



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
MINUTES**



MONDAY, FEBRUARY 25, 2019

PENDING APPROVAL

PRESENT: Eric Combs, Chairman
Donald Woodruff, Vice Chair
Terence S. Cooke, Member
Edward R. Fleischman, Member
Rachel Minchew, Member
Mimi Dale Stein, Member
Kevin Hazard, Councilmember

STAFF: William M. Moore, Deputy Town Administrator/Town Planner
Rhonda S. North, MMC, Town Clerk

The Middleburg Planning Commission held their work session and regular meeting on Monday, February 25, 2019 in the Town Hall Council Chambers, located at 10 W. Marshall Street in Middleburg, Virginia. Chairman Combs called the work session to order at 6:30 p.m.

Discussion Items

Comprehensive Plan Update

Deputy Town Administrator Moore advised the Commission that The Berkley Group modified the draft chapters based upon their previous reviews and provided a first draft of the complete document. He suggested it would continue to be refined and noted that Commissioner Fleischman sent him some suggested changes by email.

Chairman Combs opined that it was a great looking document, was user friendly and was a nice departure from the existing text only document.

Commissioner Fleischman advised that most of his comments did not require discussion. He suggested that, for the good of the public, a two to four page executive summary be added at the front of the plan, as well as a good map of Middleburg. The remaining members of the Commission agreed.

Several of the members noted that the document now felt like a planning one. The Commission suggested the following:

- Use the iconic Hunt Parade (snow scene) photo on the cover page, removing the three smaller ones. Change the banner to a more stylized one and center it.
- Make the Table of Contents its own page; add a Table of Exhibits and page numbers.
- Introduction:

The Commission opined that this section was the weakest and asked that The Berkley Group work on it further. Some of their suggestions for change included replacing the first paragraph with the Vision; moving the first page of the introduction behind the goals; replacing the photo; using a bigger, better map; adding a placeholder for the future public session. They noted that they liked having the legal

basis included, as well as the recap of the public input sessions and survey. The Commission asked that the staff confirm that the “words” exhibit was based on the input sessions.

-Label all photographs in the document for consistency.

-Chapter III:

-Be more purposeful in what photos are used; make sure they reflect what is trying to be achieved; consider only using old photographs in this chapter

-Verify the accuracy of the statement that Middleburg landowners had a large number of slaves and whether Middleburg succeeded from the Union (in timeline).

The members agreed to review the text individually and to forward their comments to the Deputy Town Administrator by the close of business on March 11, 2019, with the plan to review the entire document during the March meeting. Deputy Town Administrator Moore advised the members that he would provide them with both a paper and a Word version of the text.

The Commission opined that some of the changes that they previously requested had not been incorporated into the document. It was suggested that as the members reviewed the text that they compare it with their previous notes of changes to be made to confirm they had been incorporated into the document. It was further suggested that a side-by-side review of the land use maps be done to ensure consistency.

Chairman Combs adjourned the work session and called the regular meeting to order at 7:24 p.m.

Disclosure of Meetings with Applicants

No meetings were reported by the members.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Commissioner Fleischman, that the Planning Commission approve the January 28, 2019 meeting minutes as presented.

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Minchew, Stein and Woodruff and Councilmember Hazard

No – N/A

Abstain – N/A

Absent – N/A

Council Representative’s Report

Councilmember Hazard reported that during its meeting held February 14th, the Council received a presentation from Dan Orlich regarding his proposed independent living facility. He opined that Mr. Orlich wanted to work with the Town. Mr. Hazard advised that the Council left him with the message that there were a lot of hurdles that needed to be cleared to make the project happen.

Councilmember Hazard noted that the Council has split the duties formerly handled by EDAC into two categories – special event funding requests, which would be reviewed by the Cultural & Community Events Committee, and economic development activities, which would remain with EDAC.

Councilmember Hazard reported that the Council approved the acceptance of donations for some of the Town’s events, including National Night Out and the Go Green events. He advised that they also amended the policy regarding Town credit cards to allow the individuals to carry the cards on their persons as opposed to requiring that they be kept in the Town safe.

Deputy Town Administrator Moore advised that he gave the Council a status report on his enforcement efforts related to dangerous structures. He noted that he had a few such structures on his radar and was working with the property owners to make improvements. Mr. Moore advised that the staff would begin proactively surveying and monitoring properties in the core area of town in an effort to catch issues early rather than waiting until the buildings were in poor condition.

Discussion Items

Comprehensive Plan Amendment Request – Daniel Orlich

Deputy Town Administrator Moore advised the Commission that he had a phone conversation earlier in the day with Nick Hanna, a representative for Mr. Orlich, in which he tried to gauge how the applicant received the Council's comments on their presentation. He opined that while they were not dissuaded, they did have concerns. Mr. Moore advised that Mr. Hanna asked what they could do to make their application more palatable. He noted that, at the direction of the Mayor and Council, he was no longer spending a lot of time guiding the applicant in making his application better; however, he did reiterate the suggestion that was offered during their December 21st meeting that they should do their own public outreach. Mr. Moore reminded the Commission that Mr. Hanna had indicated that they had spoken with people who thought their project was great; however, this was not what the Commission heard during the public input sessions on the Comprehensive Plan. He noted that he told Mr. Hanna that showing there was support for the project would help the Commission and Council as they considered the request.

Deputy Town Administrator Moore reminded the Commission that there were two options – they could schedule the public hearing on the amendment as submitted for their March meeting and then forward a recommendation to the Council, who would then also hold a public hearing and take action or the applicant could hold a public meeting to gauge public support. He noted that even if the Commission scheduled the public hearing for March 25th, this would still give the applicant time to hold a public meeting.

After some discussion, it was the consensus of the Commission to hold a public hearing on the requested Comp Plan amendment during their March meeting.

Appointed Officials Training

Town Clerk North provided the members with training on the Virginia Freedom of Information Act, Virginia Conflict of Interests Act, the Town's Handbooks for Committees, the Town's gift ordinance and the Town's Code of Ethics/Standards of Conduct. Following the conclusion of the training, the members signed an acknowledgment confirming receipt of the documents and the training and agreeing to abide by them.

County Comprehensive Plan Update

It was noted that several meetings were planned in Middleburg for discussion of the County's Comprehensive Plan update, including one on March 13th hosted by the Loudoun Chamber of Commerce and one on March 27th hosted by the Loudoun County Preservation & Conservation Coalition.

Economic Development Advisory Committee

Chairman Combs expressed interest in having a member of the Planning Commission serve as a representative on EDAC.

Deputy Town Administrator Moore advised the Commission that he would follow-up on their request with the Business & Economic Development Director.

March Meeting Quorum

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

There being no further business, Chairman Combs adjourned the meeting at 8:25 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
February 25, 2019

(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)

Will Moore: Will Moore.

Don Woodruff: Don Woodruff.

Rachel Minchew: Rachel Minchew.

Kevin Hazard: Kevin Hazard.

Terry Cook: Terrence Cook.

Eric Combs: Eric Combs.

Mimi Stein: Mimi Stein.

Ed Fleischman: Ed Fleischmann here.

Rhonda North: Rhonda North Town Clerk.

Eric Combs: Excellent. Thank you everybody. It's good to see everybody. Feel like we haven't had a full Planning Commission in a while. Well we have our first iteration of the full draft of the comprehensive plan and we might as well just jump right in with that. Will do you want to just get us up to speed?

Will Moore: Certainly so. Last month you saw the first iteration of two plan chapters land use and the Business and Economic Development chapters those were the last two for you to see the first iteration of. Todd and his team have been working on making some modifications to earlier iterations of other draft chapters that you'd seen. So this is the first consolidated look at the draft plan. We do still expect there to be some refinement in your stage prior to getting this to the public but we're very happy to now have at least a draft complete document for you to look over and however you want to proceed with going through this we could go chapter by chapter whatever suits you best. I know Ed sent some comments earlier today via email. Some very good comments that we'll certainly make sure we can go over those as well as those that don't really need discussion we'll just send straight on to Todd and his team. And Todd does send his regrets for not being here he had planned to but like many he was stricken with an unexpected illness in the last few days. So he's recovering from that.

Eric Combs: Well speedy recovery to Todd. I'm happy to take this draft however anyone might suggest we can just take it in order or we can just sort of open it up to general comment maybe that's more useful than just starting at the top. Any general feedback on the draft that we have before us before we jump in the specifics? I'll note that I think it's a great looking document. I mean it's evident that Berkeley group has done a lot of work on this. It seems they've incorporated a lot of our feedback on the individual chapters and then some. I like the way that it presents and that it reads as a very user friendly type of document which is a big departure from just the white page black text that we're so accustomed to seeing. So you know optics I think are great. And I do think this is a really great first draft. I'm certainly open to other interpretations.

Ed Fleischman: Mr. Chairman. As Will said I submitted some comments. Most of the comments are just should be addressed without any need for discussion. A couple of points though that I'd like to make and I also mentioned that we should discuss them. The first I think is a general comment it would be good for the public and for us also if there was a two or three or four page executive summary right up in the front you know some of the highlights and then a really good map. And there was I don't see a specific map in the document that could be the one to move up to the executive summary but with some combining of a few different maps that I mentioned in my written comments I think it could work is having one map showing planned land use and planned transportation. So I throw it open for comment.

Eric Combs: Great thanks Ed. Your comments I did see them coming in today and they are very well received. Thank you for those comments and I agree I think a great place to kick off is with an executive summary. I think that'll really help the reader. And let's pass that suggestion along to Todd. I think you had mentioned that previously had in one of our other meetings so now we've got a couple stabs at that. Any other comments just generally before we dig in?

Kevin Hazard: From the the first iteration to now. I like the fact that it's it's a little more focused and and it has. I mean one of my things when I first read it you know this is supposed to be a planning document and it feels more like a planning document than it did in its first iteration. I think that's a big step forward.

Eric Combs: Thanks Kevin. Any other thoughts? Don.

Don Woodruff: I would just echo what you said Eric and agree with Kevin. I actually was kind of surprised that it came out quite as fluently as it did. And I think it's a positive comment on their work.

Eric Combs: Thank you Don.

Will Moore: It's a positive comment on your work as well that you know their job is to try to synthesize input and piece it together for you. But you know this would have gone a different direction. Were it not for your feedback. So this we want this and I say this for moving forward in our next steps. We definitely want this to be your plan. You are the authors of this plan. So any further shaping of this that is necessary want to make sure we take care of.

Eric Combs: Great. Thanks. Ed please.

Ed Fleischman: Let me just add the thanks since we're throwing out thanks. I think that the manager of the consultant team Will has also done a very good job because it is hard to manage consultants. So thank you for that work.

Eric Combs: Yeah absolutely Will thank you. I can see your input in this draft and I appreciate all the work you've been doing on that. If there aren't any other objections I would suggest we just jump right in. I would imagine we're not going to get through the whole draft tonight and so maybe we just want to break it up and we can then send comments back to Todd and then pick up the next phase of things perhaps when we meet next or if Will maybe we want to talk about some sort of abbreviated or accelerated type of schedule as we're getting down to the kind of near end here. My first question and looking at the document is where some of the graphics have come from and how everybody feels about them on the cover page. I do like some of these smaller pictures and wondering how we feel about the backdrop or any of the other presentation of just the cover of the document. I think simple is good. I think this is a little loud. That being said you know we could pick one or two images and really emphasize them or really none and just have it be more textural but maybe just some dialogue on that.

Don Woodruff: On that line when I looked at the first page I got I wondered why are we having fireworks in the middle of it. That's not something that's germane to the plan or typical of Middleburg. I

think the other two photos at once historic. Well they're both historic but they certainly won points out on a colonial aspect and the other is the famous Christmas parade. And I think those are both good and of course I think the backdrop with the barn and the winners just wonderful. But I don't like the exploding fireworks.

Eric Combs: Thank you Don. Yeah. I mean maybe the intent was to capture some of the different seasonal aspects of Middleburg but I agree that the Christmas in Middleburg parade pictures just emblematic as is the the red fox picture. I believe that barn is the Salamander barn. And I don't know if we want to collectively select one image that best captures everything for the cover. I'm not a design person so I would defer to anybody who's got a better eye which really would be virtually anybody. Mimi fingers are pointing at you.

Mimi Stein: Well the only thing [off mic]

Eric Combs: I think it's a great suggestion. I don't think it's a tired picture. It gets a lot of mileage for good reason. Yeah.

Don Woodruff: [multiple speakers] perfectly to be having the head the line underneath of it [inaudible] I think it's fabulous idea. Very. Thank you Mimi.

Eric Combs: Kevin.

Kevin Hazard: The other [off mic] over because they've got draft to the side. I don't have a real good suggestion for.

Eric Combs: It could be more stylized I think. Yeah.

Kevin Hazard: I mean [inaudible] go with a picture. Then we need to have a different graphic if we're going to go with just text. This is a good graphic.

Eric Combs: I agree. Let's have that banner perhaps blend better with whatever the image is gonna be.

Terry Cook: More stylized and centered. I presume it is intended to be centered maybe just because it has draft on the side. There wasn't room to do that but it looks a little awkward.

Eric Combs: And I'm sure if Todd were here he would tell us. These are place holders. Yeah.

Kevin Hazard: And the seal just oh we'd better put the seal on there too.

Eric Combs: Yeah. Maybe on the inside cover. Right. Yeah I think we can clean up that cover page and it'll better sort of represent what the document is. OK then moving into at least just the sort of the prefatory things acknowledgements. Table of Contents. I would suggest when we get a little closer to a final draft that we have page numbers in the table of contents. And if anybody feels that we need to be more specific or inclusive with that table of contents that would be fine by me. But I think just having those those chapter headings is a great start but definitely page numbers for jumping to.

Don Woodruff: With the headings?

Eric Combs: Yeah.

Don Woodruff: Well since you have pagination on the each part of the document it would make sense the table of contents. Yes absolutely.

Kevin Hazard: [inaudible] In other words acknowledgement on one page. If we're going to expand table of contents [inaudible].

Eric Combs: Perhaps. Let's see how that spaces out. My other comment on the table of contents is that it would be nice to also have a table of the exhibits or the demonstrative that we have in here. Some people might be trying to navigate to a certain map but not sure where it is. [inaudible] Exactly. Kevin you're right. That may really start to kind of beef up the table of contents so maybe that does at some point take its own page.

Mimi Stein: Especially if this is going to be an online thing. Maybe the contents will be in line lengths. And if you want to go right to that [inaudible] other map.

Eric Combs: Yeah. Just do just do a cross-reference in the documents so that those things can be hyperlink to the page.

Mimi Stein: I think people will reach for those maps. And I know he did say the photographs were still somewhat place holders because he couldn't get as many good shots as he wanted to.

Will Moore: Sorry I sent him a large dump of photographs we collected as Rhonda has gotten pulled in from different sources. Yeah. That because we're going through a website update process right now we had a pretty good collection and I just sent him a large selection just a few weeks ago. I'm sure this was just pick out and put in place holders and we can change those as.

Rhonda North: And I'm actually about to get some more photographs to that that we could choose from.

Eric Combs: One thing I might suggest just for our purposes now is we can go through this section by section and perhaps if people have a lot of textual comments it would be better to just email those. Will got his hands on an editable draft of the document today. So if anybody wants to do that in red line any comments in the text. Maybe it's just better to do that off line and we can use our time here just sort of going through and pointing out things along the way but reserving a lot of the textual edits perhaps to just an exchange of red lines.

Will Moore: I can send out that I did get the word document to Eric but so basically just all the text in the plan here minus the graphics in the layout. I'll email that out tomorrow so we could all use that for that purpose.

Eric Combs: Great. Thanks Will that's not to say if there's something in the text as we flip through this that is jumping out to anybody or a section is off or missing or what not we can't tackle it but you know a comma here a typo there. Let's maybe reserve those. So the introduction again we've touched a lot of these sections before. I'm more concerned with how everybody views this document as coming together as one whole document. On the introduction. I take it the map that little excerpt of a map is designed to just put Middleburg into the regional context.

Will Moore: I think so. I think so. It's not necessarily my favorite for what we would call a facility map. We can clean that up.

Eric Combs: OK. I do like seeing that legal basis there up front that sort of tells us well it enables the rest of the documents. So I like that well.

Don Woodruff: You don't want textual comments now?

Eric Combs: Unless something's jumping out at. Don I think maybe we just I would imagine you're going to have a lot of wordsmithing comments. I kind of had you in mind [laughing]. That comment. We can take some of them now but if there are serial comments [multiple speakers]

Don Woodruff: Flavor of what I did. I don't unfortunately my printer [inaudible] I prefer this. But right off the bat the town of Middleburg is unique and special place a small and historic place. Using place. It bothers me. It's small and historic area or some. Change one of those words. That sort of thing I think is what you want sent to Will. Thank you.

Eric Combs: Yeah. Particularly if you have a marked up set of pages that you've taken a pen to them.

Will Moore: I can get you one in full size if you want. If anybody else would like to work when you're doing this kind of review from a hard copy I'll be happy to print out 11x17 for you.

Terry Cook: Yeah so I was holding my fire on that but I'm presently without a printer. And I much prefer reading it like this and trying to read.

Eric Combs: Great. That would be wonderful for.

Will Moore: Ed Mimi Eric. [multiple speakers] I might be able to get them. [inaudible]

Eric Combs: Will that would be great thanks. And I imagine once the hard copies are editable copies are in people's hands will be each be spending much more time with the document and then coming back to really address some of the language things. That'll be great.

Don Woodruff: I can just hold this and [inaudible].

Eric Combs: Yeah I mean I'm really interested in your wordsmithing of the language here and I imagine you'll have a fair amount of ink. Yeah. Good.

Mimi Stein: Mark on this introduction page because all the other pages start to look really good but this page just kind of.

Eric Combs: You mean in its presentation?

Mimi Stein: Presentation and I don't know.

Rachel Minchew: Well the photo.

Mimi Stein: Well the photo could be changed. I like what you do the legal basis is I think people [inaudible] isn't nearly as exciting as some of the other pages that's the first page. [inaudible]

Eric Combs: Mimi do you mean perhaps just how sort of bland that the text and background is maybe perhaps call it out in a different visual manner? OK.

Mimi Stein: The legal basis even being on the first page I think that's really good because it explains anybody looking at why am I looking at this. Well guess what we have to do this project. Maybe use less words you know all that [inaudible].

Eric Combs: OK. Yep. [inaudible] Okay moving through the introduction. I like this sort of recapping of the public input in the survey. And to me that follows nicely from the legal basis into really kind of informing with the rest of the document is based on. This word capture. I'm not sure what you call this

image in the lower right hand corner on page 3. Is that an actual generation? I know you can generate these things based on survey results. Is that an actual generation based on our surveys?

Kevin Hazard: Looking at it I thought it was but I'm not sure.

Will Moore: I'll confirm. Pretty confident it is.

Eric Combs: I would imagine. And then should we put a place holder in the language regarding the comprehensive plan public input about the meeting we have yet to have? Right. So it hasn't happened yet but once this thing is final I think we'll want to identify that as you had another instance where we've had public input.

Don Woodruff: Finally in May of 2019.

Eric Combs: Yeah. Right. Exactly. [laughing] So there'll be a bit of a gap here. [laughing] Any other comments on that general part of the introduction? If none. I like the way that they've presented the vision and the goals in the next page. Visually I think that it sticks out well.

Kevin Hazard: The only thing about the vision and the the introduction are kind of the same thing. Except the vision part I think is written better [inaudible]. Yeah maybe we start with the vision.

Eric Combs: I was just going to say maybe the vision bumps up. Perhaps that's even before the introduction.

Kevin Hazard: The vision is our introduction.

Rachel Minchew: Yeah. It's clean and comprehensive it's right there. [inaudible]

Eric Combs: Well I think we still need some of the language that's in this textual introduction which just for example that comprehensive plan is one way for you know.

Kevin Hazard: Which rephrased takes place of the first paragraph.

Eric Combs: Ok. Yeah I agree there's a better way to perhaps emphasize that vision statement and then better with the introductory language.

Ed Fleischman: Would you then take that whole vision section out Kevin?

Kevin Hazard: You know the vision is the introduction. I mean the vision for doing this is our introduction and we have vision. We go into you know it's how why and what. Or why how and what. And the vision is. And I'm mumbling because I can't figure out quite how to marry the two. But we have our vision which is kind of the introduction. And then we go into the second paragraph. This comprehensive plan is one way for the people of Middleburg to craft.

Mimi Stein: Well those are the messages the vision the legal basis for the plan which I think is really important that everybody that picks us up looks at that because [inaudible].

Kevin Hazard: Maybe even move this that paragraph is one way we have the vision we have the legal basis we have the public input we have the goals and then we say. This is and then we move that that paragraph there. And this is how we're going to do it. And that's the introduction into natural you know all the rest of the chapters.

Eric Combs: It almost seems like the vision as we had worked on it a while ago might stand separate and apart from the introductory language that sort of sets the stage for a comprehensive plan. Right. The vision statement is something that's just entirely unique to Middleburg and something that we all work pretty hard on to really identify what the community is looking for. A lot of the introductory stuff seems to be less specific and more comp plan in general which is still very valuable but perhaps this vision statement really does stand separate and apart. And so maybe we want to bump it up in front of all the profits free introductory type of language.

Kevin Hazard: I take that whole half a page and move it past the goals. We have a vision we have a legal basis we have public input we have our goals and then we say. Then we bring the rest of the introductory language in. This comprehensive plan is a way for the people of Middleburg to craft long range plans and here is how we're going to do it. We have the. Then we go into natural and environmental resources.

Eric Combs: Another thing to be mindful of is as Ed had raised before we're perhaps throwing an executive summary up into the beginning of this document as well. Let's maybe just allow for Todd to tinker with some of that. With just general comment that I think we'd like to emphasize that vision statement is something separate and apart from the introductory language but being mindful that the executive summary is going to impact all of this to some extent.

Mimi Stein: Maybe we don't need much of the introduction because the executive summary then that becomes this.

Eric Combs: Yeah I'm not sure what I like about that the introductory stuff is that it does generally lay the groundwork for the or a comprehensive plan. But I'm open to all ideas Ed please.

Ed Fleischman: An executive summary doesn't take the place for anything in the main body. So if we need something in the main body we should put it in the main body. We can't say it's in the executive summary. I mean that's the definition of an executive summary. Summarizes what's in the body.

Mimi Stein: It sets it up.

Kevin Hazard: This is part of wordsmithing and you know.

Eric Combs: Yeah I don't want to get too bogged down with it. I think Todd can probably gather what we're looking for pretty quickly just based on our mumbling here.

Kevin Hazard: Are you watching Todd? [laughing]

Eric Combs: Let's save him further ado [laughing].

Will Moore: I think that this is a typical way that you'll see an introduction laid out the reason why the vision and goals come later is it's specifically placed after the public input portion because we want to show that there was a process here involved that there is legal basis. Here's what we did to solicit public input and here basically is the result we want to make it clear that this vision and these goals weren't just handpicked that they were a result of that process but I think there still is a way to to maybe front load the vision and then reference how that sprung from the input later.

Eric Combs: Okay. I like that Will. Okay unless there are other comments on the introduction chapter we'll call it. Let's jump in to chapter two natural and environmental resources. I see Todd applied one of Kevin's comments from a while back about just setting the stage with the goal and the strategies right upfront rather than holding the reader in suspense. And I like how that's presented it really calls the readers attention to those immediately and then lets them know what they're going to be reading.

Rachel Minchew: I think the other thing you need to be consistent with are the photos if you're going to label or put some dialogue underneath you got to do it to all of them not just some of them. And maybe that's just the photo that he just put in there to see if people approved it but just the consistency of that.

Eric Combs: I agree Rachel. Thank you. Yeah. The photo immediately beneath the strategies. I was wondering where that is.

Rachel Minchew: But you can see that I mean it goes sort of through the hole. It's just not consistent with all the photos.

Eric Combs: Agreed. Yeah that's a global comment for sure. Other comments on this chapter? Ok. If none let's move on to chapter three history and historic resources.

Don Woodruff: Another good reason. I have it clipped here is for not using the red fox in on the cover is you're using it again right here. It's redundancy.

Rachel Minchew: I think also I think being strategic in the photos that are put in here to throughout that there's why certain ones are being used. Maybe there are others that you have that are better suited for this section and same throughout the rest of it just being a little bit more purposeful with the photos and what you're trying to express. Like you said you've got the red fox in on the front. And now we have it here. Middleburg is not all just the red fox historically.

Eric Combs: Yeah I agree. I'm wondering how we might. It's a really good point and it might be a little difficult for Todd when he's looking at this to say oh OK well this building in Middleburg has different context then perhaps another or different conveys something different to those of us in Middleburg.

Rachel Minchew: Well and maybe somebody it's not me because I don't have that historical history but just somebody that really could have a better sense of that and saying what are the real places and components of the town that really reflect that and then see what photos there might be available. Weed it down for him make it a little bit easier.

Eric Combs: Yeah and Rhonda you said a whole new crop is coming in? [inaudible] Oh wow.

Rhonda North: [inaudible]

Eric Combs: Ok. So maybe when those come in we can enlist somebody else's eyes on this as well.

Mimi Stein: And in this history section we're using some old pictures on the back which everybody loves [inaudible] we should probably just use you know old photos and this one just [inaudible] there's a ton of old photos of the red fox. [inaudible]

Eric Combs: Well or perhaps to the extent we are using old ones. It would be nice if they were a visual depiction of what language is being used immediately next to it. [inaudible] Yeah sure. Terry please. Will. I'll note that Ed had a few comments on this chapter that I don't know we need to take up now. But he made some raised a couple of.

Ed Fleischman: Some historical comments on that.

Eric Combs: Which I imagine Todd can knock out but let's make sure he sees them. [laughing]

Ed Fleischman: Yeah. I mean we want to check to see whether Middleburg landowners had a large number of slaves or relied on slave labor or it was landowners in the Middleburg area.

Will Moore: I think that's an important distinction to make. I think some of this language if not most related to the town's history was carryover from our existing plan. I do know the 16 square foot requirement for a building it is correct.

Ed Fleischman: You know how tiny that is?

Will Moore: I do. It's tiny. Yes.

Ed Fleischman: So there was a place that someone found that in the old documents.

Will Moore: Correct.

Ed Fleischman: OK. But the other thing about Middleburg leaving the union. You know I don't know whether a town could actually leave the union. So we want to correct that on the timeline. [multiple speakers] I mean you know. The council or someone may have voted in the text it says voted to leave the union but voting and actually leaving are different.

Don Woodruff: I think what you find is that individuals left chose to the state seceded. The town did not secede from the union.

Eric Combs: Ok. Any other comments on that chapter the historical chapter?

Ed Fleischman: Just another written comment that I had is about the historic district. I'm just not in my own mind quite sure where the boundaries are and how that is laid out. So one of my comments was we really ought to find out a little bit more about that and on the map the historic district to show where Independence and Constitution streets were. And then there's this jog on the historic district. I mean how did it get how did the jog get in there?

Will Moore: The jog on the eastern end of the town? So what was done in drawing the historic district. And it was not a scientific exercise by any means. They took the original grid of the town and basically went out 300 feet in any direction and formed a larger rectangle well we were closer to the eastern end of town than we were. So portions of it extended out 300 feet from the existing grid. Portions of it went as far out as the town boundary was but not quite 300 feet. That's why this jog is shown there.

Ed Fleischman: Ok. Thank you.

Will Moore: Yes. That is something that we updated our historic district survey in 2016 and the historic district review committee is at some point in time possibly this calendar year going to be reviewing a couple of suggestions within that document about potential revisions to our historic district. So we have our own. This is our local historic district. There is also a national register district that Middleburg is part of those two districts do not have the same boundaries. There are some parts of our local boundaries that could possibly be adjusted. We may make recommendations for adjustments to the National Register boundaries as well so that committee will be studying that in depth at some point.

Ed Fleischman: That would be a good idea Will to look at the local historic district. Because I've been involved with many historic districts and to say 300 feet from the boundary that's really unusual.

Will Moore: It is.

Eric Combs: Okay. Will what do you suggest given our our clip here and the timing should we continue through the entirety of the draft or is there a place you might suggest we break and then take up the other half at our next meeting?

Will Moore: These are all good comments that we're making. I think the key is going to be the speed and the depth at which you get us the textual comments. We definitely want to move forward as good a pace as possible. I think the exercise we're going through now is good.

Eric Combs: Can we continue through the entirety of the draft?

Will Moore: We can the timeline is up to you for how we proceed tonight or if you want to make it halfway through or something like that that would be helpful at least. But I think we definitely want to keep the pace up and but not at the expense of quality. Realizing that you got this full document just late last week delaying full review of it until your next meeting or if you wanted to schedule a special meeting just for the purpose of going over the comp plan that would be fine as well.

Eric Combs: Ok. Will let me ask this. Does anybody apart from Ed's written comments which he e-mailed earlier today does anybody have prepared comments for the remainder of this draft or if we were to take it on right now would it all be ad hoc?

Terry Cook: I don't have written comments but frankly I didn't have enough time to go through the whole [inaudible]. I think it's important since we are nearing the end that we have an opportunity to review it thoroughly and in context. And I would suggest let's all do that. Let's present whatever comments we have in writing and then next week go through those and decide which ones are good which ones we don't need and and modify the plan at that time. I think it's a lot to take in to try to do it at one time tonight.

Eric Combs: It is. As we're getting into some of these later chapters we also have seen some of these more recently. The initial ones were ones that we I don't think have had eyes on for quite some time. So Terry I think that's a really good suggestion. And unless anyone feels otherwise I would suggest we do that. Let's everybody take their time independently with the document. And e-mail or somehow deliver comments to Will to aggregate them or filter them before they go to Todd or whatever Will you deem best.

Will Moore: So we're exactly four weeks out from our next meeting. Would two weeks be sufficient time so that if you could get your individual comments to me by March 11th. Monday March 11 then I could spend just a little bit of time with those get them off to Todd. That gives him the better part of 10 days to flip those back around so that we can get an updated draft for further digestion.

Eric Combs: So then perhaps we set that Monday March 11th date by which we can get Will any or all written comments. And to the extent anyone can just strive to get them sooner so that Todd can have some more lead time. And then we can dare I say start this a new next month but we can at least pick up with population and housing and look at the few things that we just had addressed in the earlier chapters. Ed please.

Ed Fleischman: If I could just before we skip to the next agenda item. Just explain to my comments a little bit more and in Section 4 population and housing. I had a comment on the strategy. I don't know if that's been approved by the council and they're in stone but I think the terminology about strategy number two using the town's regulations to encourage it just doesn't work with me. You know regulations don't encourage regulations set parameters basically. So I'd say that maybe we ought to relook at that particular phrase in the strategy.

Eric Combs: Strategy number two and I believe we also revised that strategy number two when we took on that chapter. It seems to me that language might be from the original draft before we all had commented on it and I say that because it covered something we were addressing in terms of an application at the time and I think everybody was pretty sensitive to it. So it looks to me like that might be older language. But I can go back and look at my draft on that as well.

Ed Fleischman: Okay Eric so that sets up another problem. Previous work that we did. Is it not all included in this draft?

Eric Combs: I think a lot of it is but I think that's an instance where perhaps it hasn't been. Yeah. So I know I'm gonna go back and look at some of the chapters that I had commented on and just my own files as I go through this and I would encourage everyone else to do the same. Not to create more work for everybody but you know in another pass through some of that stuff I think would be helpful in the long run.

Ed Fleischman: So the second item I just wanted to follow up on is the land use maps of the existing land use and the plan land use. The way the Salamander track the Harriman track and the Salamander resort are shown. Ah I see there's some problems with that. So Todd really needs to go back with you Will and really look at those two land use maps side by side to make sure they're consistent. I mean one has the Salamander resort itself is commercial. The other map doesn't have it as commercial so it's just something that should be done you know in the back room. Okay. Thank you.

Eric Combs: Thank you Ed. Any other comments global or specific that anyone wants to raise before we sort of retreat to our own individual review? And Ed if you don't mind I'll ask Will to forward your comments to the rest of the Planning Commission. I know you raised some of them tonight but they might be a good way for other people to just use some of your comments as a starting point in their review of the chapters because I think your comments were all really well made. So unless you object to it. I don't mean to put you on the spot. [inaudible] Or I do mean to put you on the spot. [laughing]

Ed Fleischman: It's a matter of protocol that I sent to the chairman to allow you to determine whether it should go to other members. But I see no reason why it should.

Eric Combs: Okay. Good. I would love everyone to have the benefit of [inaudible].

Will Moore: It actually is it's good protocol for individual commissioners not to mass email everyone else because we can create and Rhonda will discuss this later with you in a mini training here at the end of your agenda this evening that can be confused as an electronic meeting if it is deemed discussion amongst more than two members of the body so you emailing Eric copying me is perfect. Once each of you have your comments email them to me maybe Eric as well. But then not. That's why I always blind copy everyone when I send out the agenda. So you're not tempted to hit the reply all button and send it to others. So that's the purpose there. And just one other thing as you work on putting comments together whatever works best for you in terms of you know Ed sends an email with multiple bullet points it works great. Eric has requested that I'm going to send it to everybody on Microsoft Word version of all the text. If you're comfortable using that track changes feature in their use that whatever works best for you in getting those comments together. Yeah. We can even take hand marked up for those of you that wanted paper copies. Bring those if you want to just bring those back instead of transferring them to something we can scan those and shoot them off to the Todd as well. So whatever works best for you. We'll make it work.

Eric Combs: Okay. Thank you everybody. I think that's really helpful to now have this full draft in hand and I'm excited to see how everybody perceives it as they go through individually. Well let's have that be a wrap on our work session and jump right into our regular meeting. First item of business is to disclose any meetings that anybody might have had with an existing applicant or potential future applicant. Ed why don't we start with you?

Ed Fleischman: No I haven't had any communication on applications.

Mimi Stein: [inaudible]

Eric Combs: And nor have I.

Terry Cook: No communications.

Kevin Hazard: None.

Rachel Minchew: No communications.

Don Woodruff: No communication.

Eric Combs: Thank you everybody. Moving on. Any public comments? We had a potential. We have some minutes here from Rhonda. Thank you for our minutes. Any comment on the portion Rhonda synopsis of the minutes not the rough transcript that's appended. Happy to take a motion.

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

Ed Fleischman: I second the motion.

Eric Combs: Thank you. All in favor.

Everyone: Aye.

Eric Combs: Excellent. Thank you. And thank you again Rhonda. Kevin I didn't give you an on deck warning but you are up.

Kevin Hazard: Did have a meeting on Valentine's Day. One of the main topics was a presentation and discussion of the independent living facility by Dan Orlich and he brought in a couple of people with him. One actually two I think were more affiliated with the owner of the land and. Basically the point they try to get across was they really want to do this and they're willing to work with us. And as a town. But I think we left them with the understanding that they have a lot of work to do and a lot of hurdles to to go over to make that happen. You know pointed out that it's not zoned for that for what they want to do and so I think it was pretty much left in the same place as when they presented to us.

Terry Cook: I take it then that I mean the meetings with Mr. Orlich and representatives of the owners I take it Mr. Orlich does not presently own the land.

Kevin Hazard: He is in a study period.

Terry Cook: Okay so when you say representative is the owner you're talking about the person who currently owns that 15 acre parcel.

Kevin Hazard: Correct. Sorry I didn't make that clear. We did have all our staff reports. Everything's good. I mean we don't really need to spend a lot of time going through all the reports and. And there was a couple of new. The town's still searching for ways to really help the economic development. So they've they've split the Economic Development Committee into two pieces. One is a. It's a group that looks at at you know comes to us comes to town and asks for funds for special events. And so that is a separate group and they had a we had a couple of people go through them and I can't remember the name of the groups but basically they came back and said we need more information. So they're trying to do due diligence on that. And then we have another group that's going to really work more on the nuts and bolts of economic development and that's a group that's still in. It's still being worked in fact we had a. There was Amendment 2 to their ordinance that actually establishes that and so they're still in the process of trying to put that in the proper framework. So that's also an ongoing issue for the town. And we also. We

had an agenda item. And I'll read the summary of the item the town administrator is asking the town council to approve the acceptance of donations for National Night Out held each year by the police department and for various events hosted by the go green committee. Part of this is like we discuss every meeting. Have you talked to anybody? And the town came out with a blanket policy you know last year. No you can't get tickets you can't do this and it's a good policy so they're trying to kind of work the edges to make it fair. So in other words of Go Green gets somebody donates or the health fair somebody donates hotdogs. We don't have to have this involved process for somebody to donate hotdogs to the the National Night Out. So it was approved and I realize I'm struggling tonight. And again some administrated things we actually worked on a policy so that we've had a policy that we have a golden credit card and it's locked in a safe. And we changed the policy so that the town administrator could actually carry the card with him when he goes home which is [laughing]. Yeah I know it sounds like a silly thing but you know you've got those procedures and they're put in for a reason. So things tighten up and then you try and loosen them up to make them realistic so that was done. And Will had a status report on the enforcement of dangerous structures ordinance and he can tell us a little bit about that.

Will Moore: Unexpected hand off. So this body may recall a number of months ago we brought a zoning text amendment for two years to repeal a section from the zoning ordinance that had to do with property maintenance. And this was subsequent to a new provision being adopted in town code that basically prior applies certain a certain level of property maintenance town wide regardless of whether you were in the historic district which the previous provisions in the zoning ordinance were limited to the historic district. So we have moved forward with that. We're not on a a big blitz. Fortunately we don't have high concentrations relative to some other jurisdictions of properties that are in poor state when it comes to do with maintenance. But there are a few properties that have been on our radar for a little while. So I was giving Council an update on on some of our status in working with some of those property owners and and then moving forward as as this becomes a little better developed. We're going to do some proactive I won't call enforcement with some proactive surveying of properties with our maintenance supervisor and a potential new position that's in discussion with council about possibly being added for next year for next fiscal year. A new staff position and how we might do a little more proactive surveying and monitoring of the physical conditions of properties so that we're not approaching somebody once once the properties reach a real dire condition. We want to catch issues early on and have a more. Just kind of cooperative dialogue with somebody rather than waiting till something is in really poor condition and moving in is unnecessary enforcement tactic that kind of thing.

Terry Cook: And I was asked this question by a town resident. What is the process for a town resident who wants to voice a concern or express a concern about a particular property? Do they just give you a call?

Will Moore: Just give me a call. Just call the town office and Rhonda or Tina whoever answers the phone or they can stop in at the front desk and they know to route those concerns to me and be happy to discuss it anytime.

Terry Cook: But they don't have to file a written complaint or anything like that. Thank you.

Kevin Hazard: And last we did have a closed session and there were a couple of items on it one we're looking at. Appointments to EDAC personnel issue and some property acquisition issues and disposition of some of our public property. And I said all that and it was a four and a half hour meeting. So that's a very brief synopsis of our. [inaudible]

Eric Combs: Kevin I applaud your distillation of the four and a half. Thank you. [laughing] Well we will perhaps piggyback off the first item you mentioned. The comprehensive plan amendment request 201902 from Mr. Orlich. Will's given us a memo on this with regard to the changes in this iteration of Mr. Orlich's applications. And Kevin thank you for the update with regard to the February 14 council meeting. Will is there anything else you want us to consider on this application?

Will Moore: So I think two points I'll make. One is at the bottom of page one of my staff report at the time of writing of this. I mentioned that I've yet to have contact with the applicant. Subsequent to that February 14th meeting I did have a lengthy phone conversation with Mr. Nick Hanna who's been a representative basically throughout your dealings with Mr. Orlich. He's represented Mr. Orlich on numerous occasions so long discussion trying to gauge his or their. Their being the team of those present how they received the discussion and the comments from Council. It doesn't sound like they are immediately dissuaded by those comments but he had a number of concerns and is still asking what can be done to make this more palatable. Is it reducing number of units. Is it you know just throwing ideas out there kind of. At the direction of mayor and council we're not spending a lot of additional time on a staff level trying to guide them in how to make the application better at this point. We're kind of reiterating a number of the concerns that this body has laid out to the applicants over the more than a year now of dealing with them and simply saying how are you addressing that. I can't tell you what the right number of units is if any at this point. So one suggestion that was made earlier on to the applicants and I believe it was in our December 21st meeting and when I say ours Eric and I. The town attorney town administrator had sat down with the same four gentlemen who were present for this meeting on February 14th. Mr. Orlich Mr. Hanna and two representatives of the actual owner of the property. One suggestion that was made to them previously was. For them to do their own public outreach. If you really want because we've heard them say. We have heard Mr. Hanna say at least that they Mr. Orlich and Mr. Hanna have talked to numerous entities individuals and groups that think what they want to do is a great idea and. Show us is pretty much what we've said. I mean if there was a tremendous groundswell of support for this from the general public something that we haven't heard to this point that could possibly change the way this body looks at the requests as well as the town council. So I reiterated that that if they want to go forward they're basically looking at two paths right now. This body can schedule a public hearing on the amendment as it is submitted and you can act on it meaning you will take a vote to recommend approval or denial and forward that recommendation to council who would then repeat that process and have their own public hearing and make a decision on the application as they have submitted it. The other application if they're still feeling that this is the other possibility if they're still feeling this is something they want to pursue is maybe they should try to arrange their own public meeting. Maybe that's renting out the community center or some other public space and sending out flyers to the neighbors and placing an ad somewhere and say hey we're thinking about doing something come see and try to generate their own energy for the project. So those were pretty much the two paths that I saw being possible and laid out for Mr. Hanna in my conversation this morning and he said he would get back to me. Absent him getting back to me at this point. I guess my question for you is would you want to go ahead and schedule a public hearing for the March 25th meeting and that still gives them if they wanted to do something like that. That gives him the better part of a month to do to do that kind of outreach. But so we could go ahead and schedule a public hearing and then you could depending on any action in between now and then you could potentially dispose of your foundation at that time.

Eric Combs: Ok. Thank you Will. I'll throw that very question up to the Planning Commission. My inclination is to schedule it for a public hearing for our next meeting. This has been in front of us for quite some time and I'd like to move it along. But I'm open to other suggestions. Terry.

Terry Cook: I presume they could object if they are not comfortable with taking it to a public hearing in March?

Will Moore: Whether they have any procedural grounds for objecting. I don't think they do. They could object at any point time.

Eric Combs: And I'll just remind. We had a conversation with them the applicant and the owner representatives that we would like to tee this up for a public hearing and that's what they had been requesting. Based on their presumption that public input would really buttress for their application. And you know for one reason or another because of sort of the shifting nature of the application we've held off

on doing that. And at this point I feel like we've gotten what we're going to get in terms of the application and. Because of that that history of it I would like to to move that forward. So even if they were to request that we perhaps not have that public hearing. I don't know how inclined we all should be to perhaps delay it again.

Will Moore: And the other option if presented with some interesting information next month you did not necessarily need to close a public hearing so you could open the public hearing March 25th and you could if they provide more information you could continue it. Meaning it would continue on to the next month. We're not obligated to do any further advertising at that point. You're not obligated to take action March 25th just because you hold a public hearing you're just fulfilling that required step in the process.

Eric Combs: Ed please.

Ed Fleischman: Just a general question on this. Kevin noted that the landowner appeared before counsel. So right now the land is zoned open space or conservatory and so if the zoning is changed to allow development that potentially is a big windfall for the property owner. So is that just occurs or do they give some money back to the city.

Will Moore: I think the quick answer is no we would not get any money back. The idea generally is if something occurs there that has good economic impact. We could receive the windfall of that through future taxes. I think it's important right now to make a distinction while we have been mentioning the property owner. The application technically there is filed with us right now is not technically property specific. It's not requesting rezoning of a certain piece of land. It's not requesting a special use permit for a certain piece of land. It's requesting our comprehensive plan be amended to suggest the zoning ordinance in turn be amended to allow for independent living use on a parcel of a certain sized front on Washington Street which pretty much narrows it down. But it doesn't. But but it is not property specific at this point in time it doesn't require consent or signature of the property owner on this type of application. This is asking for a more global amendment that would have to then be followed up. If the plan was amended. Exactly as is being requested in this document. It would still require a zoning ordinance amendment and then it would require a special exception used to be applied for. That would be property specific. So I hope that's helpful.

Ed Fleischman: It is helpful Will and what it really tells me is first step would not be just for the property but would be potentially for all vacant or agricultural land within the town limits.

Will Moore: A little bit although he does suggest it as a call it a condition of a special exception or performance standard that the Independent Living use could only be applied for on a property of at least 15 acres in size that fronts on Washington Street. So it really narrows it down to one specific property. Possibly another one but arguably not because that property is split between the town and the county. So.

Ed Fleischman: But once you open it up to a general term like that another property owner could come in later on and say in the south side of the town and say you know having the term on Washington Street is really not proper and say I ought to be allowed to do it.

Will Moore: I think you're right.

Ed Fleischman: So we should be aware of all these implications. [inaudible]

Kevin Hazard: On that on that point we there was some talk of on that end of town doing something and I guess it was 10 years ago. I think it was you and I were and we said well if we give you this you can sell it for a lot of money. I mean you know changing it from AC to R something and it went nowhere so it's. And that was brought up before council too and council I fully understand your point that it is a huge precedent setter if if and when it's done.

Terry Cook: So just to be clear again. If we do this public hearing or we set this for a public hearing in March the focus of the public hearing will be the propriety of a comprehensive private comprehensive plan amendment. Not specifically the approval of an independent living facility. That comes later.

Will Moore: Yes sir. Correct.

Terry Cook: My other question. And in looking at the materials that are attached to your memo Will you include the analysis which I take it was prepared by Mr. Orlich. The very last page of that analysis contains a heading an assisted living facility will substantially benefit the town. Are we to assume that's just a typo something we failed to?

Will Moore: I think yes is the short answer. The longer answer is midstream last calendar year Mr. Orlich switched from a focus on assisted living to independent living and this comprehensive plan amendment that he's filed. Aside from that call it a typo in the analysis is solely focused on independent living. He did mention in his discussion to counsel that he would consider a tiered level of care if he were to pursue development on his property where you could move from assisted living or independent living into possibly another tier. If that helps you understand how well developed the idea seems to be at this time.

Terry Cook: Well it helps me understand that he is not signing off on the possibility of assisted living being on that parcel in some way shape or form right. Thank you.

Eric Combs: Thank you Terry and just to follow up on your comment that the application before us is for an amendment of the comprehensive plan not specific to this property and the potential development per say. That said this is a request to privately amend the current comp plan which we are taking great efforts to update ourselves and had made that point in some written comments to the Planning Commission last month which were raised here on the record and I just want to remind everybody that that is happening while we are touching that very material and a new comprehensive plan. So just be aware of the timing of all of that. Unless there are other comments and please feel free to make them. I would suggest that the Planning Commission is in consensus that we schedule a public hearing on the application for our next meeting on March 25. If anything Will should arise in the interim. Please let us know.

Will Moore: Absolutely.

Eric Combs: Any other questions or comments regarding the application? Okay let's move to the highlight of our agenda. The FOIA. The town policies. FOIA town policies VML materials. [inaudible] ethics and standards [laughing]. I think everybody's ears perk up.

Rhonda North: Yes. Thank you Mr. Chairman. So the Town Council has adopted as one of their strategic initiatives good governance and as part of that they have adopted some policies for the town such as code of ethics and standards of conduct and ordinance pertaining to the acceptance of gifts and donations as councilmember Hazard mentioned earlier and they've adopted a handbook for boards and commissions and committees. Of course the two things that have always applied are the Virginia Freedom of Information Act as well as the conflicts of interest Information Act. Conflicts of interest act. Excuse me. So what I'm going to try to do tonight is we don't want you all to become experts in these but just want to give you enough information that if something comes up you know it'll spark something and say wait a minute I think there's a rule about that. I need to ask the question. So that's what we're trying to do. We do once a year bring in the executive director for the Virginia Freedom of Information Act council to give training we've been doing that. Usually it's in August. That is a much more detailed training session and it is a good training session. I think a couple of you have attended that in the past and I would certainly encourage you to attend it the next time that he is here. But just in general as a reminder the Freedom of Information Act is entitled to give free access to public records as well as to public meetings. We are a Sunshine State. And under FOIA a meeting is any gathering of three or more members. There

are instances where it's less but but three or four members for the purposes of holding a meeting. Now if you all happened to be at a social function you know not a problem but once you start to talk town business you have conducted a meeting. And if it has not been properly noticed that is an illegal meeting. So we do need for you to pay attention you know when you're out and about in and you happened to run into each other. If there are three or more of you you have to be very careful not to conduct town business. Two of you. Yes. Not three of you. Other things that that are pertaining to meeting is you're not allowed to do secret or written ballots. You can poll members one on one but you cannot vote say electronically so that's sort of what Will was talking about a little bit is when we correspond with you all now we do so through blind copies and and that is so that it's not considered a vote if everybody all of a sudden responds. There have been some court opinions with regard to what constitutes a meeting with regard to e-mails. And it depends a bit on how instantaneous the responses are. So what we say to folks is just don't do that. Don't respond to everyone. Use the blind carbon copy system. So if you have to send out an e-mail please do it the same way the staff does in that you BCC everyone. That way if someone accidentally hits reply all. It's only going to come to Will or I or the chairman or you know whoever who originated it. It's not going to go to the whole committee so you don't inadvertently have a meeting violation through FOIA. Minutes are required under FOIA. Of course you know we do those here with the committee. You all can have closed meetings under some circumstances. The ones that the thing that's probably most going to relate to you all is going to be for appointments to the Planning Commission possibly maybe advice of legal counsel but most of the topics that apply for closed meetings are not going to apply to to this group and a lot of them don't even apply to the town council themselves. So in addition to when we talk about emails in addition to being concerned about whether you can create a meeting through an email you also need to be aware that an email is a public record and as such is open to FOIA request should someone make it. So a public record is anything in writing or recording. It could be handwritten it can be typed it can be printed it can be optically or magnetically formatted but it is a record in regardless of form that is prepared and owned or in the possession of a public officer employee or an agent that that would be you all. And as such those records are open to public inspection copying if someone so requests. So tonight you'll notice I take notes during the meeting. All of those things are FOIAble if someone asks for a copy of my notes. I have to turn them over to them. If you all take notes during the meeting and someone makes a FOIA request you have to turn it over to them. So anything that you put down in writing you need to have way to save and reproduce if necessary. There is a limitation or retention period generally for most committees. It's three years but it really depends on the nature of the record. So if you have a record and you think you know it's ready to be destroyed. Please I'm the records officer for the town come see me. There's a process for storing public records and I can help you go through that process if it's appropriate. But what it means is you know you need to be careful about about keeping your records. I know we have one member of one of our committees he has a notebook that's assigned just for that committee and he keeps all of his notes in that notebook. And should someone ask for them all he has to do is turn over the notebook. As far as emails are concerned what I recommend if you're emailing people is to either copy myself or copy Will so that the email that a copy of the email is kept on record here because our records are archived. And a record could be something even as simple as a text on your phone. If you are on Facebook and you talk about town you know some type of town business that is also a record. So we do encourage folks that if you feel the need to post something about the town on Facebook that you please contact the staff and use the town's Facebook account for posting anything that that's important such as you know public input session or something of that nature that you may be holding. We archive the town's Facebook records so if someone should ever make FOIA requests we can easily produce those. But if you've done it on yours then you have to be able to produce those as well. The chairman of our county Board of Supervisors recently found out the hard way issues about using your personal Facebook page for town or county business. So we strongly discourage that if possible. So I'm not going to go too many more details about FOIA does anyone have any questions.

Eric Combs: I do. Just generally how many FOIA requests does the town typically receive in a given year?

Rhonda North: I've had two within this week.

Eric Combs: Have you really?

Rhonda North: Yeah. I may not have any for two months. I may have two within the same week. You just don't know. There are a couple that we get generally every year. The big one is for all the staff salaries. That's public information and there is a group that goes around and collects those from all communities and posts them on the web. So that's a usual one that we get. But yeah it's hard to say. But we definitely get them. Yeah we definitely do get them. Any other questions on FOIA? Okay. So Kevin mentioned that we do now have an ordinance on the acceptance of gifts and donations. And under the ordinance elected officials appointed officials or staff cannot solicit a gift for him or herself or member of the immediate family. Obviously you all are appointed officials so [inaudible] of Kevin. So that's what applies to you. Now there are times when folks give you gifts and there are some exceptions to that policy. Family and friends can still continue to give you gifts for your birthday Christmas. Things of that nature the policy doesn't apply. You know if it's given on the basis of a personal friendship. One of the big ones here you know you'll see our little. Sort of sachet of things over there and that is you know Christmas time in particular folks will bring in cookies and all sorts of snacks. We can accept those as long as we make them available and share. So we just leave them there on the desktop and anyone who would like to to help themselves is always welcome to do so. Items that are have a value of less than 10 dollars. You know like the pens that folks will come in and bring in the pens. So that type of thing is allowed. If you go to a conference or something of that nature and they have food you know they're feeding folks. You can partake in that. You don't have to say no I can't. That's a gift. You know I can't accept it. So there definitely are some some exceptions to that. As far as Kevin mentioned they're also part of the ordinance deals with the exception of donations for the town and town events. And pretty much what the council wants do is make sure that they are aware of what gifts are or what items are being donated to the town. When it comes to things like national night out or you know go green has a number of programs like the town wide clean up. The heel event those types of things. The council just does one blanket. Yes we authorize the staff to accept donations for these types of events. But if someone comes in and wants to to donate something otherwise whether it be in the form of cash or personal property or services then that needs to go to the council and they have to say yes this isn't something that's appropriate for the town to accept. We do have to record all donations that are accepted and that information is open to the public. So there is no chance that you're going to have an anonymous donation. So folks do need to understand if they're making a donation that it is going to be on the public record. Any questions about gifts and donations ordinance?

Kevin Hazard: [off mic]

Rhonda North: Yes. A lot of this was pulled from from state and federal regulations and yes I suspect that somewhere someone made a placed a monetary value on something and the IRS may have questioned whether that value was correct or not. And so the best way to stay out of that is to say we're not setting the value the individual you set the value in and you can argue with the IRS if there's a discrepancy. Not that we've had in any problems here. But but yes I'm sure there's been an issue somewhere that called for that.

Don Woodruff: There are plenty of issues on gifts to schools and colleges and universities. Somebody gives something and puts a personal attachment of a monetary value and then uses it in their tax. And they get mail.

Rhonda North: Yes. And so we don't want to get into the middle of that. Any other questions about gifts donations? Code of ethics and standards of conduct. I think a lot of this is pretty intuitive. Just reminds folks of the need to make sure that the citizens get a fair ethical ethical and accountable local government. So we're asking that folks make sure that they do things through the appropriate means and channels and that they seek to find the highest the best most equitable efficient effective and economical means for getting our tasks accomplished that we support the rights and recognize the needs of all citizens. Couple of the things that I'll point out. Going along sort of with the gift ordinance is that you're asked to avoid

discrimination through dispensing of official special favors or unfair privileges given to anyone if you are a member of an organization that conducts business before the town specifically before the Planning Commission you need to let us know to avoid a conflict of interest. We do actually have conflict of interest disclosure forms. There are some cases where you can have a conflict and have to recuse yourself from participation in voting. There are some cases where you do not. If you think you may have a conflict if you just let me know. We can look at the state code determine you know what you do and if you do which category that falls in and then we'll get you to file the disclosure form you file it with me and that will help protect you in the event that someone says hey such and such has a conflict of interest. And you know he or she didn't let anyone know and you know I can show the form and say yes it was filed. It was filed on this date you know we know about it. It's been looked at. And either there is no conflict. The conflict doesn't require them to to preclude themselves from voting or or it does and they've been doing so. A lot of the conflict of interest act is not going to apply to this committee. Usually the HDRC it applies to more so than anyone in here because the architects will be bringing projects before the HDRC. But it's probably not as likely that any of you all will be bringing a project before the Planning Commission. But you know again if you think you've got something it can be a conflict just give Will or I a call and we can talk through that From time to time we get media inquiries regarding things and just to make sure that we are all speaking with a shared voice on the town. It's asked that you forward any media inquiries to the town administrator so that he can provide a response. You're asked not to disclose or use confidential information for your own personal purposes. I'm not sure there's a lot of confidential information that you have coming before you. You know as with close sessions you can go into closed session to discuss applicants for a seat. We do ask that you not disclose the names of any individuals who are not appointed because we do treat that as confidential information. Sort of like a personnel type of record. Not allowed to use public resources that are not available to the public such as staff's time supplies equipment for personal purposes. And the council asked that in order to have a positive and constructive workplace for the employees and the citizens that you recognize that we have roles to fill on behalf of the town. During meetings we ask that you not be abusive or threatening or intimidating either towards your fellow colleagues or the staff or anyone who may be in the audience. That you not interfere with with the staff's duties. Attendance policy. So the council has enacted in attendance policy where under if you miss more than three consecutive if you have more than three consecutive unexcused absences and the chairman does determine whether an absence is excused or unexcused. But once you reach three then I have to send you a letter notifying you that your appointment to the committee has been automatically rescinded. Now once you get to two consecutive unexcused then Eric's going to you know call you or talk to you and say hey just noticed this. As a reminder if you have a third one you know you're going to be removed from the committee. Also if you miss more than half of the meetings within a one year period regardless of whether excused or unexcused then your appointment is rescinded. You know and the whole idea is to be considerate toward you know your fellow committee members it's a lot of work to serve on a committee and it's not fair to the others if you're missing a lot of time and they're having to help pull your weight. So under the policy the council asked that you be prepared when you come to your meetings that you respect the right of your fellow colleagues to have opinions that may differ from you and that you be courteous and considerate towards your colleagues towards the staff towards the the public that you be open minded and patient and because some of our meetings can get kind of long if you could please be concise. So that just sort of few highlights of the standards the code of ethics and standards. Does anyone have a question on those?

Mimi Stein: [inaudible]

Rhonda North: Correct. Well what you'll find is particularly we'll see it with companies that are maybe trying to figure out a way to do business and they'll make FOIA requests. Recently we had one for all stale checks. That we had outstanding that were more than three months old. Well you know what they're trying to do is is get business to collect those checks. The company that is doing this is not a Virginia based company. What they do is they get someone in the in the Commonwealth to make the request on their behalf. We can't question why if a request is made. So you know if it comes in under the company's name the company's signature with an out of state address then yes I know I will deny the FOIA request

on the basis that they're an out-of-state company but like I say all that does is it comes back to me at a later time and they've just found someone you know within the state to submit the request on their behalf. Any other questions? Okay. Last item handbook. And a lot of what's in the handbook we've already gone over. And I'm not going to talk about the appointment process or the orientation of members because you all have already gone through that. I will say on the orientation of members it is a little different process now in that all new members are getting all of these materials right off the bat they are getting training from me off the bat. They're getting information about who their staff liaisons are their council liaisons that type of thing. Talked about unexcused absences. And you all are a little different role than an advisory group because you all can in some cases take your own actions so we'll skip some of that. [inaudible] Planning commission is a regulatory committee as opposed to an advisory committee although in some instances you are also an advisory committee. So you're sort of a hybrid. [laughing] Of course Kevin is your council representative Will is your staff liaison. So communications. So if you have a question that deals with town or state policy then you're asked to direct that to myself or Will can help you as well if it's something regarding federal or other local government agencies then you're asked to direct that to the town administrator. Again if the press approaches you you're asked to refer them to the town administrator. You are. If you have any questions or concerns you're welcome to contact any member of council at any time to discuss them. We do recommend that you first contact the liaison for your group because he or she is going to be in a probably a better position to be able to deal with your question or with your concern if you need legal advice. Please contact Will. Who will you know determine whether it's appropriate to bring the town attorney in and he can help with that. Again just a reminder that all meetings are to be open to the public. We do notify the media of the date time and location of the meetings we're required to do so at least three days three working days in advance of the meeting. Our agenda packets all the backup material are available to the public at the same time that you all receive them. Course the meetings are recorded we do minutes of the meetings. Talked about complex records. Electronic correspondence. And we talked about social media posts. So that is pretty much it in a nutshell. Does anybody have any questions? And what we'll be doing is we'll be giving this orientation to you once a year because sometimes things do change particularly FOIA. In fact I got notice today that poor Kevin is affected by this one. The House and Senate were headmen asked to consider bills that would impose a five hundred dollar penalty should the council go into an improper closed session and then come out and certify that that it was proper. And the two came to an agreement over the weekend and unfortunately that agreement said that the what was proposed as a five hundred dollar penalty would be a thousand dollar penalty per member. If that occurs if the certification is made in the presence of the town attorney. So I jokingly sent out an e-mail this afternoon said OK from now on the town attorney is not allowed [laughing] the closed sessions are certified. We can avoid that instance but they are getting a little tighter on making sure that everything is being done correctly. So a couple of FOIA changes this year but it is not unusual to have FOIA changes from year to year so we'll keep you informed of those. So if there are no questions regarding FOIA or any of the policies or the training what we'll do is ask you to sign acknowledging that you received your training and that you received the documents and that you understand and agree to abide by all of them. Ok.

Eric Combs: Thank you Rhonda. Do you have that acknowledgment page [laughing].

Rhonda North: I'm ready for you. [inaudible]

Eric Combs: Thank you Rhonda. Before we look into a quorum does anybody have any other discussion item for the planning commission?

Terry Cook: I'll just note I happen to notice in Middleburg Eccentric or Loudoun County Now one of the local papers there is going to be a meeting on March 13th at the community center with representatives of all the various towns and counties who are going through comprehensive plan process. At an odd time I think from 8:00 a.m. to 10:00 a.m.

Eric Combs: For a fee as well.

Terry Cook: Oh there's a fee?

Eric Combs: [multiple speakers] Higher if you're not a member of the Loudoun chamber.

Rhonda North: The Chamber of Commerce there's a couple of meetings that are being scheduled. There's a Chamber of Commerce meeting but then there's one from the preservation and conservation coalition that's being scheduled and I want to say March 27 at the community center in the evening free.

Eric Combs: I believe the morning one is allowed in chamber one which is featuring the mayors of the seven towns. Sixty dollars fee if you're a member of the Loudoun chamber perhaps 90 if you're not. But double check me on that before you [laughing]. One other discussion item we had discussed in our last session some potential overlap between the economic development plan and some of the issues we were considering in the land use plan. And Will I know you had followed up with Jamie in light of not just that conversation but I imagine some ongoing discourse between you all about perhaps a liaison or some way for the planning commission to interact with some of the economic development folks. Is that something that's going to gain traction or is that something we can take up now to see if anybody is in support of it or where does all of that stand?

Will Moore: I'll have to revisit with with Jamie. I know he was open to the idea. I can't disclose some of the discussions about potential membership of EDAC that have taken place in Council closed session A because they've been closed session and B because I haven't been in the room either so not that I would if I were. But I'll follow up with Jamie to see if you know he was very receptive to it and whether that has been pitched to council as to whether there would be actually planning commission spot on that board or not.

Eric Combs: I'd like to just repeat that I think it would be really helpful for the planning commission to have some sort of representation in those larger economic development discussions. That doesn't have to necessarily be a seat on the EDAC or whatnot but as we discussed last meeting we touch a lot of those issues specifically in our comp plan and. No sense in having us work in silence. Okay. Our next meeting March 25th. Is that a known conflict for anyone at the time? Okay so it looks like we should have a quorum for that. Any other issues before being this gavel?

Will Moore: I'll be sending out that e-mail tomorrow with the Microsoft Word version of the plan. I'll reiterate the March 11th timeframe to get your comments back to me and I'll forward Ed's comments along with it.

Eric Combs: Excellent. Thank you Will. Thank you everybody.