in advance behooves us all. That's all we really need to do.

Terry Cooke: Commissioner Woodruff.

Don Woodruff: There there were a couple of comments made to me by residents over the hill past the school who were allowed to get within one block of their house and then they were turned back by police. These were state policemen, apparently not our local police. They were turned back even though the parade was over and the specified time they were had been told to defer, move them up other areas and tell them that they couldn't get access to their home until between 3:30 and 4:00. They found that to be offensive.

Dev Roszel: Just a bit.

Terry Cooke: Anyone else. Commissioner Fleischman.

Ed Fleischman: I just I'd like to make two positive notes. One, when we were trying to access our area, we just spoke to the policeman at the barricade and said, you know, we live two blocks away and then they waved us through so there was no problem.

Don Woodruff: You must have had a different policeman than Mr. [inaudible].

Ed Fleischman: I'm sure there are a lot of different policemen. The state police are different than the Middleburg police. But it's a positive note. Okay? The other positive note is when my wife and I walked back from the parade, we noticed that the no parking signs had already been taken down. So they really did a good job of picking them up.

Don Woodruff: That's our police.

Will Moore: [off mic]

Ed Fleischman: Yeah, the maintenance. There was a truck going around picking them up right away.

Terry Cooke: Anyone else? Okay. Well, thank you all for letting us vent. The next item is quorum for January 23, the first meeting of the New year. Everyone on board. Good. Look forward to seeing you all then. And with that. Merry Christmas to all. And to all a good night. Happy Hanukkah. Happy holidays. And we'll see you next year.