



**TOWN OF MIDDLEBURG
HISTORIC DISTRICT REVIEW COMMITTEE
REGULAR MEETING MINUTES**



Thursday, April 4, 2019

PENDING APPROVAL

The regular meeting of the Historic District Review Committee was held on Thursday, April 4, 2019 in the Town Hall Council Chambers, located at 10 West Marshall Street. Chairman Turnure called the meeting to order at 5:30 p.m.

PRESENT: William Turnure, Chairman
William Anderson
Tim Clites
Virginia Jenkins
Margaret Littleton

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

ABSENT: Punkin Lee, Vice Chair (unexcused)
Linda Wright (excused)
Cindy C. Pearson, Council Representative

Approval of Minutes

Committee Member Jenkins moved, seconded by Committee Member Littleton, that the Historic District Review Committee approve the March 7, 2019 regular meeting minutes.

Vote: Yes – Committee Members Clites, Anderson, Jenkins and Littleton
No – N/A
Abstain – N/A
Absent – Vice Chair Lee, Committee Member Wright and Councilmember Pearson
(Chairman Turnure only votes in the case of a tie.)

New Business

COA 19-09 (S 19-04): Window Sign – 103 W. Federal Street – Southerly House

Deputy Town Administrator Moore noted that his report indicated the sign exceeded the allowed allotment under the zoning ordinance and explained that the maximum size was 6.5 square feet. He advised that the applicant was proposing to reduce the size.

Philip Gunn, the applicant, confirmed he was now asking for approval for almost a five square foot sign. He advised that it would be a horizontal one, with lettering below a smaller logo. Mr. Gunn opined that it would be in line with the signs on the surrounding buildings. He reiterated that the logo would be smaller in proportion to the lettering and advised that it would go up two-thirds of the window. Mr. Gunn noted that it would simply be white lettering applied to the glass.

Deputy Town Administrator Moore confirmed that without a background, the measurement could be taken around the sign elements.

Committee Member Anderson moved, seconded by Committee Member Jenkins, that the Historic District Review Committee approve COA 19-09 (S 19-04), a request of Philip Gunn for a window sign at 103 West Federal Street as presented by Mr. Gunn and described to be within the sign requirements, with the logo and lettering to be in white on the window front.

Vote: Yes – Committee Members Clites, Anderson, Jenkins and Littleton

No – N/A

Abstain – N/A

Absent – Vice Chair Lee, Committee Member Wright and Councilmember Pearson

(Chairman Turnure only votes in the case of a tie.)

COA 19-10: Wall Sign & Paint Color Change – 11 E. Washington Street – Purple Cherry Architects

Cathy Purple Cherry, the applicant, advised the Committee that she was renting a 450 square foot building, which she wished to demark from the adjoining book store, by painting it a White Dove color. She noted that the trim would be White Cloud so the effect would be a white-on-white tone. Ms. Cherry advised that her sign would be a simple one that would be above the glass. She noted that it would be carved Extira with black lettering and a simple frame in an antique bronze finish. Ms. Cherry advised that it would be in scale with the building. She explained that an electrical box would be mounted to the back of the sign and it would be boxed in, allowing the sign to set off from the building. Ms. Cherry advised that the lighting, which would be bronze, would then come over the sign.

The Committee held some discussion regarding the location of the sign in relation to the rake board. It was noted that the rake board would be painted to match the building; therefore, may not be as obvious.

Deputy Town Administrator Moore requested clarification on which walls would be painted. He questioned whether it would include the east end of the bookstore. Ms. Cherry confirmed it would not. She noted that she would like to add a mailbox and advised that she would return for that approval.

Committee Member Clites moved, seconded by Committee Member Anderson, that the Historic District Review Committee approve COA 19-10 (S 19-05), a request of Cathy Purple Cherry for a wall sign and paint color changes at 11 East Washington Street (Purple Cherry Architects) as presented by the applicant.

Vote: Yes – Committee Members Clites, Anderson, Jenkins and Littleton

No – N/A

Abstain – N/A

Absent – Vice Chair Lee, Committee Member Wright and Councilmember Pearson

(Chairman Turnure only votes in the case of a tie.)

COA 19-11: Stanchions and Chains – 201 W. Washington Street – Former Southern States Building

Tim Dimos, the applicant, explained that his motivation for the stanchions and chains was to address parking issues that were being experienced. He advised that they would be temporary until the building was rented.

The Committee held some discussion of the request. It was noted that in the past, they have generally preferred a black color, as it was more discrete. Mr. Dimos confirmed that black was fine. He explained that this would only involve two to three sections of stanchions/chains in front of the two curb cuts in order to block access to the driveway.

The Committee held some discussion of whether the approval should be on a temporary basis. Mr. Dimos advised that he was fine with that. Town Planner Moore suggested it be until occupancy of the building.

Committee Member Clites moved, seconded by Committee Member Anderson, that the Historic District Review Committee approve COA 19-11, a request of C.L. Dimos for stanchions and chains at 201 West Washington Street (formerly Southern States) as presented, with the color to be black and with the understanding that they would stay in place until there was a new tenant with an occupancy permit.

Vote: Yes – Committee Members Clites, Anderson, Jenkins and Littleton

No – N/A

Abstain – N/A

Absent – Vice Chair Lee, Committee Member Wright and Councilmember Pearson
(Chairman Turnure only votes in the case of a tie.)

Amendments to Historic District Guidelines – Small Cell Facilities

Deputy Town Administrator Moore advised the Committee that in September of 2018, the Federal Communications Commission (FCC) issued a ruling that had wide spread implications on small cell (5G) facilities in that it essentially allowed for the mass deployment of them in the next few years. He explained that because they had lower power, the antennas had to be closer together and could be as close as one hundred feet apart. Mr. Moore advised that this was not just an issue of the antennas themselves, but also involved where they were placed, what they were placed on and the related support equipment.

Deputy Town Administrator Moore noted that the ruling also addressed the processing of permits and essentially allowed unfettered access to public rights-of-way. He advised that localities must turn an application around quickly. Mr. Moore reported that a number of petitions were filed for reconsideration of the FCC ruling; however, only one remained – that being the one the Town was a party to.

Deputy Town Administrator Moore advised that aesthetic considerations, with conditions, could apply to the consideration of an application; however, the Town only had until April 15th to adopt aesthetic regulations. He noted that the guidelines contained some regulations that could apply; however, the Town Attorney was not comfortable they would satisfy the requirement. Mr. Moore advised that he drafted regulations for the Committee’s consideration that would meet the FCC’s requirements. He reviewed the draft which included provisions, such as that these facilities were not appropriate on Washington Street, and that contained guidelines for mounting them on a building or pole. Mr. Moore advised the Committee that the Town Attorney encouraged the HDRC to recommend their approval so they could be presented to the Council during their April 11th meeting. He noted that it was unclear what would happen if they were not adopted by the deadline or whether they could be revised later.

The Committee held some discussion as to the area where the guidelines would apply. It was noted that they would apply only within the Historic District. Deputy Town Administrator Moore advised that he would have a conversation with the Town Attorney to see if he could draft aesthetic guidelines that would apply outside of the District. He opined that the FCC ruling did not specifically apply to historic districts.

The Committee noted the many unknowns associated with this technology. They commended the Deputy Town Administrator on the draft amendments and opined that they were terrific. The Committee noted that they were very thorough and that nothing appeared to be out of line.

The Committee questioned whether the cell tower companies would have to submit an application like everyone else. Deputy Town Administrator Moore confirmed they would. He reiterated that there was an administrative permit process that the Town must comply with; however, this was the first deadline that needed to be addressed.

The Committee agreed to recommend the adoption of the amendments. It was suggested that they could review them in more detail in the future and recommend changes if necessary. Deputy Town Administrator Moore suggested the members let him know if they had any comments once they had the opportunity to review them further. He noted that they would be included in Council's agenda packet as drafted; however, he could send amendments prior to the meeting if necessary.

Committee Member Clites moved, seconded by Committee Member Anderson, that the Historic District Review Committee forward the draft guidelines pertaining to Small Cell and Other Wireless Antennas and Infrastructure to Town Council with a recommendation for adoption as an amendment to the Historic District Design Guidelines.

Vote: Yes – Committee Members Clites, Anderson, Jenkins and Littleton

No – N/A

Abstain – N/A

Absent – Vice Chair Lee, Committee Member Wright and Councilmember Pearson

(Chairman Turnure only votes in the case of a tie.)

Discussion Items

Committee Member Clites reported that he attended the recent Virginia Department of Historic Resources presentation. He opined that it was worth the time as it applied to this Committee. Mr. Clites noted that as an architect, it gave him a better understanding of the resources that were available with regard to the tax credit process. He offered to give the Committee a report on the session during their next meeting. The Committee agreed they would be interested in hearing more about it, including seeing any materials that may have been provided.

May Meeting Quorum

Committee Member Anderson advised that he may not be present during the May meeting. The remaining members indicated they would be.

There being no further business, the meeting was adjourned at 6:20 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

HDRC Meeting Transcript – April 4, 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 of the meeting that is on the Town's website – www.middleburgva.gov)

Bill Turnure: I'd like to bring this meeting to order. For shorter business is a roll call. If we can start to my left to [Off mic] or Will.

Will Moore: Will Moore, Deputy Town Administrator.

Tim Clites: Tim Clites.

Bill Anderson: William Anderson.

Margaret Littleton: Margaret Littleton. I have it on.

Bill Turnure: OK. Bill Turnure.

Virginia Jenkins: Virginia Jenkins.

Rhonda North: Rhonda North, Town Clerk.

Bill Turnure: OK. Just to remind everybody that last month there were quite a few sort of open spots, dead zones in the minutes. So if you're going to talk at the meeting, just make sure the green light is on. Just to make sure we don't fill in some holes. You're very good at that, Virginia. OK. Next order of business is the approval of the minutes from our March 7th meeting. Has everyone had a chance to read the minutes?

Virginia Jenkins: I make a motion to approve.

Bill Turnure: All those in favor say aye.

Everyone: Aye.

Bill Turnure: Opposed say nay. Motion passes. Thank you, Rhonda. Next order of business is the action items. New business, action item IV.a. COA 19-09 (S19-04) request of Philip Gunn for a window sign at 103 W Federal Street (Southerly House). Mr. Gunn, good evening.

Philip Gunn: Good evening. How are you?

Bill Turnure: Doing well, and you?

Philip Gunn: Thank you.

Bill Turnure: Thank you for coming.

Will Moore: So, Mr. Chairman, I'll note that in my report, I note that the the application is for a sign that would exceed the allotment that would be available for a 13 linear foot store front, which at one square

foot per two lineal feet would be a maximum size of six and a half feet. But I do understand after talking with Mr. Gunn that he has a revised size so he can advise you as to what those dimensions are.

Bill Turnure: Okay.

Philip Gunn: Yes, sir. The actual size of the sign is about four and three quarter square feet, almost five square feet. It measures about yea wide and about yea tall. Well below the threshold established one square foot per per linear foot of storefront.

Bill Turnure: Okay. So the sign that we have here is a little bit more vertical than horizontal. Is that the? The way you sort of showed us it seemed like this by this.

Philip Gunn: Yes, sir. No, sir. It is a more horizontal with lettering below it with the logo on top that is this smaller and more truncated. It is inline exactly with color and style of the stores to the right and left of it.

Will Moore: Is it still good design?

Philip Gunn: Yes, except the top logo is smaller.

Philip Gunn: It has shrunk since the application was submitted to come in line with your guidelines.

Will Moore: So the logo is smaller in proportion to the [inaudible].

Philip Gunn: Correct. That is a true statement.

Bill Turnure: So the Southerly House is going across and it's going to be up near the top [inaudible]?

Philip Gunn: It's going to be about two thirds of the way up of the entire window.

Bill Turnure: OK.

Virginia Jenkins: [Off mic].

Philip Gunn: Correct. Yes, ma'am.

Bill Turnure: And again, what was the size of the?

Margaret Littleton: [Off mic].

Bill Turnure: The picture is it's different. What it's going to be, Margaret, is the Southerly House like this.

Margaret Littleton: [Off mic]. OK.

Bill Turnure: That's the horizontal, this white. It's not going to be white. It's just gonna be lettering such as that. Is that correct? Just the lettering that's going to go on the glass?

Philip Gunn: Yes, sir.

Tim Clites: [Off mic].

Will Moore: There will be a logo, but it will be smaller in proportion to the letters that you see here according the applicant. We don't have an updated exhibit.

Philip Gunn: It's going to be just shy of five square feet. If I were to take the lower left and right corners of it and create a rectangle to the top of the logo, if I were to create a rectangle of everything in that it is, you know, even though only the lettering and the etching is what is going on there. Right. That whole volume size is less than 5 square feet. So it would be in line with the town regulations.

Will Moore: And in a case like this, where it is without a background, measuring just around the sign elements is acceptable. So it sounds like it will be even smaller.

Bill Turnure: OK.

Will Moore: Technically in size.

Bill Anderson: It's black and white?

Philip Gunn: It is white lettering. Yes sir.

Bill Anderson: It's white lettering.

Philip Gunn: Yes sir.

Will Moore: Yeah. There's no background. That was just the exhibit that we've provided, Bill, but it's actually applied.

Virginia Jenkins: [Off mic].

Will Moore: It's just a temporary sign that you see in the elevation photo.

Bill Turnure: OK, I mean, I don't have any issue with the font or the logo or anything. As long as it meets the guidelines.

Bill Anderson: I agree.

Margaret Littleton: What is the business?

Philip Gunn: It is my wife's business. I'm actually just the managing partner of it. She is an interior designer. She's having a home furnishings and interior design, storefront, brick and mortar.

Margaret Littleton: Wonderful.

Bill Turnure: Any further discussion? Is their a motion?

Bill Anderson: I'll make motion for COA 19-09 (S 19-04) request of Philip Gunn for window sign at 103 W Federal Street to approve as presented.

Tim Clites: It's got to be described since we're not approving what was presented or approving what was described.

Bill Anderson: Presented by Mr. Gunn, but to describe it is a within the sign requirements, a logo, and some lettering on white on the window front.

Virginia Jenkins: Second.

Bill Turnure: Any further discussion. All those in favor say aye.

Everyone: Aye.

Bill Turnure: [Off mic].

Will Moore: Great.

Philip Gunn: Thank you. [multiple speakers]. Thank you, ladies and gentlemen. Appreciate it.

Bill Anderson: Sure.

Cathy Purple Cherry: Tim, this is much easier than Annapolis, Maryland. It's great.

Tim Clites: [Off mic].

Cathy Purple Cherry: It's absolutely fabulous.

Tim Clites: [Off mic].

Cathy Purple Cherry: I'm next. I'm next. It's nice to see you. How are you doing? Good? Good.

Tim Clites: You?

Cathy Purple Cherry: Fine. Terrific. Busy.

Tim Clites: [Off mic].

Cathy Purple Cherry: Yeah. Yeah.

Virginia Jenkins: Oh, no.

Rhonda North: [Laughter].

Will Moore: Did it black out as soon as you put it in front of you?

Virginia Jenkins: I'm sorry.

Will Moore: Technology.

Bill Turnure: [Off mic].

Cathy Purple Cherry: It's okay, no problem. It's pretty cool. I understand. I fall in that category. My staff don't, but I do.

Virginia Jenkins: Thank you.

Cathy Purple Cherry: You're welcome. I only know how to do an iPad.

Bill Turnure: Okay.

Cathy Purple Cherry: Take your time.

Bill Turnure: Next action item is action item IV.b. COA 19-10 (S 19-05) Request of Cathy Purple Cherry for wall sign and paint color chart changes at 11 E Washington Street (Purple Cherry Architects). Welcome.

Cathy Purple Cherry: Thank you. You want to know where the name came from?

Bill Turnure: Sure.

Cathy Purple Cherry: I was born Catherine Purple on [inaudible] in 1959 and I married Mike Cherry 39 years ago. And thus Purple Cherry was born. So I'm Catherine Purple Cherry. That's where the name comes from. People think I made it up, but I didn't make it up.

Bill Turnure: [Laughter].

Cathy Purple Cherry: Yeah, you don't forget it. It's true.

Bill Turnure: OK. So you have a section of Tully Rector's old building?

Cathy Purple Cherry: Tiny little 450 square feet.

Bill Turnure: Who was the little gal that used to have? No, I'm not gonna talk about that yet.

Cathy Purple Cherry: Tiny little seven hundred dollars a month. It's pretty fabulous.

Bill Turnure: Okay. And so we are looking at a color selection that is basically an off white. Is that?

Cathy Purple Cherry: Yep. They're coming around right now. They tonally are basically one is the wall and one is the trim. They're basically the same ever so slight version. Basically we want the whole building just to go cream colored in terms of that tiny little space. And it's obviously demarcated a little bit differently than the bookstore because right now it's all under that one big green roof with yellow stucco.

Bill Turnure: Ninety six. Okay. [Inaudible] there. It should be there, but the white dove.

Cathy Purple Cherry: The white dove are the walls and the white cloud is that trim window door just a white on white theme. Not purple.

Bill Anderson: [Laughter].

Margaret Littleton: [Off mic].

Cathy Purple Cherry: Mm hmm. No. Yeah.

Bill Turnure: OK. And your sign is?

Cathy Purple Cherry: Pretty simple. Quail Run just did a quick mock up for us. So there's very limited area obviously for a sign to go on this particular building. The goal is not to obstruct the glass. So our glass really we want to have visible to the interior for the graphics that will obviously go in the wall. So the sign is basically the gentleman who owns Quail Run has done site inventory in terms of the size of it. So he will make the final determination of what he can fit there. But in concept, the mock up was put on the building as you show. So it's a carved material, [inaudible]. They will carve those letters into that, paint those letters black. The background will be the color of the sign and the edge might have a very thin pencil frame maybe in an antique brass. Very simple.

Bill Turnure: And that's the approximate size of it?

Cathy Purple Cherry: It is in relationship to the scale. So the building I think is 11 foot 6 inches, roughly eleven foot seven or eleven foot eight inches wide exterior to exterior.

Bill Turnure: So will the little rake board will that be where they cut into that rake board?

Cathy Purple Cherry: It will probably not be cut into that rake board. I think what the gentleman from Quail sign is.

Bill Turnure: John?

Cathy Purple Cherry: John. Thank you. What John is thinking that he may have to do just because he's trying to get those lights also as a part of that. And this lease is a two year lease. If you all don't know, the building will only do a two year lease. So what I think he thinks is that he will do that electrical mount on the backside of that sign and box that piece so that in concept the lights will carry behind that sign and that sign will be out from the building, say that whatever the requirement of an electrical box is and then those lights would come over that sign. So that's what he's proposing is ultimately the install.

Bill Turnure: OK.

Cathy Purple Cherry: So that obviously it's not cutting that stucco.

Bill Turnure: It's not quite like this drawing that he has there.

Cathy Purple Cherry: No, no.

Bill Turnure: OK.

Cathy Purple Cherry: Yeah. When he did this drawing he had not yet done his inventory of the building.

Margaret Littleton: [Off mic]. It would look terrible being on the rake board.

Cathy Purple Cherry: It would be, wouldn't it? Uh huh. Totally. I think the yellow and green is horrible too, but that's my opinion. Yeah, everything to me will blend.

Bill Turnure: Discussion? Any questions about the the lights? Obviously, they're black.

Cathy Purple Cherry: Yeah. John [inaudible], so I know he didn't identify them as black. I told them I'd use bronze.

Bill Turnure: OK.

Cathy Purple Cherry: So, John, explained to me that suppose he's the one who picked these lights. I just told them we needed some small lights for the purpose of lighting the sign. He said these are lights that are used throughout Historic Middleburg. And so he's the one who offered these forward. And they're perfectly fine for me. I don't have the height to do any kind of a blade sign because the building's not seven foot. What's the requirement? 7 foot 10? [Laughter].

Will Moore: 7 and a half.

Margaret Littleton: 12 volt is not very bright, right?

Cathy Purple Cherry: Actually 12 volt is quite bright in an LED. It'd be like an MR16. No. Well, it's just the standard size of a light that's this big. Tim, do you want to talk to that? Yeah.

Tim Clites: [Off mic].

Bill Turnure: Three and seven eighths.

Cathy Purple Cherry: There's actually a cut [Inaudible]. It's right here.

Tim Clites: [Off mic].

Margaret Littleton: So wouldn't be too bright. I don't know. You know that.

Cathy Purple Cherry: So because of the length of that, that's what's happening. Because of the height of the sign being the 8 inches and then the length being, what, 5 feet or roughly. I don't think he can get it lit with a single light is what's happening. So he's clipping two lights. I mean, if it wants to be perimeter edge [inaudible], I don't know what the town supports.

Bill Turnure: I think what Margaret's asking is if the 12 volt bulb was going to be too bright.

Tim Clites: [Off mic].

Cathy Purple Cherry: Yes, that's so that's an issue of the warmth of the bulb. And that's perfectly fine. I'm in favor of that inside and out.

Bill Turnure: OK.

Bill Anderson: [Off mic].

Cathy Purple Cherry: Are you able to see this?

Bill Anderson: No.

Cathy Purple Cherry: Do you have this sheet?

Bill Anderson: Yes. It's on the rake board. I know you said it's not, but [off mic].

Bill Turnure: What my understanding is they'll have a junction box for the light fixture behind it. So it'll project out.

Bill Anderson: [Off mic].

Bill Turnure: Beyond that.

Bill Anderson: [Off mic].

Bill Turnure: Correct.

Bill Anderson: Okay.

Bill Turnure: And then that can be cut into the rake board.

Bill Anderson: That wasn't clear. Okay.

Bill Turnure: Yeah.

Cathy Purple Cherry: It will be. And then on the exterior on board, he's carves.

Bill Anderson: This section is not really [off mic].

Will Moore: The section view is not correct. Yes sir.

Bill Turnure: Correct.

Bill Anderson: OK.

Tim Clites: [Off mic].

Cathy Purple Cherry: Right. And it's also flush with the stucco. The rake is flat on the stucco. So the surfaces are.

Tim Clites: [Off mic].

Cathy Purple Cherry: Correct.

Tim Clites: [Off mic].

Cathy Purple Cherry: Totally agree with that statement. One color. Totally agree.

Will Moore: Mr. Chairman, can we get clarification from the applicant as far as the stucco that's being painted, the wall, would that include the the portion that is the east end of the bookstore that is perpendicular to the street?

Cathy Purple Cherry: So we're not asking for that because we understand our front to go from left to right, 11 foot 7. We did recently ask if there was a way for us to put a mailbox on that. I understand now that I have to come back to you and ask for that because I have no way to get anything. So anyway.

Tim Clites: Welcome to Middleburg.

Cathy Purple Cherry: Thank you.

Tim Clites: [Off mic].

Cathy Purple Cherry: We already talked to them. They said that they will take care of mail forwarding for all that kind of stuff.

Tim Clites: [Off mic].

Cathy Purple Cherry: [Laughter]. We just talked to him yesterday.

Tim Clites: I move that we approve COA 19-10 (S 19-05) request of Cathy Purple Cherry for a wall sign and paint color changes at 11 E Washington St.

Bill Anderson: As presented.

Tim Clites: As presented.

Bill Anderson: By the applicant.

Tim Clites: By the applicant.

Bill Turnure: Is there a second?

Bill Anderson: I'll second it.

Bill Turnure: All those in favor say aye.

Everyone: Aye.

Bill Turnure: Opposed say nay. Motion passes.

Cathy Purple Cherry: Yay!

Bill Turnure: Go for it.

Cathy Purple Cherry: Just so you guys know, in Annapolis, we can have these things until twelve o'clock at night.

Bill Turnure: Yeah.

Cathy Purple Cherry: It's awful. [Laughter]. I'm happy to stay if a party's [inaudible].

Bill Turnure: They roll up the streets here at 7 o'clock, so you gotta get outta here.

Cathy Purple Cherry: All right. See you guys. Thank you very much, everybody.

Bill Turnure: Thank you. Good luck.

Cathy Purple Cherry: He's been a terrific help and so has Jamie, [off mic].

Will Moore: Thank you.

Cathy Purple Cherry: You got it. Thank you so much guys. Thank you. Nice to see you, Tim. I'll see you when we get in.

Bill Turnure: Yeah. Okay, moving on, action item IV.c.. COA 19-11, request of C.L. Dimos for stanchions and chains at 201 W Washington Street, the (former Southern States) [inaudible]. Welcome, Mr. Mayor. Nice to have you back in the fold.

Tim Dimos: Feel a little silly coming before you with a matter of this importance.

Bill Turnure: [Laughter]. Well, since you mentioned this to me, I've noticed the renegade parkers in your lots.

Tim Dimos: Oh, yeah. That's my motivation. The people that pull in parallel to the building, it's too great a temptation to be resisted. I understand that. The two curb cuts there is just too easy to come in and roll out. But the ones that scare me are the ones that come in perpendicular to the building right at the front door and stop not a great distance from the door. So I'd just like something there to discourage that. Something that says in a hopefully fairly kind, fairly gentle way keep the hell off. [Laughter].

Tim Dimos: I have two questions. The first one, is it your intention that this would be there until the buildings rented? Or are we reviewing this as a permanent installation?

Tim Dimos: No, no, no, no.

Tim Clites: Probably a temporary thing until someone?

Tim Dimos: It's temporary until there's some activity about the building that I think will discourage people from parking there. I think there may be some construction activity. You know, in the relatively short term. So, no, this is short term, hopefully.

Tim Clites: My only other comment is like with a lot of these other chains that we've seen around town I think the black is more discreet. I understand maybe the request for white, it's more obvious, so you're not going to miss it. But my guess is that most people shouldn't miss the black either. And so in the event that it's there a while, I think blacks are a little more discreet. That's just an opinion.

Tim Dimos: I have no color preference. I mean, black is fine.

Bill Anderson: That goes for the posts also, I would assume.

Tim Dimos: Yeah.

Bill Anderson: It'll look like less plastic since they're somewhat temporary. I think that'd be acceptable.

Tim Dimos: What I also have in mind is not a continuous fence, if you will, but maybe two or three panels in front of each of the curb cuts.

Bill Turnure: So would it be behind the sidewalk?

Tim Dimos: On my side of the sidewalk. Yeah.

Virginia Jenkins: [Off mic].

Bill Turnure: Right.

Tim Dimos: Yeah, exactly.

Virginia Jenkins: Just in front of the building, or in front of the other drive way [off mic]?

Tim Dimos: In front of each curb cut. But I don't think I need a [inaudible] perpendicular to the street between me and the distillery. I think I only need to block the curb cuts.

Bill Anderson: When you say panel you mean two posts and [inaudible]?

Tim Dimos: Yeah. Yeah.

Bill Anderson: Got it. Okay.

Virginia Jenkins: [Off mic].

Bill Turnure: It's probably not a bad idea, temporary.

Will Moore: I'm a little uncomfortable with that because without a time frame that we associate with temporary, I don't know what that means. You know, hopefully for Mr. Dimos' sake, he gets a tenant in there in relatively short time. But if he does something that is vacant for a year, does that still qualify as temporary? I think you could treat this as if it were a permanent condition, but if when somebody moves in. I doubt the tenant would want to keep that there.

Virginia Jenkins: [Off mic].

Will Moore: Got you.

Virginia Jenkins: [Off mic].

Will Moore: OK, so maybe condition upon temporary until there is a occupancy permit granted.

Tim Dimos: Or put a finite period of time, that's fine with me. Six months or whatever you're comfortable with. [Multiple speakers].

Bill Turnure: I don't think we have to do that. I think, until, you know, [inaudible] until there's a certificate of occupancy. Or, you know, whenever you want to bring them down, I mean obviously.

Tim Dimos: Or somebody steals them.

Bill Turnure: [Laughter]. Which is probably a distinct possibility.

Virginia Jenkins: [Off mic].

Bill Turnure: OK, do we have a motion?

Tim Clites: I move, COA 19-11, a request of C.L. Dimos for stanchions and chains at 201 W Washington St (former Southern States) as presented with the color being black and the understanding that they can stay in place until there is a new tenant [off mic] occupancy permit.

Will Moore: Permit, correct.

Bill Turnure: There a second?

Bill Anderson: I second it.

Bill Turnure: Any further discussion? All those in favor say aye.

Everyone: Aye.

Bill Turnure: Opposed say nay. Motion passes.

Tim Dimos: Thank you, everybody.

Will Moore: Thank you, sir.

Bill Turnure: Are you headed home?

Tim Dimos: Yeah.

Bill Turnure: I want to catch up with [inaudible] before tomorrow.

Tim Dimos: OK. I just heard you were going to Florida tomorrow.

Bill Turnure: I am. Tomorrow noon. Are you gonna be the office in the morning?

Tim Dimos: I'll be in.

Bill Turnure: Okay. I'll catch you early.

Tim Dimos: See you guys.

Bill Turnure: See you.

Will Moore: Thank you.

Bill Turnure: Okay, we've got a revised agenda here with some recommendations to amend the historic district guidelines, and I'll leave it up to our assistant. Is it assistant or associate? Assistant?

Will Moore: Were you going to say sociopath? [Laughter]. [Inaudible]?

Bill Anderson: [Off mic].

Will Moore: [Laughter].

Bill Turnure: Town Administrator.

Will Moore: Oh, no, I wouldn't have argued with it. Deputy. Deputy.

Bill Turnure: Deputy! Deputy. OK. there we go.

Will Moore: Thank you. I apologize to you for this last minute addition. This is going to be a lot to take in. As a matter of quick background, and I go through this in my memo, which you have not seen yet. But if you want to look along, the Federal Communications Commission issued a ruling in late September of last year. And as I shared with the chairman, I don't regularly monitored the FCC rulings. But we found out not too long thereafter that this ruling had widespread implications for the deployment of what's being referred to as small cell facilities, also referred to sometimes as 5G facilities. So it's the next generation latest, greatest of wireless technology that will be coming along. Essentially, what this boils down to is a potential massive deployment in a few years of smaller facilities, smaller poles, smaller antennas, but ones that are of lower power and thus spaced much closer together than cell towers are today. So you could possibly see these facilities on poles in we're hoping major metropolitan areas are gonna be first targets for deployment, but as close as 100 feet or 200 feet apart lining the streets. So it's a bit overwhelming what could come out of this. The wireless providers will tell you that this is nothing to worry about. These antennas are no bigger than a pizza box and they'll be great. Well, pretty big for a pizza box, but it's not just the antennas that you have to worry about it's the where they are placed, what are they placed on, and all of the kind of support equipment that goes along with them. So your antenna might look like a large pizza box, but there also might be a refrigerator sized piece of ground support equipment at the base or even mounted on the pole. So back to the issue at hand. The ruling that was issued goes into effect. it actually has already gone into effect in early January, about processing these types of permits. There's all kinds of things that go along with this. Some of the major concerns, not for this group, but for Municipal Leagues, local government, state governments are the unfettered access that's going to be given to public right of way without really adequate compensation. So this ruling lays out how speedily these permits have to be turned around. It puts hard caps on the dollar amounts that could be charged for these permits. It allows for up to 35 of these facilities to be applied for on a single permit. There's all kinds of troubling things about this. I will tell you that there have been a number of petitions for reconsideration filed with the FCC. Most of those have been summarily dismissed. at my last briefing by the town attorney there was only one petition for consideration that is still standing. We happen to be joined in that, the town of Middleburg, along with the city of New Orleans, another locality in Louisiana, and then like six or seven municipal leagues representing state associations. So that's kind of neat that we're one of the few individual localities that still has a petition for reconsideration standing out there. But the issue at hand is as part of that judgment, which was decided in late September, but it was published to the Federal Register in mid-October, was that aesthetic regulations can be applied. Now, there are some considerations. They have to be reasonable, they could be no more burdensome than those applied to other types of infrastructure deployments, and there are supposed to be objective and published in advance. So they set a six month deadline from the publishing and the Federal Register, which puts us at April 15th to adopt aesthetic regulations. We do have some aesthetic regulations in our existing historic district guidelines that could argue arguably be applied to these. So those are included beginning on page three of the attachment. There are two pages that are excerpted from your existing design guidelines that apply to Antenna, Satellite Dish, Utility, and HVAC installations. It was, you know, in discussions with the town attorney, he was not comfortable that this would satisfy our requirements to have aesthetic regulation. So we want to adopt something that is a little more specific to these types of facilities. So what I did all day today was draft a set of regulations that I was able to get over to to Bill at mid-afternoon to look over that it drafts some guidelines for deployment of these types of facilities in our historic district. What I tried to accomplish within was to meet some of the FCC requirement that these are reasonable, they're no more burdensome than other types of deployment, so you will see some language in these draft guidelines that reiterate some language in the existing guidelines. Things saying that these should be hidden from view to the extent practicable. That's already in guidelines. I repeated it with this. If it were amounted to a roof, it should be hidden behind the parapet. If there's no parapet it should be set back as

far as possible and painted to match the roof color. That's in our existing guidelines. That would be replicated here. What we don't really have guidelines for has to do with installation of new poles on which these might be mounted or co-location of these types of facilities on existing poles. So what I tried to do in drafting these guidelines, first and foremost, I tried to make a statement that they're not appropriate in our core of our district along Washington Street. So I've made the argument that we used to have tall utility poles that had the streetlights, but they were removed a couple of years ago. They were replaced with our more pedestrian scale, smaller decorative streetlights. So I've made the argument that it would not be appropriate to co-locate, allow somebody to attach these types of antenna to our street lights and that it would not be appropriate to reintroduce tall poles along Washington Street, and then further argued that due to buildings being set so close to the street, lots of street trees, that it's just not practical to line Washington Street with new installations. I further then encouraged that if and when this is actually deployed in Middleburg. Again, I don't think we're going to be top priority for deployment of this technology. But if and when, then, rather than along Washington street, they should seek to co-locate these on existing utility poles that are on side streets or they're set behind buildings along Washington Street. So it could be on Marshall or Federal, but it could also be there are some mid-block utility lines that run and back-feed the buildings that sit on Washington Street. So maybe co-locating an antenna on an existing utility pole would be better. And then we go into detail. We can walk through each of these if that would be your preference. Again, I know this is a lot for you to consider, but the basically I broke down here some guidelines if it's going to be building mounted on a roof or on a building. And then we had some that talked about pole mounting, so that the first preference being co-locating, but not along Washington Street. If you had to do an individual pole, if you weren't able to negotiate co-locating on an existing pole, it should be poles set along and in line with existing utility poles, away from sidewalks, away from existing streets, and then finally, if you had to set it along a sidewalk or adjacent to a sidewalk, then we want a black pole, pretty small diameter, limited in height and with all cabling inside the pole and then enclosure and screening of any ground support equipment. That's kind of it in a nutshell. However you prefer to go through this I was sharing with the chairman before that in the town attorney's encouragement to pass this and in turn get the council to pass it. I which they would have to do at their meeting next Thursday, the 11th, in order to meet that deadline, he says it's unclear what the result would be if we actually didn't do this. But I think we're in better shape if we do adopt something, and if we have to go back the FCC's ruling, doesn't address can they be [inaudible]. Yes, exactly, revision. So I think we could take some time, so we're not forcing you to absorb all this at once, but we could take some time in the aftermath and look at it a little more closely and see if maybe we would want to revise it. And I could have that discussion with the town attorney. Is this something we would be maybe okay with making some revisions as long as we've got something adopted and in place by the deadline?

Virginia Jenkins: [Off mic].

Will Moore: Yes.

Virginia Jenkins: [Off mic].

Will Moore: This would apply to the entire historic district, the parts of our residential areas that are within the historic district would apply to. It would not apply to anything outside of the historic district. Correct.

Bill Turnure: But I think your question is, are these going to be everywhere?

Will Moore: And the question is, I don't know.

Virginia Jenkins: [Off mic].

Will Moore: So not in this document. Not in this document.

Virginia Jenkins: [Off mic].

Will Moore: Right. Correct. It's a discussion I might have with the town attorney and see if I can cobble together a policy before council's meeting next week that might address some aesthetics outside of our historic district.

Virginia Jenkins: [Off mic].

Will Moore: Of course. Of course, for your residents. I don't know how that will be received. You know, the FCC ruling did not specifically limit aesthetic regulation's being applied only to historic districts, but that is the main emphasis on that.

Bill Turnure: [Off mic].

Virginia Jenkins: [Off mic].

Will Moore: It is a good question.

Virginia Jenkins: [Off mic].

Bill Anderson: Not knowing how these will work, how many they would have, what they look like, what their capacity is in terms of distance I think you put together a terrific outline for these guidelines. I'm really amazed. Very good Will. I mean, it just covers so many things when we really still don't know too much.

Will Moore: Right.

Bill Anderson: Just to pick up what Virginia said, as the technology advances and by the time they get to Middleburg [off mic], maybe a, let's call it circular perimeter of Middleburg could have these without having any on the inside. We don't know what the technology is going to be, but that would make a lot of sense. [Off mic].

Bill Turnure: Who knows? You know 3, 5 years, 10 years down the road by the time it gets out here what the technology is

Bill Anderson: [Off mic]. Do you remember when the cell towers were first going up and everybody was so concerned about what they looked like? Oh, this one's gonna look like a pineapple tree. This one looks like a flagpole. Now? They're putting up anything. [Off mic].

Margaret Littleton: [Off mic].

Bill Anderson: I think it's great.

Margaret Littleton: [Off mic].

Will Moore: Yes. Yes.

Bill Turnure: Will was able to shoot this over to me late this afternoon, so I had a chance to sort of give it a cursory read. And as Bill says, it's very thorough. As I read through it there wasn't anything that that I

thought to myself, that's over the line or maybe that we shouldn't be considering that. I thought it was all you know spot on. I can't say that I hadn't given it enough thought to say there shouldn't be more added to it, but it's it's fairly comprehensive for a first shot effort for, you know?

Will Moore: And I will share with you that there are a couple of things in here that sound very specific, like in no case shall any antenna exceed 3 cubic feet and volume. We generally don't talk about things in volume. And that the other equipment cumulative could be more than 28 cubic feet. Those are extracted from the FCC's ruling.

Bill Turnure: [Off mic].

Will Moore: Once you exceed those limits, it's no longer considered small cell.

Bill Anderson: You don't talk about, I assume that let's say it's now, it's here, and they want to deploy some of these around Middleburg. The applicant would have to fill out for our review, go through the same procedure as other people.

Will Moore: Correct.

Bill Anderson: Does that set in here. I missed that.

Will Moore: It's not in here. And generally, the historic district guidelines, just has a blanket statement in it that a COA is required for pretty much anything that's being addressed in there. Now, that will be something that we will separately have to set up an administrative process to deal with permit applications. Not the certificate of appropriateness side of it, but the permit applications. In particular ones not just those in the right rights of way, but there's a lot that we're going to have to do administratively to set up an application process that will comply with their order in terms of maximum fees, amending our fee schedule, those kind of things. So this is the first deadline that we have to hit.

Bill Turnure: The 4th of April. You got till the 13th or 15th?

Will Moore: Really, the [inaudible]? Well, really, it's the 11th.

Margaret Littleton: [Off mic].

Will Moore: I think the ruling says the 15th. My attorney is saying the 13th, which would be Saturday.

Bill Turnure: When's Council?

Will Moore: Council is the 11th. Council is one week from today.

Bill Turnure: So I can just, you know, emphasize or encourage everyone to go through this a little bit more, you know, with a fine tooth comb to see if there's anything that we're missing here that that Will has, you know, overlooked in the next week or so so that you can include that in anything that goes before council. But I think, well, I'm speaking for myself I don't see any issue with these guidelines being adopted into the HDRC guidelines. Yeah.

Will Moore: OK, so if you were happy with this, there is a draft motion provided on the second page of the accompanying documents, but then I would say even if you do make and pass that motion that, as the chairman said, if you look this over, if you're bored over the weekend, wanna do some fun reading.

Bill Turnure: [Laughter]. [Inaudible].

Will Moore: But if you do have some time again, knowing that this was literally put on you last minute, if you look at it and something jumps out at you, please shoot me a note, because I will put this in the council packet as is, but we can always make an amendment on the fly at Council if there's something we think needs to be omitted, added, or amended in any way.

Bill Turnure: OK. Is any further discussion?

Virginia Jenkins: [Off mic].

Will Moore: OK.

Bill Turnure: I agree.

Tim Clites: I move that we approve an update to our guidelines.

Bill Turnure: Before you do that.

Tim Clites: Yes sir?

Bill Turnure: Tim, I'm gonna stop you. On the second page Tim has a...

Bill Anderson: [Off mic].

Tim Clites: I move the Historic District Review Committee forward the draft guidelines pertaining to small cell and other wireless antenna infrastructure to Town Council with a recommendation for adoption as an amendment to the Historic District Guidelines.

Bill Anderson: I second the motion.

Bill Turnure: Any further the discussion? All those in favor say aye.

Everyone: Aye.

Bill Turnure: Opposed say nay. Motion passes.

Will Moore: Thank you all. [Multiple speakers]. Absolutely. Thank you.

Bill Turnure: Poor guy. All right.

Bill Anderson: [Off mic].

Bill Turnure: Discussion items. Anybody have anything on their minds?

Tim Clites: I didn't prepare it, but I did go.

Bill Turnure: Anybody else?

[Laughter].

Tim Clites: I did go, and if anyone else is available to go to the Virginia Department of Historic Resources presentation? I need [inaudible] a little synopsis for everyone here. Punkin, could make it. She had a last minute issue with the business, but it was really worth spending the time to go there for a couple of reasons. One related to what we do here and the other related to as an architect working on historic buildings with the tax credit process and kind of understanding what kinds of resources are available. So for me, it was good both professionally and as part of this committee. But I think any committee member would find it a useful it was about five or six hours, I guess, that we were there. And I'll tried to get for next meeting maybe a little more concise, hit the highlights and kind of, you know, share what I learned.

Bill Turnure: I would be interested in, you know, how that might apply to us and to our materials and, you know, all those types of things that are starting to change as time goes on.

Bill Anderson: I agree. Can you do a PowerPoint for us? You know, a PowerPoint presentation?

Bill Turnure: That would be terrific, and we'll look forward to add it at our next meeting.

Margaret Littleton: [Off mic].

Tim Clites: 9 to 3 or 9 to 4, You know.

Bill Turnure: You can limit that to maybe under 45 minutes if it's possible, Tim, for your presentation. Thank you. [Laughter].

Margaret Littleton: [Off mic].

Tim Clites: Will the chairman be absent a meeting soon? [Laughter].

Bill Turnure: OK. All right. Meeting quorum for May 2nd. Everyone here?

Bill Anderson: [Off mic].

Bill Turnure: Possible grand child on the way?

Bill Anderson: Yup.

Bill Turnure: [Inaudible] grandpa over here. And Linda unfortunately broke her wrist, so she fell on broken wrist. Yesterday or today?

Virginia Jenkins: Oh geez. Not good for gardening season, is it?

Rhonda North: That's what she said.

Bill Turnure: Wow. OK. Anything further? Is there a motion? So moved.