



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
REGULAR MEETING MINUTES**



**MONDAY, JUNE 29, 2020
PENDING APPROVAL**

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

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

ABSENT: Donald Woodruff, Vice Chair

The Middleburg Planning Commission held their work session and regular meeting on Monday, June 29, 2020. Due to Governor Northam’s executive order requiring that people social distance, the meeting was held remotely with most members of the Commission participating from their respective homes/offices. The roll was called at 6:30 p.m.

Chair Cooke explained for the viewing audience that it was the Commission’s responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council’s resolution declaring a local emergency and ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Cooke advised the viewing audience that copies of the agendas were available on the Town’s website and that the meetings would be livestreamed and recorded for viewing on the website. He explained that anyone wishing to participate in the meetings during the public comment periods or the public hearings, if applicable, could do so by dialing (540) 339-6355. Mr. Cooke reviewed the process that would be utilized for the remote meetings. He called the work session to order.

Discussion Item

Status Report - SD 20-01: Banbury Cross Reserve Subdivision Preliminary Plat

Deputy Town Administrator Moore reviewed the application and its history. He reported that the latest version was submitted on April 28th, with agency comments being received on June 22nd. Mr. Moore advised that the County notified him that the plat was in an approvable form, subject to three items that would be addressed in the construction plans. He reminded the members of the boundary line adjustment that was previously associated with this request and reported that the applicant revised the boundary of the area covered by the preliminary plat, which allowed him to withdraw the boundary line adjustment request.

Deputy Town Administrator Moore reminded the Commission that this was a three-stage process, which included the preliminary plat, the subdivision plat and the final plat. He noted that the preliminary plat did not authorize the development. Mr. Moore reminded the Commission that a subdivision plat was a ministerial act under the State Code, meaning it was not discretionary, and explained that if all the regulations were met, the plat must be approved. He advised that under the Town Code, the Town was required to hold a public hearing and noted that it must be done during the July meeting. Mr. Moore advised that he was prepared to answer questions or could do so during the next meeting. He noted that the Town Engineer was also available to answer technical questions.

The Commission advised that they would like to review the technical requirements further, including those related to water, whether the project would have an impact on the Town's wells, and whether the effluent from the development would impact the Town's wells. The members suggested the need to look further at the hydrogeological reports and noted that one contradicted the other. They further suggested the need for the County to do a line-by-line review of the third-party report on the applicant's study and opined that their response was inadequate. The Commission expressed concern about water runoff and the effect of the dry hydrants on the water supply. They opined that the County's Facilities Standards Manual (FSM) may be deficient and suggested the need to figure out how this could be addressed with the County. It was noted that the County staff stated that VDOT's comments had been successfully addressed; however, they opined that VDOT required a walking path on Route 50 to Sam Fred Road. They questioned how that had been addressed. The Commission asked how they could engage with the County if they approved the preliminary plat and the application moved to a final plat.

Deputy Town Administrator Moore reminded the Commission that the AquaFusion report that was being referenced was submitted by an outside party and noted that they only reviewed the study submitted by the applicant. He advised that they did not do their own study. Mr. Moore shared the Commission's disappointment that the County did not provide a line-by-line response to the AquaFusion report and advised that he would follow up with them to see if it was possible to get their determinations for each item. He reminded the Commission that the County was, however, the approval authority for the study required for the preliminary plat.

Deputy Town Administrator Moore noted that criticism had been raised about deficiencies in the County's Facilities Standards Manual and advised that the Commission was bound to act on the application based on how it complied with the existing regulations. He further advised that if the regulations were deficient, they could not act based on those feelings. Mr. Moore reiterated that he would follow up with the County to determine whether he could get more information to the criticisms offered in the AquaFusion report.

Deputy Town Administrator Moore advised that as to the walking path, this was not a requirement of VDOT. He explained that the County's Comprehensive Plan called for a pedestrian facility along Route 50 and advised that the applicant was not required to construct it – only to provide an easement, which was included on the plat. Mr. Moore noted that he would get the Commission a copy of the County's June 3rd memo. He advised that as to the dry hydrants, they did not draw from the water resources in the subdivision but rather were tanks the fire department would fill with 30,000 gallons of water to provide fire protection. Town Engineer Daren Tagg confirmed this was correct.

The Commission noted that Middleburg's fire department was the closest to this property. They questioned whether the dry hydrants would be filled using Town water, which would be a draw on the Town's system. The Commission expressed hoped that the Town would receive compensation if Town water was used.

Deputy Town Administrator Moore noted that the Middleburg Fire Department was an outpost of the Loudoun County Fire Department. He confirmed that in the event of an emergency, the tanks would be filled from Middleburg's system. Mr. Moore advised that the key was that the dry hydrants would not be fed continuously from the subdivision's wells.

The Commission questioned the process once the application was beyond the preliminary plat stage and how they could engage with the County. Deputy Town Administrator Moore advised that the County was the sole review and approval authority for the construction and final subdivision plats. He further advised that he would have a discussion with the County as to how the Commission could remain engaged in the process. Mr. Moore noted that he would try to have an answer during their July meeting.

In response to an inquiry, Deputy Town Administrator Moore confirmed the Commission did not need to act to set the public hearing. He reported that the applicant requested the Commission proceed with the statutory timelines; therefore, the public hearing must be scheduled for the July meeting. Mr. Moore advised that the staff would advertise the public hearing.

At the request of the Commission, Deputy Town Administrator Moore explained why the boundary line adjustment request was withdrawn. He explained that the previous plat identified an area that was proposed to be incorporated into Lot 32 and an area that was proposed to be left out of the subdivision, which would have required a boundary line adjustment. Mr. Moore reiterated that the applicant withdrew the boundary line adjustment; therefore, the area that was not in the subdivision currently under consideration would remain as a separate parcel and the area that was previously proposed to be left out would now be incorporated into Lot 35.

Chair Cooke adjourned the work session and called the regular meeting to order. The roll was called at 7:20 p.m.

Disclosure of Meetings with Applicants

No meetings were reported by the members of the Commission.

Public Comment

Jem Bengol, of the Piedmont Environmental Council, advised the Commission that she had issues related to the Banbury Cross subdivision and other potential applications in the area that would impact the Town. She noted that large development was permitted by the County's subdivision ordinance and opined that this did not protect the Town visually nor did it protect its soils or water. Ms. Bengol opined that the County's FSM should be stronger and noted that they planned to send the Commission information on that at a later time. She opined that the letter issued by the Army Corp of Engineers did not clearly identify the impacts of this subdivision. Ms. Bengol encouraged the Commission to pay attention to amendments to the County's zoning ordinance that would address deficiencies.

John Lovegrove, 15212 Cider Mill Road, Hillsboro, advised the Commission that he sat on the County's FSM Committee. He opined that the Banbury Cross hydrogeological report provided with the application did not meet the current FMS standards and advised that the AquaFusion report pointed that out. Mr. Lovegrove advised that the County did not have a hydrogeological engineer on staff and opined that their consultant reviewed only the original report. He noted that the exceptions cited by the County staff in the plat were not included in the letter of acceptance from the County Engineer. Mr. Lovegrove advised that the Board of Supervisors had an initiative to preserve agricultural land and noted that this was one of the largest agricultural parcels left. He further noted that it contained the best soil in the County. Mr. Lovegrove suggested the application should have never been accepted with an open boundary line adjustment request.

Eva Smithwick, 2268 Sunny Bank Lane, advised the Commission that she was the neighbor with the longest property line adjacent to the Banbury Cross property. She expressed concern about the development's impact on the water supply in the area and suggested the effluent from the subdivision could negatively impact the Town's wastewater treatment plant. Ms. Smithwick noted that the AquaFusion report, which was previously provided to the Commission, highlighted some issues. She suggested the Commission review the withdrawal of the boundary line adjustment request.

Brad Bonde opined that there were many reasons to deny the Banbury Cross application. He noted that a petition was being circulated that was signed by 1,167 people opposing the subdivision.

Don Skelly, an adjacent property owner to the Banbury Cross property, expressed concern about possible water issues. He suggested the need to put pressure on the County to reject the subdivision application. Mr. Skelly opined that otherwise, the Town would have to extend its public water into the County in the future.

John Rizik, an adjoining landowner to the Banbury Cross property, agreed with Ms. Smithwick and urged the Commission to deny the request. He noted the polo field located in the same area and opined that it used a lot of water as well.

Daniel Haney, 34572 Welbourne Road, advised that his concerns had already been raised.

Evan McCarthy, of the Piedmont Environmental Council, agreed with the comments that had already been made.

Don Woodruff, 107 South Madison Street, noted that he sat on the Planning Commission; however, he was unable to attend the meeting. He expressed concern about the impact of the Banbury Cross subdivision on the water supply.

The Commission noted that the speakers referenced documents that they planned to provide during the public hearing. They asked that they provide them in advance so the Commission could consider them.

In response to an inquiry from the Commission, Deputy Town Administrator Moore advised that he must do some follow-up to determine whether they must act the evening of the public hearing, although he anticipated action would be needed. He noted that he would let the members know once he did the math.

Approval of Meeting Minutes

Commissioner Fleischman moved, seconded by Councilmember Jacobs, that the Planning Commission approve the February 24, 2020 meeting minutes.

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

No – N/A

Abstain – N/A

Absent – Vice Chair Woodruff

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

Councilmember Jacobs moved, seconded by Commissioner Roszel, that the Planning Commission approve the June 24, 2020 special meeting minutes.

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

Council Representative’s Report

Councilmember Jacobs reported that the Council had been doing what it could to alleviate the impacts of the COVID pandemic on the Town residents and businesses. He noted that they recently wrapped up the meal voucher program, with approximately 4,400 vouchers having been redeemed. Mr. Jacobs advised that the Town spent \$200,000 on that program. He noted that it also offered a retail reimbursement program for discounts offered to customers and advised that the last cost estimate provided was in the amount of \$20,000. Mr. Jacobs noted that the Town also gave the water customers up to a \$200 credit on their May utility bill. He reported that the Town spent a total of \$400,000 on COVID relief, with \$70,000 being reimbursed from CARES Act funding.

Councilmember Jacobs advised that the impact of the pandemic on the Town’s revenues were not great for FY ’20 and were unknown for FY ’21. He suggested that if the impact was minimal, the Town would be fine; however, if another shut down occurred, it could be difficult to do some of the things that needed to be done to support the town. Mr. Jacobs noted that sixty percent of the Town’s revenues came from the meals and lodging taxes. He advised that the Salamander Resort reopened at seventy percent capacity. Mr. Jacobs noted that Virginia would enter Phase 3 on July 1st; however, people must still social distance and wear masks.

Councilmember Jacobs reported that approximately one hundred fifty people participated in the Unity Walk held on June 27th. He noted that the Police Chief engaged with the event organizers to assure public safety.

Councilmember Jacobs reported that the fireworks were cancelled on the Fourth of July and advised that the Town had planned some alternative activities, such as a parade, cookie distribution and decorating contests.

Commissioner Fleischman noted that the Council was considering a request for a corporate boundary line adjustment and suggested it should have been referred to the Commission.

Deputy Town Administrator Moore explained that it was too early in the conversation to refer the matter to the Planning Commission, as there was a lot of work to be done before it could move forward. He advised that if the Council agreed to move it forward, the Commission would likely be asked to advise them.

Commissioner Fleischman asked Councilmember Jacobs to share his feelings with the Council.

Councilmember Jacobs confirmed he would; however, he opined that it was premature at this time. He noted the need for the Council to identify the costs associated with this request.

Discussion Items

Commissioner Minchew thanked everyone for their hard work over the past few months and advised that she looked forward to resuming in-person meetings.

In response to an inquiry as to whether the Commission would return to in-person meetings next month, Deputy Town Administrator Moore reported that the Council decided this would not occur until August at the earliest.

Quorum of July Meeting

All the members reported that they would be present for the July 27th meeting.

There being no further business, Chair Cooke adjourned the meeting at 8:00 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
June 29, 2020

(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)

Rhonda North: Anytime you're ready to start. Mr. Chairman.

Terence Cooke: All right. Ladies and gentlemen, good evening. I am going to convene the work session of the Planning Commission's meeting on June 29, 2020. This work session will be followed immediately upon its conclusion by the regular meeting of the Planning Commission. We will have, as has been discussed, a public comment period during the regular meeting. Not during the work session meeting, but everyone is welcome to listen or watch as we proceed through both the work session and the regular meeting. Happy to have you all on board, because this meeting is a remote meeting necessitated by the current circumstances with COVID 19 restrictions. I am required to read a preliminary comment before the meeting begins. So bear with me as I go through this. It is the Planning Commission's responsibility to conduct essential public business despite the COVID 19 pandemic. However, it recognizes the need to do so safely for not only its membership but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and of and effectuate temporary changes to address continuity of governmental operations. During COVID 19, as adopted by the Middleburg Town Council, the Planning Commission will hold its meetings via remote access until such time as the governor rescinds his emergency order mandating social distancing. Copies of the previously referenced documents are available on the town's Web site for those who wish to view them. The town will continue to live stream and record its public meetings which are available for viewing along with the meeting agenda packet on our Web site at www.MiddleburgVA.gov. Members of the public who wish to participate in the Planning Commission meeting during the public comment period and or public hearings if applicable, and or applicants who are speaking on behalf of their application may do so by dialing 540 339 6355. You will be placed on mute until such time as the public comment or public hearing is open or your application is heard. to ensure trust in the process, the town clerk will do a roll call of the Planning Commission members at the beginning of the meeting and at least once an hour. In addition, I will ask each member by name if they have any comments or questions related to each item as we proceed. When anyone speaks, he or she is asked to first state his or her name for the benefit of the viewing audience. All votes of the Planning Commission will be taken by room by roll call. The town clerk will announce the member's name with the individual, then stating how they are voting. Thank you. Rhonda. Will you now do a roll call of the commission?

Rhonda North: Yes, sir. Chair Cooke.

Terence Cooke: Present.

Rhonda North: Vice Chair Woodruff is absent. Commissioner Fleischman,

Edward Fleishman: I'm here.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I'm here.

Rhonda North: Commissioner Roszel.

Dev Roszel: I'm here. Sorry, I was muted.

Rhonda North: Commissioner Stein.

Mimi Dale Stein: Present.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terence Cooke: Thank you all. We now proceed to the discussion items during this work session. And we have one item on the agenda for discussion, and it is to review the status of SD 20 - 01 of Banbury Cross Reserve preliminary plat. I will ask Will Moore to please introduce a discussion and lead us through this. This item on the agenda. Will.

Will Moore: Yes. Thank you, Mr. Chairman. And members of the commission. First, I want to thank you again for participating in our brief practice meeting last week to get somewhat accustomed to this method of meeting remotely. I certainly look forward to [inaudible]. And I think we all do. We were able to resume meeting in more traditional settings. The purpose of this discussion is to bring the commission up to date on the status of review of the Banbury Cross Reserve preliminary plat by the various referral agencies and approving authorities. Just a brief recap of the area subject to the preliminary plat consist of a little over 570 acres of land. It's generally located north of Route 50 East of [inaudible] Road, West of [inaudible] Farm Lane. The land is supposed to be subdivided using the by right cluster option that is provided for in the county's AR2 zoning districts. That cluster option allows for up to one dwelling unit for 15 acres, and that is subject to 70 percent of the land remaining in rural economy lots or common open space. In this case, the application proposes 28 cluster lots, which range between two to four acres in size and 10 rural economy lots which range between 25 and 69 acres in size. While the development as proposed is outside of our corporate limits, a portion of the subject land covered by the plat is within the extraterritorial subdivision control area, but the remainder of it is outside. And as such, both the town and county are approving authorities for the preliminary plat. And we will be using our respective subdivision ordinances and we will use the county's Zoning Regulations and Facilities Standards Manual as the regulations by which this is reviewed and assessed. The commissioners have my memo and a number of attachments that were provided within the agenda packet. We'll give you just a brief walk through of the history. As you recall, a preliminary plot was originally filed in 2019 and subsequently disapproved by the Middleburg Planning Commission of cited deficiencies. At that time, only one round of staff review had been completed when the commission was required to act on it. And as such, many issues were resolved. The applicant re-filed in January of this year, and this time around the applicant waived the statutory timeline under which action would otherwise have been required. This has allowed the application now to go through an iterative review process back and forth with the applicant and referral agencies. Subsequent to the January refiling review, comments were issued by agency in March. A resubmission was then received on April 28, with further comments on that submission were issued just last Monday, June 22nd. Resubmission was received. The very next day. And finally, we received notification by the county on Friday that the plat is in an approvable form, subject to three conditions that would need to be addressed during the subsequent phase substitutive review, which is our construction plan and profile stage. During the last several months, there has also been a related boundary line adjustment application that was also reviewed by the county. That application previously would have been required to have been approved prior to approval of the preliminary plat. However, the applicant withdrew that boundary line adjustment application earlier this month and revised the boundary of the area covered by the preliminary plat so that it no longer necessitates [inaudible] approval. And we can circle back to that shortly if further explanation is needed or if you have questions on that boundary line adjustment. I provided to the commission in May the review comments that had been issued in March, along with the applicant response letters and materials that comprise the April 28 resubmission. The

attachments that are provided in the packet for the meeting tonight include the review comments that were issued last Monday, June 22nd, and the response and resubmitted plat detainment the next day. And you also have a copy of the final three conditions that the county intends to accompany its conditional approval of the preliminary plat. And just a reminder that we've talked about this before, but subdivision here takes place in a three-step process. The prelim preliminary plat, which is what we are dealing with now, the subsequent construction [inaudible] and profile drawing, which is much more detailed engineering and much more technical information to evaluate. And then the final plan at the preliminary stage that is under consideration currently does not authorize any development to proceed. And finally, kind of a reminder that subdivision of land in Virginia is what we call a ministerial act. That is, it is not discretionary if applicable adopted regulations have been met. Then the locality for the subdivision agency is mandated to approve. Now, that being said, the town's approval process does require a public hearing and we will need to advertise and conduct that at your July meeting prior to the commission taking action on the plat. Does anticipate that you may have questions regarding the application and its readiness for approval. And as such, I'm prepared to field and either answer questions tonight or if necessary, I can confer with other referral agencies and be able to answer those questions by our next meeting. I believe we may have on the line, although he was having some difficulty getting to earlier, Mr. Daren Tagg of Bowman Consulting Group, who served as the town's consulting engineer on the review of the preliminary plat and we have technical questions for him. But I'll check back just to see if he's on the line.

Daren Tagg: This is Daren. I'm on the line.

Will Moore: Thank you. Thank you, Daren. So Darren is here as well. So, Mr. Chairman, with that, I will turn it back to you and the commission for discussion and to field any questions that you might have.

Terence Cooke: Thank you, Will. Appreciate that. We will now turn to each commissioner in turn and offer that commissioner an opportunity to comment or ask questions. I would again remind the commission to please state your name before you begin speaking. And I will simply go around the horn, beginning with the Commissioner Fleischman.

Edward Fleishman: Thanks, Terry. This is Commissioner Fleishman. I've looked over the materials submitted and there was a lot of pages of material, some technical in nature, and I want to review them further and reserve comments until a later date after I have fully reviewed it. The issue that I wanted to review all of it more is the. The water situation and the use of wells to drain the aquifer and the effect upon the wells that the town of Middleburg operates to provide well water. And I also want to look further at the. Possible effluent from the proposed property and their effect on the wells. But at this time, I'm not ready to give any further comments. There's a lot of material to review. So thank you, Chairman.

Terence Cooke: Thank you, Ed. And I will I will remind the commissioner I remind the commission members to follow Ed's protocol when he finished his comments. He indicated he had no further comments at this time. So I would ask each of you, as you conclude your remarks, to say something to that effect so that we know that we can move on to the next commissioner. Next on my list is Commissioner Minchew. Rachel, any thoughts or comments? Rachel, are you there?

Rachel Minchew: Sorry it was on mute. It's Rachel. I did have some questions and concerns also regarding the well and how that impacts. And as Ed said, a lot of it's very technical need to dig into that deeper, I guess. And the other question which you did or which Will addressed or said that he would discuss it further later, is the withdrawal of the boundaries and how that's affecting those lot then that are whatever is happening with the rest of the zoning of that? Those are my concerns at this point as we delve into it. And that is all I have. Rachel Minchew.

Terence Cooke: Thank you, Rachel. Commissioner Roszel.

Dev Roszel: Yes. Thank you, Mr. Chairman, and Will appreciate your input. I have looked through a lot of this. And I do believe that I think we should be looking a little bit closer at how the two hydro geologic tests that have been done. One sort of seems to contradict the other. So I agree with Ed. I think there needs to be a little bit more research. And I think, Will, we had discussed a little bit about the fact that maybe we can go back to the county on a line by line item rather than just a global review of the hydro geologic reports. The county did state that they there was a hybrid geologic report and it was reviewed by another qualified professional report. But some of the information from GCA, the Goose Creek Association, indicates that some of that information that was prepared could possibly have been contradictory to the information that was in the report. And that being the runoff from some of from the wells, how some of the water was drawn down was a predictive factor. And that in the report, they actually couldn't determine that from a predictive factor. But I'm sort of summarizing what that information was. And I do think that we should drill down, no pun intended, a little bit more deeply in to what's going to happen with not only the runoff into the watershed, but we need to drill down a little bit deeper into the actual wells. How the dry thirty thousand-gallon dry hydrants are going to be handled. I mean, there's a lot of things going on from my perspective on just the water issue. I think the rest of it is pretty fairly cut and dry. And I don't see where, you know, they've met the requirements of the county. But I do think that we should be looking a little deeper into the issues with the water, the boundary line adjustment has been removed, withdrawn by them. So I don't think we have to worry about that or that. And VDOT has already indicated that they've accepted the easement across that piece of property in order to allow access. But those other things are concerns of mine. And I think that they should be addressed. And if we can do it with the county on more detailed basis rather than a global, everything's fine. We can move forward. That's my preference and that is all I have. Thank you.

Terence Cooke: Thank you, Dev. Commissioner Stein.

Mimi Dale Stein: Well, I don't think I have any more concerns that haven't already been brought up. So I have nothing. Thank you.

Terence Cooke: Thank you. And Council Member Jacobs.

Bud Jacobs: Thank you, Mr. Chairman. And Will thank you very much for taking the time to put together the package of information that you've provided. And I found your summary for this meeting to be quite helpful. I have several questions. First, let me say that I second to the expressions of concern that Commissioner Fleischman and Commissioner Roszel have put on the table. In my past incarnation as chairman of Middleburg Wellhead Advisory Committee. I urged the commission initially to disapprove the application last year precisely because of the concerns that had Ed and Dev have raised again in this meeting. To my way of thinking, the county's response to the aqua fusion hydraulic hydro geologic report is inadequate. In fact, the county does not address the contradictions that are pointed out by the aqua fusion report and merely states that their experts found the developers Hydro Geologic Report to be compliant with the Loudoun County FSM. That may be true, but it also may be says more about deficiencies in the Facility Standards Manual than it does about the issues that aqua fusion points out. With respect to the developer's initial hydro geologic report, and I'm not going to do what Commissioner Roszel did and talk about drilling down deeper into the report. But I'm going to tell you that I think these comments are on the mark and we need we need to figure out a way to move forward with the county on this question. Second. On April 30th, the county decided or accepted or stated, I guess, that VDOT's comment on the proposed subdivision plat had been successfully addressed, reaching way back in my memory bank. I recall that the VDOT had a requirement and please correct me if I'm wrong about this, that there be a a walking path built from [inaudible] Turnpike to Sam Fred Road. If I didn't hallucinate that, I'd like to know how it was resolved or how it was addressed. That's my my second issue. My third issue, the [inaudible] June 25, 2020 letter to the Loudoun County project planner in paragraph two deals with the conditions of approval of the subject preliminary plat. And paragraph two refers to a referral memo written by Dr. Steve Thompson Department of Planning and Zoning, dated June 3, 2020. Will, if I have that document, I cannot put my eyes or hands on it. If you're familiar with that memo, could you

summarize or describe its contents to us or maybe even better provide us all a copy if you haven't done so? And lastly, let me just finish, Will, and then I'll turn it back over to you, if I may. Lastly, we took note, I think, of the statement that a preliminary plat does not authorize development. If and when the preliminary plat is approved, even conditionally and the developer moves forward with the [inaudible] and final plat. How does this planning commission engage with Loudon County and the developer as those activities move forward? Those are my concerns and my question and I'll listen to your answer and discussion. Thanks.

Terence Cooke: Thank you, Bud. Will, as you've listened to the comments and questions and commission, do you have any remarks or responses you can offer at this time?

Will Moore: I do. So let me start with the what was referred to as the aqua fusion hydro geological report. So that's that's not exactly correct. Aqua fusion was a third party that an outside party hired to review the hydro geological report that was prepared and submitted with the application. They did not do their own study. But what they did was a review of the study that had been done and submitted with the application. There's a little bit of you know, they didn't do their own studies. They did [inaudible] study. I share the maybe disappointment that when the county responded to that question was posed by aqua fusion, that they did not answer line by line. The criticisms that were contained within. I can follow up with the county and see if I can get a more detailed response. However, at the end of the day, the county is the referring and approval authority for the Hydro Geological Study that is required with the preliminary plat. The other part that I think we need to be really careful of, and I'll highlight Council Member Jacob's comment was that some of the criticism criticisms may indicate a deficiency in the facility's standards manual. I am not well versed enough in hydro geological measures to comment on that. But but what I can say is we are bound to act on how this application complies with existing adopted regulations. If we are of the opinion that there is a deficiency in those regulations, whether it be to the requirements that are asked for, for a hydro geological report or whether we think that the cluster option gives too much density to a subdivision, we cannot act on an application based on those feelings. We we have to act on the application that it complies with those regulations. So, again, I will follow up with the county in between now and next month and see if I can possibly get a more detailed response to those criticisms that were offered in the aqua fusion report. And the question related to the walking path that Council Member Jacobs raised, that was not a requirement of VDOT. That was a comment from the county that the most recently adopted a comprehensive plan of the county, called for a pedestrian facility along this stretch of Route 50. The requirement is not for the applicant to build that walking path, but to grant an easement that could accommodate a walking path in the future. And that has been done or it's been indicated on the preliminary plat, the actual easement would be granted in conjunction with the final plan. But they are showing that they would accommodate that request. As far as the June 3rd memo that was referred to, I will get the commission a copy of that. That was certainly an oversight if I did not include that in your packet. And that is referring to the review of the updated archeological/cultural resources report. So I will certainly get that out to the commission in the coming days so that you can see that and then see the responses that were that were given. Going back to Commissioner Roszel had a comment regarding dry hydrants, dry hydrants, as I understand it. And I will ask Mr. Tagg to comment here maybe as well. But dry hydrants are not a draw on the water resources necessarily within the subdivision. Dry hydrants are tanks, essentially, that can be filled with 30000 gallons of water in order to provide fire protection should it be needed in rural areas that they do not have serviced by town or city water or so they are providing all the hydrants that are the dry hydrants that are required. But that has been something that has been worked out through the iterations of review. Daren, you have maybe a little better explanation on dry hydrants than the planner here.

Daren Tagg: Sure. I guess the important point to make is that those dry hydrants are filled by the fire department. So so they're not drawing water from any of those of those lots. And their wells. They're bringing that with them in their truck and they're filling it up. So. [inaudible] That's the source of that water ready to be used if there happens to be a fire. That's extra water that the fire department can use to fight the fire.

Will Moore: Were you adding something, Dev?

Dev Roszel: Yes, I do stand corrected. I was under the impression that those tanks were filled by the water underground. But apparently, as you just pointed out, they're filled by the fire department, in which case that negates anything that I was saying. I had done some research and thought that it was they were filled but not able to pump unless there was a tank or they could actually pump that water. So I do stand corrected on that.

Will Moore: Right. It is not so much as a correction as it is. You know, this is this is something we don't deal with in town. So it's a learning process. Dry hydrants have been a learning process for me as well. So, Mr. Chairman, I think I have responded to most of the questions that were raised, with the exception of Commissioner Minchew's comment about maybe learning a little more about the boundary line adjustment that has now been withdrawn. Would we maybe see if there have been additional questions raised that our engineer might be able to assist us with before I go into discussion of the boundary line adjustment?

Terence Cooke: Sure, I agree. And before we move on, yes, I'm going to go out and ask each of the commissioners if they have any additional questions or comments before we move on from this issue. Please. Ed?

Edward Fleishman: Yeah. This is Commissioner Fleischman. Just on that dry hydrant issue. I know that the closest fire station is located in the town of Middleburg. So if they're filling up their tankers and they're moving their tankers to this proposed development, they really are using ground water to fill it up. So there would be a drain on the town water supply. I believe. My only comment. Thank you very much.

Terence Cooke: Will, do we know where what the source of this this water is, presuming they load this water into their tankers? Do we know the source of the water?

Will Moore: Correct. So if if Middleburg, the Middleburg of outpost of Loudoun County Fire and Rescue is responding, they would fill from hydrants in town and we would want them to do that. That's, you know, in the event of an emergency. That's that's what we do. We provide that water. I think I think the key here is that those hydrants are not being fed continually by the wells. So the the dry hydrants did not need to be the source of water for those did not need to be accommodated in analyzing the sufficiency of the well water that would be available on site.

Terence Cooke: Ok. Thank you.

Edward Fleishman: This is Commissioner Fleischman again. Just a follow up on this. This is sort of getting something interesting and maybe it should be an agenda item for the city council. But if the fire department, the Middleburg station, of course, is Loudon County, if they're filling up their tankers and then they're using it to fight fires outside the town boundaries, I hope that there's some kind of payment back to Middleburg for the use of the water at significant amounts. I'd just throw that out as a comment to the city council, maybe to look at in the future. But thank you very much.

Terence Cooke: Thank you, Ed. Commissioner Minchew, any further thoughts or comments at this time?

Rachel Minchew: Hi, this is Rachel. No, I do not have any further questions to comment.

Terence Cooke: Thank you, Commissioner Roszel.

Dev Roszel: And thank you very much. I'm good to go.

Terence Cooke: Commissioner Stein. Commissioner Stein, are you there?

Mimi Dale Stein: I'm talking to myself, I guess. I think just going back to Ed's comment for one second, I guess it's Middleburg, if the fire department in Middleburg is building up the dry hydrants, that they're doing it on some kind of reasonable schedule so that it's, you know, they're filled up and I suppose they stand idle unless they can be filled up. You know, over time, is that true? Probably, yes. Ok. Thank you. Done. Thank you.

Terence Cooke: Council Member Jacobs. Anything more?

Bud Jacobs: Will, thanks very much for answering my questions. I also asked, though, if you could sketch out for us how the process works upon Middleburg Loudoun County as a developer once we have moved beyond the preliminary plat issue. Where is our point of entry to engage? For example, on the CPAP.

Will Moore: A very good question. So the county will be the sole reviewing and approving authority for the construction plans and profiles. So we are not an approving authority for that. This is going to be a discussion item between myself and the land subdivision manager for the county as to how we might remain engaged and how they might take into consideration any comments that we have as it moves through that process. So I'm confident that we have a good relationship and that they would be open to us remaining engaged. But I will probably need a little more time talking with Mr. Berger to help sketch that out. But I can certainly have something for you at your July meeting.

Bud Jacobs: Thank you. That's all I have. Mr. Chairman.

Terence Cooke: Thank you all. Will, one question. This is Chairman Cooke. As we move on. Is there any action or decision required of the commission at this time regarding the scheduling of a public hearing on this preliminary plat application? Or is that something we will take up the scheduling of a public hearing? Is that something we'll take up at our July meeting?

Will Moore: No, actually, Mr. Chairman, the with the the review comments that came out last week, the applicant has now requested that we now proceed with the statutory timelines, which means that we will by necessity have to schedule a public hearing for your July meeting.

Terence Cooke: Is a motion necessary for that?

Will Moore: It is not. It is not. Our bylaws don't require that the staff will take care of giving proper notice and advertising.

Terence Cooke: Very good. Thank you. And thank you all. We will move on to the next item on the. Well, there is no other item on the work session agenda unless anyone has any final thoughts or comments. I will now adjourn the work session of the Planning Commission and we will immediately convene the regular meeting June 29th regular meeting of the Middleburg Planning Commission.

Will Moore: Mr. Chairman, if I may. This is Will again. Is it worth checking to see if anybody wants a quick rundown on the boundary line adjustment that has now been withdrawn?

Terence Cooke: Certainly. Does anyone wish to hear more on the BLA?

Edward Fleishman: This is Commissioner Fleischman. I'd like to hear a little run through. Thank you.

Will Moore: Ok. If I would direct your attention to attachment 6 your packet under this item. So this gives you an overall view of the area that is subject to the preliminary plat. On this exhibit, you'll see two

areas that are highlighted in bright color. One is a bright yellow towards the upper third of the screen, and then another area that's highlighted in bright green toward the bottom of the screen. So, previous iterations of the plat have included the area in yellow as part of the preliminary plat, and it was to be incorporated into lot 32, which is directly adjacent to it. Previous iterations of this have also excluded the area that you see in green at the bottom of the screen. So that was not going to be in the area that was covered by the preliminary plat. The applicant had intended to use a process known as a boundary line adjustment to relocate essentially an existing parcel. That being the one that you see in the bright yellow and that it would be relocated to and become the one that you see in bright green. That has now been withdrawn. So what we have is the area in bright yellow will remain a separately platted parcel of land as it is today, and it will not be included in the overall subdivision that you would be considering. So lot 32 will be the size that it previously was, minus that a little less than six acres. And the area in green, which was previously excluded from the area of this subdivision, will now be incorporated and it will become extra land that is added to lot 35, which is directly adjacent to. So that's the quick rundown. And if there are any questions generated by that, please let me know.

Terence Cooke: Thank you, Will. Again, one last time, any final comments before we adjourn the work session? Hearing none, the work session will stand adjourned. Thank you all very much. We will move into the regular meeting. As we did with the work session, Rhonda, will you please call the roll?

Rhonda North: Yes, sir. Chair Cooke.

Terence Cooke: Present.

Rhonda North: Vice chair Woodruff is absent. Commissioner Fleischman.

Edward Fleishman: Commissioner Fleishman is here on remote.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Present.

Rhonda North: Commissioner Roszel.

Dev Roszel: Present.

Rhonda North: Commissioner Stein.

Mimi Dale Stein: Here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terence Cooke: Thank you all. Next item on the agenda is our usual disclosure of any meetings or discussions we've had with applicants, folks having applications before the commission. And again, I will just go around the around the horn and call on each member individually. Commissioner Fleischman.

Edward Fleishman: No, I have not been in contact with anyone. Thank you.

Terence Cooke: Commissioner Minchew.

Rachel Minchew: No, I've not been in contact with anybody.

Terence Cooke: Commissioner Roszel.

Dev Roszel: No, I have not been in contact with anyone.

Terence Cooke: Commissioner Stein.

Mimi Dale Stein: No, I have not had any meetings or discussions.

Terence Cooke: Council Member Jacobs.

Bud Jacobs: No, I have not had any meetings or discussions with any applicant having business before this commission.

Terence Cooke: Thank you all. Now, ladies and gentlemen, for the benefit of those who are listening or are viewing the proceedings, we are we have come to the public comment period at this time. Anyone wishing to comment on anything that they wish to bring to the commission's attention is welcome to do so. I will remember remind all that this is not a public hearing. There is no public hearing matter on the agenda. But you are welcome to speak to any issue that you would like the commission to be aware of. With that being said, I think just a reminder before you speak, please identify yourself by name and address and. And we'll proceed. Rhonda, did you have a list?

Rhonda North: I do have a list. Jem Bengol. Ms. Bengol, are you there?

Jem Bengal: I am here.

Terence Cooke: Welcome.

Jem Bengal: Thank you. Again, this is Jem Bengal. I'm with the Piedmont Environmental Council. And I wanted to raise for the Planning Commission's attention that there are issues that relate to Banbury Cross and other potential applications in this area that will have an impact on the town of Middleburg. And these range from the impact of such large development. That is basically being permitted per the county's subdivision ordinance and the lack of that ordinance being able to protect from the visual and prime soil impacts. So whether it's related to Banbury Cross or beyond that, this is an issue that we encouraged the town to pay attention to. In addition, the topic that you talked about this evening on the inadequacy of ground water protections or concerns about the wells. Clearly, the FSM for the county can be stronger and should be stronger. And we'll be sending you information on that topic as well as the water supply, whether surface or well impacts to the town of Middleburg. And then also regarding the Banbury application, the preliminary JD has been issued by the Corps. The potential impacts are not totally clear at this point, but this would be an issue that the that the planning commission may particularly want to stay involved with as the issue goes forward, because that has yet to be really addressed. And then we encourage you to pay attention to the zoning ordinance update to address deficiencies in county documents that that leave protections wanting. Thank you. I'm done.

Terence Cooke: Thank you very much. Next.

Rhonda North: John Lovegrove. Mr. Lovegrove. Are you there?

John Lovegrove: I'm here. Yes. Can you hear me OK?

Terence Cooke: We can. Thank you.

John Lovegrove: Hi. It's a John Lovegrove. I live at 15212 Cider Mill in Hillsboro, Virginia. And I think the first and most important thing I should say is that I sit on the Facility Standards Manual Committee

for the county and the applicant's Hydro Geological Report does not meet the standards of the current FSM. The Aqua Fusion report points those out. But I think we have a bit of sophistry here and the way the staff is worded, their response. They said that their opinion of the developer's report is that it meets the FSM. Aqua fusion points out where it doesn't meet the FSM, but they have not reviewed the aqua fusion report. And I also would like to point out that the county does not have a hybrid geological engineer on its staff. It relies on a consultant. So I think they are referring back to their original report when they say that. So I think that really should be an item that we look at very closely. The second thing I want to point out is that there are there are exceptions that are written up by the county staff in the review of the plat that are not in the letter of acceptance that was written by the county engineer. And it seems to me that we are really rushing to approve this application. All of a sudden, the BLA was withdrawn and then it was pushed through the county and pushed through the staff. And within a week or so, we've got all this all this stuff lining up. And I don't understand what's the hurry is. The third thing I want to point out is that the Board of Supervisors has just passed a a a board member initiative to push the preservation of agricultural land in Loudon County. This piece of property is one of the largest agricultural pieces of property left in Loudon County. They contain some of the best soil in Loudon County and it will build the houses right on top of the best soil in Loudon County. We have to worry about food security. We have to worry about preservation of our agricultural heritage. And I think that, again, rushing forward to approve this thing without proper review of what that is going to mean is irresponsible. The last thing I want to say is that the this application should have never been accepted with an open boundary line adjustment. That was an error on the town's part. It's been sort of papered over, but that should have never been accepted with an open boundary line adjustment. As part of your rules, and I'm not sure why that has not been addressed. So I have other things to say, but I'm not going to always overstay my time. Thank you.

Terence Cooke: Thank you.

Rhonda North: Eva Smithwick. Ms. Smithwick, are you there?

Eva Smithwick: Yes, I am.

Terence Cooke: Welcome. Please go ahead.

Ok. This is Eva Smithwick. 22868 [inaudible] Middleburg, Virginia. So good evening. As a neighbor with the longest bordering property line to the proposed Banbury Cross Reserve, I thought compelled to call in this evening because of limited time. I'm only going to bring up a few things that I have issues with. I have grave concerns about the water supply in the area being negatively affected by the proposed Banbury called reserves. Loudon County hired a third party for a technical review of the developments Hydro Geological Report. This third party actually recommended a contingency plan be made for providing water to lots with dry or inadequate well, yield bringing up their concern of the water supply. Groundwater extraction could negatively affect the Middleburg wastewater treatment plants by causing effluent discharges to exceed limits. The neighbors and the town need to be very worried about this development. Our expert hydro geologist confusion has provided a list of technical issues and concerns which my legal counsel, Steve Price, handed out to the Planning Commission earlier this year. And I'm glad to provide more copies if needed. Even though the BLA has been withdrawn, I would like to revisit revisit that issue since I actually spent quite a lot of time and money to legally contest the BLA. I disagree with the town's initial acceptance for review of the preliminary plat. The subdivisions boundaries were not legally set as there was a pending boundary line adjustment or BLM. And I'd like to just bring up in a letter from Michael [inaudible] dated September 6th, 2019, to the town of Middleburg in regards to the first review comments. Item number four hundred comments to identify issues related to the portion of the project's site within the one mile subdivision control limits of the town of Middleburg "The applicant shall resolve the location of property boundaries and acreage amounts prior to resubmission". Yes, the town has twice accepted these submissions. That concerns me. So if this subdivision goes through, I think you better get ready for a huge domino effect, which will bring in many more and our community will be

forever changed. I strongly suggest that that policy for accepting subdivision excuse me, accepting subdivision applications be improved. Thank you for your time and consideration, that's all.

Terence Cooke: Thank you.

Rhonda North: Brad Bonde. Mr. Bonde, are you there?

Brad Bonde: Yes. Thank you. Hi, Commissioners'. I just wanted to say briefly, thank you for your attention to this issue. I will speak at the next meeting on substance. And I think you'll find that there are many, many, many reasons why you should vote no to this application. But for now, I wanted to thank you for your attention to this, for your diligence on this question. It's a critical importance, I think, to the future of Middleburg. And don't just take our word for it. The speakers here tonight, there have been there's a petition where eleven hundred and sixty seven people have signed mostly Middleburg area residents and opposition to this development because they like we see that this is of fundamental importance to the future of the town and of the area. And I echo the comments of the other speakers tonight about the problems with this application. You'll hear or hear more at the next meeting. And I am confident when you hear all this information, you will vote no like you did last time. And I thank you for your attention.

Terence Cooke: Thank you, sir. Anyone else?

Rhonda North: Don Skelly, are you there, Mr. Skelly?

Don Skelly: Yes. I would like to address the water issue as an adjoining land and a long adjoining landowner. [inaudible] One of the things that really concerns me. Reports from numerous neighbors just because of the aquifer here. And I would like to remind you that recently you heard from [inaudible], who has been required by the Virginia Department of Health to install on the same aquifer a commercial well as part of their application. So I would really wonder, you know, at what point is the town of Middleburg want to commit? Bringing out the town's water supply, something which I'm not being a developer, is not an expense. I would urge you to put as much pressure on the county as you can to reject this application, because I fear that between the [inaudible] applications and the Banbury Cross application [inaudible] situation having to bring out town water. Thank you.

Terence Cooke: Thank you.

Rhonda North: John Rizik. Mr. Rizik, are you on the line?

John Rizik: Yes, I'm on the line. Can you hear me? Yes. I don't really have any new information that already that hasn't already been brought up. I'd like to echo Eva Smithwick's comments. I'm also an adjoining landowner to the proposed development. I would I would urge that you vote no on this plan. One thing that has not been brought up is that the polo field has a say difficultly and large irrigation system with a tremendous amount of the noise that runs late into the night and uses, I don't know, [inaudible] how much water that facility uses. But it looks like a tremendous amount. But I don't have any more comments other than that.

Terence Cooke: Mr. Rizik, this is the chairman. Did we get your address when you began your comments, please?

John Rizik: 23165 [inaudible] Lane.

Terence Cooke: Thank you.

Rhonda North: I have a Daniel Haney on the line. Mr. Haney, did you wish to make public comments?

Daniel Haney: This is Mr. Haney. 34572 Welbourn Road and everything has been stated already, and we look forward to the public hearings. So thank you.

Rhonda North: I've got a phone number last four digits, eight six four seven. Did you wish to make public comment? Four digits, eight, six, four seven.

Evan McCarthy: Hi, this is Evan McCarthy calling with the Piedmont Environmental Council. I had some difficulty logging in and viewing the online video, so I would just echo some of the comments that were made previously and that we will provide additional comment at the upcoming public hearing. Thank you.

Rhonda North: Thank you. And I've got a phone number. Last four digits, four zero three six. Would you like to make public comment? Four zero three six. Would you like to make public comment?

Don Woodruff: Yes.

Terence Cooke: Very good. Please go ahead.

Don Woodruff: Don Woodruff, commissioner, unable to get in as normal. I would like to reiterate my concern for the water issue. I think it's going to be a tremendous drain. Whoever it was, you brought up the polo field and the possible addition of another polo field, they are right on target about what the concern is, about what that will mean to the aquifer that those of us who live in Middleburg may be affected by. And I thank my fellow commissioners for their comment. I'm sorry. I am a techno-saurus, so I'm unable to do this properly [inaudible]. Thank you very much. Don Woodruff 107 S Madison. Middleburg, Virginia.

Terence Cooke: Thank you, Don. We miss you.

Rhonda North: And then I've got Steven Price. Mr. Price, did you wish to make any comments?

Steven Price: No, I'm just listening. Thank you.

Rhonda North: Ok. That's everyone that we have.

Terence Cooke: Ok, that concludes our list of folks who wanted to make public comments, did we miss anybody?

Bud Jacobs: Mr. Chairman. This is Member Jacobs.

Terence Cooke: Oh, yes, Bud.

Bud Jacobs: The Piedmont Environmental Council. Mr. Lovegrove. I think I've met with Mr. Bonde. He referred to additional information and perhaps documents that they plan to provide to us. In the July hearing, and I'd like to respectfully ask to those in organizations and individuals if at all possible. To provide us that information or those documents. In advance of the hearing so that we will have the opportunity to assimilate and understand the point, which I'm sure are going to be very important one well before the hearings. So we all know what we're talking about and we're not faced with masquerading information and data during the discussion. That's all. Thank you, sir.

Terence Cooke: Thank you, Bud.

Edward Fleishman: Mr. Chairman. This is Ed Fleischman. I'd like to follow up on Bud's comment. I think that this is a big project with a lot of technical information. So any information in advance would be useful. But my question to Will is, if there is there will be a public hearing at the end of July. Does the Middleburg Planning Commission have to take action that particular night or what is the schedule or the requirement, the Middleburg Planning Commission, to take action?

Will Moore: Thank you, Mr. Fleishman. I am going to have to follow up with you on that. I was anticipating that action would need to be scheduled, but I will. I will go back and do the do the math. And then later this week, I will send a response to the commission on that as to whether we will be mandated to act in July or whether we could have an additional month.

Edward Fleishman: Thank you.

Terence Cooke: Any other commissioners have any thoughts or comments before we move on? Hearing none, thank you all commissioners, and thank you, ladies and gentlemen, who chose to speak this evening. And we will now move on through the remainder of our agenda. We have two sets of minutes requiring approval. I would like separate motions on each set of minutes. So do we have a motion to approve the minutes of the February 24th, 2020 work session and regular meeting?

Edward Fleishman: This is Commissioner Fleischman. I make a motion to approve the February 24th, 2020 work session and regular meeting. Minutes.

Terence Cooke: Is there a second?

Bud Jacobs: Council Member Jacobs. I second the motion.

Terence Cooke: Thank you. We will now have a roll call vote on the motion to approve the February 24, 2020 meeting minutes. Commissioner Fleischman.

Edward Fleishman: I vote to approve.

Terence Cooke: Commissioner Minchew.

Rachel Minchew: I vote to approve.

Terence Cooke: Commissioner Roszel.

Dev Roszel: Approved.

Terence Cooke: Commissioner Stein.

Mimi Dale Stein: I approve. Thank you.

Terence Cooke: Council Member Jacobs.

Bud Jacobs: Approve.

Terence Cooke: Miss anyone? Chairman only votes in the event of a tie. All right, thank you. And we'll now entertain a motion for approval of the minutes from the meeting of June 24, 2020.

Bud Jacobs: This is Council Member Jacobs. I move that the commission approved the absolutely riveting and special meeting minutes from our June 24th meeting.

Terence Cooke: And how about a second?

Dev Roszel: Commissioner Roszel. I second that motion.

Terence Cooke: Thank you. All right. We'll go across the horn again. Commissioner Fleishman.

Edward Fleishman: Vote to approve.

Terence Cooke: Commissioner Minchew.

Rachel Minchew: I vote to approve.

Terence Cooke: Commissioner Stein.

Mimi Dale Stein: Approve.

Terence Cooke: Commissioner. I'm missing someone. Commissioner Roszel.

Dev Roszel: Approve.

Terence Cooke: And Council Member Jacobs.

Bud Jacobs: Approve.

Terence Cooke: Thank you all. And speaking of Council Member Jacobs. Bud, we've now come to the council representative report anything that you care to share with us.

Bud Jacobs: Oh, boy. We've had as everyone on the commission, I'm I'm sure is aware, we've had an interesting three months or so trying to do what we can to alleviate the impact of the COVID 19 pandemic on our town, on our businesses and on our our citizens. We wrapped up the efforts to help support our restaurants with our restaurant coupon program. All together and and don't hold me to these numbers, they are approximate, but altogether, we had some 4,400 coupons redeemed. At the 13 or 14 establishments taking part in the program. And I think we spent altogether, probably about two thousand or so on that project. We also, you may be aware, created a reimbursement program for retail establishments. Granting discounts either through Web sales or in-person sales in their stores. I think we had some 22 establishments, I think pushing that program. And the last number I saw, which will be lower than the final, I'm sure, was around 20000 or so for that program. And finally, I think you all know that we gave all of our water and sewer subscribers a 200 dollar credit on their May bill. Altogether, we spent around I want say, four hundred thousand dollars on these various programs. We had some 70000 dollars reimbursed through Loudon County from the CARES Act, which Congress passed. The impact of all of this on our 2020 budget, I think, is not going to be great. We've lost a lot of revenue, obviously, and part of the second and the third quarters. I'm sorry, it's part of the third. The fourth quarters. But according to the last report from our treasurer, we're going to be able to make it through 2020 just fine, 2021 obviously will depend a great deal on what happens with the pandemic if we are able to minimize the impact of the spread. We should be okay. However, if we have to endure another months long business and towns shut down, I think it would be much more difficult to get through it all and do the things that we think we need to do to support our town. You may know, I'm sure, you know, some 60 odd percent of our revenue comes from the meals and occupancy tax alone. And I noticed that Salamander has reopened. They're running at about 70 percent capacity. Let us all hope that that continues and that further steps to fight the pandemic are not are not required by the way we go into space. Three of Governor Northam's re-opening plans on July 1st, and you could see on the website what that entails. It says it's a kind of sort of almost back to normal scenario with the huge caveat that we will maintain appropriate social distancing and encourage the wearing of masks when people are out in public. But the big item we had, we we had a

unity march in town. And with the NAACP and BLM, I don't know if there were other organizations that involved. I'm guessing there were some 150 odd participants. Chief Panebianco was deeply engaged with the march organizers to ensure public safety and in fact, there were no incidents. Chief Panebianco and Mayor Littleton both spoke at the event. And I've sort of been reviewing the reviews on Middleburg uncovered Web site, and it looks like the message was appropriately transmitted and received by by our citizens. Some kind of gratified at the way that the way that came out for July 4th. I'm sure you all know that we've canceled firework. There will be no fireworks display. A flier went out to all of our residents describing the activities that we're going to do. And Rhonda has been the prime mover in arranging those activities, which include a fire truck parade, passing out cow puddles, cookies from the upper crust. And and it should be a nice event. By the way. There's also a competition for the best decorated front and back porch. If anyone cares to to take part in the competition, I don't want to go on and on and on. There's a lot more I could talk about, but I won't bore you with it. If anybody has any questions or concerns, I'd love to hear them. Thank you.

Edward Fleishman: This is Commissioner Fleischman. So, Councilman Jacobs, I just had a question regarding the council's work and the work of the Planning Commission. I have been reading some of the minutes that are produced on the councils, and I saw that the Hill School made a presentation to the council, changing the, recommending changing the boundaries of the town. And I just wondered, should it have been would it have been better for it to be referred to the planning commission first and then to the council? It seems like it's really a general planning issue, that the council would be good to get opinions from that commission.

Bud Jacobs: Ed, that is only good question. I'm going to defer to Will about how that process should unfold.

Will Moore: Thank you, Mr. Jacobs. So we're still very early in our conversations with the Hill School, as well as some residents along Landmark School Road, just outside of our boundary of those residents who directly border the Hill School. So what we're very early in our conversation. The Hill School wanted to raise the council's awareness and there is a lot of work to be done. If this would proceed forward and if the council wanted the commission to weigh in, we would certainly accommodate that. And but we're a little premature now to bringing that to the commission. But I think if it were to move forward, it would be something that would certainly be on the commissioner's radar and you would likely be providing some advisory capacity information to the council.

Edward Fleishman: This is Commissioner Fleischman again. I feel a little bit more strongly than the council might ask the commission. But at the next council meeting or an appropriate time, you might say, at least one council, one commissioner planning commission feels that when there's an overall what I think would be a planning issue, that they do definitely ask the planning commission for its comments. That's all.

Bud Jacobs: I will do that. I agree with you. However, I have to agree also with Will. We are so far away from discussing this that if it's going to be until we nail down some questions about cost studies and so forth, it's it's it's premature and a waste of the planning commission's time to be talking about it. But I certainly will raise this question and put a marker down with council our next meeting.

Edward Fleishman: Ok. Thank you, Bud. That's all I had. Thank you.

Terence Cooke: Our next agenda item is the discussion items. An opportunity for anyone on the commission to share any thoughts or concerns. I'll go around and call upon each commissioner individually. Commissioner Fleishman, anything?

Edward Fleishman: Nothing additional. Thank you.

Terence Cooke: Commissioner Minchew.

Rachel Minchew: No, I have nothing to do other than thank you to everybody that's been working so hard to keep us going in a positive direction. And I look forward to now having our monthly meetings again.

Terence Cooke: Commissioner Roszel.

Dev Roszel: No, I do not have anything else to say at all. Thank you.

Terence Cooke: Commissioner Stein.

Terence Cooke: No, I don't have anything else to say, but I don't mind the call-in type meetings.

Terence Cooke: I'm sorry, I didn't hear that. [inaudible]. Thank you. Council Member Jacobs.

Bud Jacobs: Actually Rachel raised the question I was going to ask Mr. Chairman, our next monthly meeting I take it will be an in-person affair.

Terence Cooke: I'm not sure a decision on that has been made yet. We do have the social distancing requirement that will still be in place. And we certainly have. We certainly have capacity controls that will be in place so. Will, is that something that we will be making a decision on prior to the next meeting?

Will Moore: So actually, a decision has been made. Council discussed this and at the earliest they would have our committees resuming in-person meetings in August at the earliest. And that is not set. So your July meeting will be planned to be in the same format.

Terence Cooke: Thank you. I know this is awkward for all of us, but under the circumstances, I guess the best we can do.

Bud Jacobs: I'll present a contrary opinion. Mr. Chairman, I think it worked pretty well.

Terence Cooke: Well, no doubt because of the sterling practice session we had. Next, we have to check our quorum for the July 27th meeting. Obviously, it'll be an important meeting. Is everyone available on the 27th?

Edward Fleishman: Commissioner Fleischman's available.

Dev Roszel: Commissioner Roszel is available.

Terence Cooke: Commissioner Minshew.

Rachel Minchew: Yes, I'm available.

Terence Cooke: Commissioner Stein.

Mimi Dale Stein: Yes.

Terence Cooke: And Council Member Jacobs.

Bud Jacobs: Yes, I'm available.

Terence Cooke: Very good.

Rhonda North: And I think we still have Vice Chair Woodruff on the line, if you will.

Terence Cooke: Oh. Vice chair would refer you still on the line with us?

Don Woodruff: I am still here. I've been listening to every scintillating moment

Terence Cooke: Will you be? Will you be able to grace us with your presence on the twenty-seven or your participation, I should say?

Don Woodruff: Yes.

Terence Cooke: Excellent. Thank you. Thank you.

Edward Fleishman: So Commissioner, maybe you want to have a special meeting with Rhonda to see whether she can bring you up to speed on remote calling.

Don Woodruff: It might take even more than Rhonda to get me up to speed. [inaudible].

Terence Cooke: Very good. All right. There being nothing further on tonight's agenda, this meeting will be adjourned. Thank you all.