



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



**MONDAY, OCTOBER 26, 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 Manager/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, October 26, 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.

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of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders.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.

Town Clerk North called the roll at 6:35 p.m.

Discussion Item

Zoning Ordinance Update

Deputy Town Manager Moore reminded the Commission that in January, the Council adopted its strategic initiatives for the Town, which included the redevelopment of Federal Street and updates to the zoning and subdivision ordinances – both of which are related to the Planning Commission. He further reminded the members that they previously agreed to do the Federal Street planning charrette first, as it would identify the zoning ordinance updates needed to set the stage for the redevelopment. Mr. Moore noted that the COVID pandemic halted many items, including these. He suggested the members discuss them and see if they needed to make a recommendation to the Council on their prioritization.

Deputy Town Manager Moore opined that the Federal Street planning charrette would be at least a one-day event that would involve a facilitator and many members of the community in one location looking at maps and doing work. He noted that this would not be possible currently given the need to social distance and the limits on the number of people who could assemble. Mr. Moore advised that he did not foresee a change in this in the near term and questioned whether the Commission was interested in proceeding with the zoning ordinance updates before holding the Federal Street charrette, knowing they may have to do more zoning ordinance updates afterward.

Deputy Town Manager Moore reminded the Commission that an issue occasionally arose regarding new construction, including the scale of the construction. He questioned whether the Commission wished to study this and consider zoning ordinance updates. Mr. Moore noted that the Commission did not need to decide immediately. He advised that their recommendation would be taken to the Council if they wished to adjust the strategic initiatives.

After some discussion, the Commission agreed it was not feasible to hold a planning charrette before late summer at the earliest and suggested that item be placed on hold.

The Commission held some discussion of considering zoning ordinance updates and questioned whether there was a problem that needed to be addressed. The members opined that some of the existing houses were obsolete. They further opined there was value in the property and suggested it may be cheaper to remove the existing homes and build new ones. The members agreed the zoning ordinance already addressed this issue and suggested the new construction that was occurring fit in with the Ridgeview Subdivision. The members also expressed concern about approaching the zoning ordinance updates in a piecemeal fashion and noted that the Federal Street planning charrette would identify updates that would be needed. The Commission suggested the need to look at the updates as a whole. They expressed a reluctance to advance something that would dictate the design of houses through zoning standards; and, opined that the HDRC could better address the significant inventory of older homes that would benefit from a remodel or replacement.

Deputy Town Manager Moore reminded the Commission that there were elements of the zoning ordinance that already influenced new home design, such as height limits, setback requirements and lot coverage limits. He questioned whether the regulations were appropriate for the R-2 Residential District and whether the Commission felt it was important to review them. Mr. Moore reminded the members that the Town had experienced infill construction since the ordinances were last updated and advised that he received inquiries from the community questioning how a large house could be allowed on a small lot. He questioned whether this was something the Commission wished to study.

The Commission noted that the ordinances had been updated previously and suggested the issue was one of the need to educate the public on the regulations. They suggested that restricting future houses could create issues and take away the rights of individuals.

Deputy Town Manager Moore expressed a sense that the Commission's desire was to handle zoning ordinance updates comprehensively and advised that he and Councilmember Jacobs would report that to the Council. He suggested the Commission may need to address minor ordinance updates as issues arose, such as the sign ordinance update that was in the works that was precipitated by a court decision.

Councilmember Jacobs advised that he would present the Commission's recommendation to delay the two strategic initiatives to the Council during their next meeting.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:09 p.m.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Approval of Meeting Minutes

Commissioner Roszel noted that the meeting minutes stated that a house at the intersection of Walnut/Martin Streets was demolished to allow for the construction of a new house at that same location. He questioned whether this was correct. Deputy Town Manager Moore confirmed it was.

Commissioner Roszel moved, seconded by Commissioner Fleischman, that the Planning Commission accept the September 28, 2020 regular 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.)

Public Hearings

ZTA 20-01: Amendments to Town Code pertaining to Penalties and Remedies for Zoning Violations

No one spoke and the public hearing was closed.

In response to an inquiry from the Commission, Deputy Town Manager Moore confirmed he was recommending approval of the amendments.

Commissioner Roszel moved, seconded by Councilmember Jacobs, that the Planning Commission forward Zoning Text Amendment 20-01 pertaining to penalties and remedies for violations to Council recommending approval as contained in Draft 1 dated September 27, 2019.

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.)

ZTA 20-02: Repeal & Re-enact Article XIV of the Zoning Ordinance pertaining to Signage

No one spoke and the public hearing was closed.

In response to an inquiry from the Commission, Deputy Town Manager Moore confirmed he was recommending approval of the amendments. He noted for the viewing audience that the Commission spent a lot of time working on the proposed amendments last year and earlier this year.

Councilmember Jacobs moved, seconded by Commissioner Roszel, that the Planning Commission forward Zoning Text Amendment 20-02 pertaining to signs to Council recommending approval as contained in Draft 4 dated September 24, 2020.

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 during their last meeting, the Council heard the audit report and advised that the Town received a clean audit. He noted that the Town ended FY ’20 with a surplus of approximately \$125,000 in the General Fund. Mr. Jacobs reported that the Council and staff were looking at the meals and lodging tax revenues given the current COVID pandemic environment and advised that overall, the revenues were down by 25% compared with the previous year. He opined that if the State stayed in Phase 3, the Town would not have to dip into its reserve funds; however, the Council and staff were identifying possible expenditure reductions that could be made should the situation deteriorate. Mr. Jacobs noted that the Town received two rounds of CARES Act funding totaling \$155,000.

Councilmember Jacobs reported that the Town was working with the Middleburg Business & Professional Association (MBPA) to develop a menu of activities that would occur during the month of December. He noted that this included items such as window decorating contests, decorated trees, free distribution of hot cocoa, carriage rides, letters to Santa, musicians, scavenger hunts and photo banners of past Christmas in Middleburg’s so people could take their picture in front of them. Mr. Jacobs reported that the Town would spend up to \$18,000 to support these activities.

Councilmember Jacobs reported that the staff met with the chief election official for the Middleburg precinct in preparation of the November 3rd elections. He advised that they were well prepared for it. Mr. Jacobs noted that the Town Office was closed that day; however, the Town Manager and Deputy Town Manager would be available should anything be needed.

Councilmember Jacobs encouraged the public to continue to social distance, wear face coverings and wash their hands.

Commissioner Roszel opined that the Council and staff had done an incredible job in helping Middleburg stay viable. He questioned whether the tree lighting would still be held.

Town Clerk North reported that the Museum Foundation was still planning to hold the tree lighting ceremony.

Quorum of November Meeting

The members reported that they would be present during the November 23rd meeting.

There being no further business, Chair Cooke adjourned the meeting at 7:29 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
October 26, 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)

Terry Cooke: Begin with that, I will convene the Planning Commission Work Session of October 26, 2020. And as we have been doing for some time now, we have a remote meeting announcement that we have to read into the record. So I will do that. It is the planning commission's responsibility to conduct essential public business despite the covid-19 pandemic. And however it recognizes the need to do so safely for not only its membership, but also 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 effectuate temporary changes to address continuity of government governmental operations during covid-19 as adopted by the Middleburg Town Council, the Planning Commission will hold its meetings via a hybrid system of in-person for those commissioners who feel safe in doing so and remote access participation for the public and those commissioners who prefer remote access until such time as the governor rescinds his emergency order mandating social distancing. To ensure adequate social distancing, a maximum of 10 individuals will be allowed in the council chambers at any given time. Copies of the previously referenced documents are available on the town's website 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 website 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 for your application. Excuse me, 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 Roll Call. The town clerk will announce the member's name with the individual then stating how they are voting. With that said, we will turn to our agenda and our first item of business is to call the roll.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff. Absent. Commissioner Fleischman.

Ed Fleischman: I'm here.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I'm here via phone.

Rhonda North: Commissioner Roszel.

Dev Roszel: I'm here.

Rhonda North: Commissioner Stein.

Mimi Stein: Here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Here.

Terry Cooke: Our next item of business for the work session is a discussion item, which is the zoning ordinance update. And will would you please provide the staff report on that? Certainly so.

Will Moore: Thank you, Mr. Chairman. Members of the commission. We just wanted to have kind of an open discussion with the commission this evening. Back in January, council adopted some strategic initiatives for the town as a whole. Two of those are very directly, directly related to the commission of those being to set the groundwork for the redevelopment of Federal Street and then updates to our zoning and subdivision ordinances. We had previously agreed that it would be preferable to conduct the Federal Street charrette first, because that could certainly help lay groundwork for some potential updates to the zoning ordinance that could help set the stage for whatever desire for style and uses of redevelopment that could come out of that charrette, of course, Covid put a halt to many things. We are meeting of the commission and staff have learned over the last several months that we can find a way to go forward with certain things. We found that public participation still can take place if a topic is of great enough interest [inaudible], for example. And we're getting at least somewhat accustomed to this format being able to conduct business. So the council's strategic initiatives remain. But we want to have a discussion with the commission and see if we need to make any recommendations to the council as to the prioritization of these issues. And specifically with regard to the charrette, a charrette generally would take place over a full day, if not a couple of days, and typically involve a facilitator of some sort. And it would involve, most importantly, many, many members of the community. Typically would be gathered together in one common space, looking at maps, diagrams, doing some of the work. Those of you who were involved in the comprehensive plan update, we had some of those initial meetings at the community center where people gathered around made markups of different maps and such. That's not really possible with the guidelines regarding [inaudible] assemblies remain in place. And we don't really see any bend to those guidelines, at least in the near term. So the question that I would pose to the commission for your internal discussion is, should we proceed with looking at possible updates to our development ordinances before a Federal Street charrette with the knowledge that if we did that we adopted some ordinances updates that at some point in time, when COVID-19___0 would subside, we would do a charrette, and then we would have to circle back and do another round of [inaudible]. And so, again, it's kind of an open-ended question. One of the things that a few of us in the room were talking about before the meeting went live was this an issue, if you want to call it that, that is raised occasionally regarding new construction that may be happening in town where some people feel it may not be an appropriate scale for what the size lots it is on.

Will Moore: And I'll just use the [inaudible] homes that were done on Reed Street, north of the library. Some people feel that they may be out of character, out of scale with some of the surrounding properties. So is that a topic that is a hot enough one that we would want to study that and consider updating our ordinances? Maybe it's a piecemeal approach, maybe it's not a comprehensive update. But are there certain topics that we feel may need to be addressed before such time as we can have a charrette to deal with Federal Street that could then set the stage for a larger, more comprehensive [inaudible]. That's pretty much what I had to set the stage again to open up for internal discussions, see if there are any major thoughts. We at a staff level are open to any option understanding that we would if the commission came to a consensus and it doesn't necessarily have to be this month. Maybe you can come to a consensus next month. We would want to take your recommendations back to council. That is to be said you know, let's put a hold on updates all together until Covid subsides. We could take that recommendation to council and see if we want to adjust their strategic initiatives to de prioritize [inaudible]

Terry Cooke: Thank you, Will. I'll invite any commissioners who care to comment, please let me know if you have comments. I'll call on you by name.

Bud Jacobs: Bud Jacobs. It seems pretty clear the charrette is not going to be feasible much before, I don't know, I guess none of us knows, but late summer 2021 maybe is a good time to think about it. So certainly we need to highlight to the council that that priority is on hold. And with respect to the ordinances, I really defer to the commission and to you, Mr. Chairman, and to staff about the workload implications of either approach, I guess my preference would be to do it in to if we do decide to look into some sort, some piecemeal zoning ordinance updates, that we try to do that in such a way that it doesn't heavily impact staff time.

Terry Cooke: Thank you. Anyone else? Ed.

Ed Fleischman: Ed Fleischman. I'm not quite sure that there's a problem here that has to be addressed. I live in Ridgeview and I've been to many homes in Ridgeview some of them are just obsolete. And they've been around a long time. And some people, person across from us. The husband died and the wife then sold the house, and they were very happy to get value out of their property. And then someone came in and they looked at the property and they were going to build an addition and their builder came in and priced out the building in addition, or tearing the house down, putting up a new one. And it's cheaper to tear down a house and put up a new one. And I think that the zoning right now has all sorts of requirements on [inaudible] on setback, side yard, front, back and height. So I think most of the buildings that have been put up seem to fit in with a modern type arrangement. I mean, it's not I wouldn't see these houses in an historic district, but Ridgeview isn't historic. So I think we're in pretty good shape the way it is. Personally.

Terry Cooke: Thank you Ed. Any other commissioners who are participating remotely have any thoughts on this yet?

Dev Roszel: Yes this is Commissioner Roszel. I you know, I came back on the commission in January of this year and, you know, hopefully I'm not being too dense about this, but I'm not sure that I understand the charrette issue with Federal Street. But if I understand correctly, you know, those houses that were put up on Reed Street, the last one on the corner of Reed and Marshall or whatever it is at the end of the town, was in the historic district and had to go through the proper procedures in order to get that house built. If I'm not mistaken, and when we talk about the ordinances you had talked about, you know, putting things together. Maybe I misunderstood you about piecemeal. I don't think that's really probably the best way to approach it. I mean, I think if we're going to go about setting a different putting together a different zoning ordinance or making changes to it, it should not be a piecemeal approach. I think that I don't have a problem with putting it off, but I think we should be looking at it as a whole. And how does it all fit into everything that we're trying to do. Maybe I'm late to the table and I'm confusing the issues, so I apologize. And Will you can set me straight or what have you. But I'm really you know, I'm sort of listening to all this and I'm just trying to take it in. And I'm not sure that I agree with some of the comments that are being made. But maybe you can educate me a little bit more. Maybe I should be doing it offline [inaudible].

Terry Cooke: Thank you, Dev. Anyone else on the commission? I take it that's a that's a negative. Yes, OK, Bud.

Bud Jacobs: Yeah, let me clarify what I what I intended to say Dev when I use the term piecemeal, what I was thinking was avoiding unnecessary work in revising the zoning ordinance should the charrette take us in a direction of developing Federal Street that might require substantial changes to the updated zoning ordinance. I and I don't think I was clear enough. You understood that I believe perfectly I'm perfectly willing to go ahead and and begin the working to begin the work on the zoning ordinance updates if they are necessary, recognizing that when we are when we have completed our initial planning for

development on Federal Street, we may have to go back and change some of the zoning ordinance provisions. That's what I was trying to say. But I'm good either way. I'm good either way. I honestly, I'm not sure I have a view one way or the other other than to try to limit unnecessary staff work as we go through the exercise. And we do have to tell council whether and how we are going to proceed or not proceed with these two zoning or with these two priorities. That's really, I think, the purpose of this discussion.

Dev Roszel: Great, thank you again, the Commissioner Roszel. Bud I agree with you, and I think, unfortunately, there's no way to now listening to what you're saying, I think that, you know, it's hard to put one before the other because there's going to be changes when we do one. Let's just say Federal Street. You do the charrette and find out what it is we need to do it may apply to other things within the town. So we may have to yeah, I wouldn't say piecemeal, but we're going to have to look at both pieces separately and then come up with a total of zoning ordinance that fit everything, because I don't think we can do it piece by piece because we are going to have to take it one piece at a time and then see how it works. So I understand what you're saying. That's it for me.

Terry Cooke: Thank you, Dev. I am frankly uncertain where I stand on this at the moment. I believe the charrette is necessary and would be helpful on the Federal Street matter. That is a significant issue. We talked about it quite a bit during the comp plan review process and the need to come up with an approach for the development redevelopment of the Federal Street area. and I think the charrette is a necessary feature of that, I find myself agreeing with Bud's thought that considering all the circumstances we're operating under today, I would much prefer that we do a charrette on Federal Street at a time when we have full participation in person when possible among all the commission members. So we're not doing it in fits and starts sort of way. So my reaction on the charrette on Federal Street is to defer and for how long as Bud said who knows, but certainly probably into the early summer or late summer, whatever the fates allow. On the on the other question of zoning ordinance amendments, I am personally leery and unexcited about getting into the process of becoming an uber designed board for the town of Middleburg. We have a historic district commission that does that for those properties within the historic district. And that is that is appropriate. But more generally, throughout the town, we have a significant inventory of older homes, many that would benefit from remodeling and modernization and in some cases, replacement. I am not excited about trying to dictate through design standards the kind of house that someone can build as long as it meets whatever standards are in effect at that time and in terms of setbacks and that sort of thing. So I am. I am reluctant to move ahead with zoning ordinance amendments that have that as a focus.

Will Moore: Sure. And just to clarify, staff was not suggesting [inaudible] actually what we were what I was thinking about and I'm not suggesting that this should be a priority, but I'm just asking the question is those elements that help to influence that design, which are your setbacks and your height and your lot coverage requirements of those apply town wide. They already do. And the question has arisen over my years here as to whether those regulations are appropriate for the R2 district, which covers all of Ridgeview and some other areas of town. So those were the things I was suggesting if the commission thought they were important to study that we could study but not doing a design review [inaudible]. So in other words, is the 30-foot height in R2 to correct or should it be twenty-four. Is the seven-and-a-half-foot side yard correct or should be 8 foot that that kind of thing.

Terry Cooke: OK. That's helpful. Thank you.

Dev Roszel: Mr. Chairman. This is Commissioner Roszel. [inaudible] prior to my leaving the commission and then coming back Will we had we had addressed all of those things. I guess my question is what has prompted us to go back and revise those zoning ordinances? We talked about the setbacks. We talked about the height. We talked about the fences. And we basically put all that to bed a couple of years ago. Is that something that's coming back up and then we have to readdress it? Or were the decisions we made at the time not appropriate for what's happening? Because, I mean, we had a lot of this

discussion because there were houses at that time in that area that were going up that were of concern for height. I'm not sure about setback, but there were fences. There was all kinds of stuff. And again, you know, I'm trying to get back up to speed, but I guess I'm not sure I understand why we're having a conversation about revisiting the zoning ordinance we had made a we had a conversation, made the decisions and put something in place prior to this, not that we can't change anything. I'm not arguing that. I guess I don't understand why we're readdressing that. Is it because of this one house that's going up or is it just maybe we didn't set the right parameters at the time, but to.

Will Moore: Perfect question, Mr. Roszel. But let me first say, I am not suggesting that the regulations are not appropriate. What what I'm I think what is bringing this up is a topic for conversation, is that at the time that those regulations were set, were studied and there was a decision to keep them in place, I believe one house had been constructed on a vacant lot and one more was under construction. And those decisions were made. Now, here, a few years later, we have had four additional infill homes constructed and one that is currently under construction that has raised those questions from certain members of the public. Again, as to how can a house that big be built on that small of a lot. So those questions are being raised. I'm not suggesting, again, that there's anything inappropriate with the regulations. I'm simply asking the question that should the commission put a little bit of study into it? Should we should we, you know, do some visual should we show some of these infill homes? And should the commission consider whether or not they should be revised again?

Dev Roszel: This is again, this is Commissioner Roszel, and I agree, Will, thank you for that input. I agree with you. I guess what I would say is if that house in question has met all of the requirements, then, you know, they if that house has met the requirements for the ordinances that were in place for them to do the building, which apparently they must have in order to get the permit to do the work, then it's an education process for the public to understand that that house is within the limits of the ordinances that the town has set. I'm not saying that we should not revisit it if people are uncomfortable with it, maybe, maybe we need to revisit it. But that house is going in. So if we restrict future houses, then I think that is going to create another issue down the road. I don't know if I'm making sense, but, you know, that house is going in because presumably it met all the requirements that we have laid out in the town for them to put that house on that lot.

Will Moore: That's absolutely correct Mr. Roszel And I'm certainly not implying that we should try to pass something really quickly and then tell them they need to change their plans mid construction and the explanation is, is the one that we do give the public when they raise the question. Again, to your point, at a staff level, we are hearing enough questions and concerns stated that I simply felt the responsibility to bring up to the commission to figure out if you want to put some work into studying that.

Dev Roszel: Great. Great. OK, fair enough. Fair enough. I mean, you do a great job and I'm not questioning that. I just think that, you know, we have an ordinance in place and the public needs to be educated, that the people that are building the house have met all the requirements because otherwise they wouldn't be able to be putting the house up, presumably. So I'm definitely down for discussion. I just wanted to voice that comment. That's all.

Terry Cooke: Thank you Dev. Commissioner Fleischman.

Ed Fleischman: Yes, this is Commissioner Fleischman. I don't think we ought to get carried away if there are a few people saying there are problems or objections. We always have [inaudible] around and there are always people that don't want any development that's been traditional for the Middleburg area that people want to keep things the same. However, if you look at the zoning map, it's already laid out in subdivisions and ownership. And as we discussed, this side and backyard and front yard setbacks. And if we make changes, that's really taking away rights of an individual who already own the property. So I would say that's a really bad road to go down. And I wouldn't even use the term that there's an issue just

because a few people feel that it shouldn't be done doesn't mean it's an issue that should be brought up in the planning commission. So my feeling is that we shouldn't really look further at this. Thank you.

Terry Cooke: Thank you.

Will Moore: And if I may, just one additional thing, Mr. Chairman. I gave that example of what we called an issue or just a topic. I gave that simply as one example. I think there are other things in the ordinance, the zoning ordinance and the subdivision ordinance that other elements that we could potentially work on if we delay the Federal Street charrette. But I'm sensing from most of the responses that your desire would be to try to handle the zoning ordinance updates comprehensively, all at the same time. That's the feeling I'm getting. So no objection. And again, we would just bring that report back to the council if that's the commission's desire is, if I'm taking that correctly. there may be occasions, if we do do the ordinance updates that we that we still have to do a minor update [inaudible]. I won't call the sign ordinance rewrite that's up for discussion tonight a minor one because that's something that really needs to be done because of the Supreme Court decision. But that's an example. If there were something some change to state legislation that would require [inaudible] we might have to do something here and there. In fact, zoning ordinances are typically a updated by piece and not holistically [inaudible]. It's not uncommon to do a holistic rewrite. But there are usually fewer and far farther in between than the update an element here because you have to update an element here. So.

Terry Cooke: Understand? Thank you. Thank you. Will, do you need a decision or a definitive statement from the commission to go back to the council with on this question or.

Will Moore: I think, Mr. Jacobs, as your liaison to the council. I think it's really a question for him because he could really report back to the council along with staff. If I had stated that correctly. And it seems to be the consensus of the commission, I would suggest we have enough just from the discussion.

Terry Cooke: What do you think Bud.

Bud Jacobs: I think that's right. I maybe you could do just an informal poll if that's permitted of the commissioners and I agree with you, by the way. So I'm perfectly happy to postpone this. And with that, I can report to the commission at or to council excuse me at our next meeting, that we're going to delay implementation of these two elements of our strategic plan and we'll get back to them when we're ready to proceed.

Terry Cooke: I don't know if I can say it any better than that. I think that's the, unless I'm mistaken that's the consensus of the commission at this point. Thank you all. Thank you. Interesting. Ok, that brings us to the end of our work session agenda. We will adjourn the work session and commence the regular meeting of October 26, 2020, and the first item of business would be to call that meeting to order and then to ask the commissioners for any disclosures of meetings with applicants on any matters. So, Rhonda, will you call the roll on that.

Rhonda North: Chair Cooke?

Terry Cooke: I've had no contacts.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: No, no contacts.

Rhonda North: Commissioner Minchew.

Rachel Minchew: No contact.

Rhonda North: Commissioner Roszel.

Dev Roszel: No, no. No contact with anyone.

Rhonda North: Commissioner Stein.

Mimi Stein: I've had no contact with anyone.

Rhonda North: Council Member Jacobs.

Bud Jacobs: I've had no contacts with any applicants.

Terry Cooke: Thank you all. Next item is the public comment period. This is an opportunity for any members of the public to address the commission on any concerns or questions they might have that are not related to either the public hearing matters that are scheduled for this evening. So I will invite any members of the public who may be logged in to address the commission at this time.

Rhonda North: We have no one on the line, Mr. Chair.

Terry Cooke: We have no no public comment, so we will close that portion of the of the hearing of the meeting. Next item is approval minutes for the commission's September 28th, 2020 work session and regular meeting. Can we have a motion on the minutes.

Dev Roszel: Mr. Chairman, this is Commissioner Roszel. On the work session minutes, at the very end of that page 4 I guess the discussion items. I think we were discussing about the house that was put on the Walnut St. Martin Street property. It says Mr. Moore further advised that the they tore down the house in order to build a new one. I don't think that's actually the case, is it? They haven't torn that house down.

Will Moore: That is correct. But there was a house that was demolished prior to the new construction commencing.

Dev Roszel: There was a house on that lot.

Terry Cooke: Oh, yeah. Yes.

Dev Roszel: But the house in front of it is not the same one that you're talking about.

Will Moore: I'm not sure that we're talking about the same property based on your comments. Yeah, maybe we're talking about a different property here.

Dev Roszel: I could be I just was reading through that. I thought that that was the other one. So maybe I'm mistaken on the property. I thought that the property next to Harry's was the one that had the two lots and they were building, that large house and the big house in the front of it is the vacant one. Is that not correct?

Terry Cooke: That's not that is incorrect. That's a different a different property that that property is currently is currently for sale. It is advertised as being two parcels and those parcels are not subdivided. But the seller of advertising it as two parcels. But that house remains and it is still on the market. The larger house that's been the subject of some discussion that is currently under construction is right behind that. And that is two lots that were consolidated. And there was a home on one of those lots that was torn down.

Dev Roszel: Ok, OK, I stand corrected so you can forget that comment. [laughter]

Will Moore: It's encouraging, though, that you read the [inaudible] [laughter] [multiple speakers]

Dev Roszel: I make a motion to accept the minutes for that meeting.

Ed Fleischman: I second the motion.

Terry Cooke: Rhonda do we need to call the roll on that?

Rhonda North: Yes, Commissioner Fleischman.

Ed Fleischman: Aye. Yes, I vote for the motion.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes, I vote for the motion.

Rhonda North: Commissioner Roszel.

Dev Roszel: I vote for approval.

Rhonda North: Commissioner Stein.

Mimi Stein: Accept the motion.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Terry Cooke: Thank you, minutes are approved. We now come to the public hearings scheduled for this evening. The first being zoning text amendment 20-01 and ordinance to amend Section eighty-one of the Middleburg zoning ordinance pertaining to penalties and remedies for violations. Do we have anyone intending to speak regarding this matter during the public hearing?

Rhonda North: We have no one on the line. Mr. Chair.

Terry Cooke: Any commissioners intending to speak to this? Having no one offering comments on this matter, I don't think it's necessary for me to review the public hearing procedures regarding that, regarding this matter. So we will close the public hearing and ask for any discussion or deliberations among the commission and then perhaps a motion.

Ed Fleischman: This is Commissioner Fleischman; I just want to check with the staff. Mr. Moore, do you recommend that the commissioners approve this as written?

Will Moore: Staff does recommend approval as is drafted. Yes.

Ed Fleischman: Ok, thank you. That's it.

Terry Cooke: Thank you. Dev, did you have a comment?

Dev Roszel: No, I was merely going to make a motion to move this commission forward with zoning text amendment 20-01 pertaining to penalties and remedies for violations to council. Recommending approval as contained in draft one dated 9/27/19.

Terry Cooke: Do we have a second?

Ed Fleischman: Second.

Terry Cooke: Rhonda, would you call the please.

Rhonda North: Commissioner Fleischman?

Ed Fleischman: I approve.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I approve.

Rhonda North: Commissioner Roszel.

Dev Roszel: I approve.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes, I approve.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Terry Cooke: Thank you all. Our next item is zoning text Amendment 20-02 ordinance to repeal and reenact Article 14 of the Middleburg zoning ordinance pertaining to signs. This is our second matter for public hearing this evening. We have any members of the public to speak on this.

Rhonda North: We do not Mr. Chair,

Terry Cooke: That being the case, I will not read the procedures for the public hearing. I will declare the public hearing closed and ask the members of the commission if any of them have any comments and if not, request a motion. Commissioner Fleischman.

Ed Fleischman: Yes, I'd like to ask the staff the same question on this particular amendment. Do you feel that we ought to approve this as written? You have any further comments on it?

Will Moore: Thank you Mr. Fleischman. Staff does recommend approval as the draft contained herein. I would stress that if we do not have any more discussion on the ordinance, I just want to stress to the public and council that a lot of work was put in by the commission on this matter. So do not take maybe lack of discussion at this meeting as an indication of lack of work because the commission put in some heavy lifting on this in late last year and early this year. So Thank you for your work.

Terry Cooke: Well, thank you for that comment. I think we all agree with that.

Mimi Stein: Yes. It's quite a Deja vu reading through all that stuff

Dev Roszel: Yes. There was a lot of work and very well done.

Terry Cooke: Ok, did we get a motion on.

Bud Jacobs: I can do it. I move the commission forward zoning text amendment 20-02 pertaining to signs to council recommending approval as contained in draft 4 dated 9/24/20.

Dev Roszel: I second that. Commissioner Roszel.

Terry Cooke: Rhonda will please call the roll.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I vote for approval.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I vote for approval.

Dev Roszel: Commissioner Roszel.

Dev Roszel: Approval.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes, I vote for approval.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Terry Cooke: Motion is approved. Thank you all. Next item is the Council Representative report. Council Member Jacobs batter up.

Bud Jacobs: Thank you, Mr. Chairman. We've had a number of activities in council, mostly implemented by staff, our most excellent staff, I might add. We just finished our audit and I'm happy to report that we got a clean audit. I'm even happier to report that we ended the fiscal year 20 in positive territory, which is better news than we anticipated with a net operating surplus of about one hundred and twenty-five thousand dollars. We've been looking at. Meal and occupancy revenue this period compared to last period, monthly revenue information and according to the smart people who do this stuff for us, our meals, revenues, meal tax revenues, about 74 percent of what it was for this period last year, which I think the consensus is that if it doesn't get any worse than that, it's certainly sustainable. For the month of September. Interestingly, on occupancy tax, it was 100 percent of the month of September last year. Overall, if I read these numbers correctly, we are probably about 25 percent less revenue than the same period last year. And if we stay in phase three and are not faced with any regression in terms of the governor's plans for the state in response to the pandemic, we're probably going to be OK and we're not going to have to dip into reserves to cover any costs. Now, that said, staff and the council are in the process of examining potential reductions in activities and budgets should the situation deteriorate. We are assuming the 25 percent reduction; however, we're looking at reductions, possible reductions of 35 percent and 45 percent, 45 percent being the worst-case scenario. And we're examining budget items with a view toward what we might eliminate or reduce in each of those three contingencies. I think it's safe to say we're well, I can't say anybody is optimistic in the current situation, but we are calm. And are not looking at any of the kinds of nasty steps that perhaps other jurisdictions not as well situated as ours may

be faced with. I should have mentioned, by the way, that we've received two distributions of CARES Act funding, which has helped a little bit. I think the total was about 150, 155 thousand dollars for two. We do not anticipate that there will be any movement in Congress until after the election to implement another CARES Act tranche. And we don't know, even if Congress does, whether there will be money for state and local governments in those packages. So that's something to watch. I mentioned last time we met that we were not going to go ahead with Christmas in Middleburg, the Middleburg Business and Professional Association, has put working with the town and staff and the Cultural and Community Events Committee has put together a pretty robust menu of activities that could take place throughout the month of December. I guess we're all hoping that they are a placeholder for an eventual return to the Christmas and Middleburg activities, perhaps as early as December of 2021. I think this material is all available, but some of the things we've talked about, our window decorating competitions, evergreen trees, I guess there will be two sites in town that will provide complimentary hot cocoa to visitors. Going through my list here, we may have horse drawn carriage rides. We may have opportunities for kids to submit letters to Santa, different points. Maybe we'll have some musicians. We're perhaps going to do a scavenger hunt. We provide some posters and banners and photos of traditional activities of Christmas and Middleburg to be put up in town to remind people of what the holiday can look like in more normal times. And the council, I think, is going to spend anywhere from about from 15 to about eighteen thousand dollars to support all of these activities and maybe some others that we haven't learned about yet since we are not doing Christmas in Middleburg, it doesn't look like our budget is going to take a hit. We can just shift the funds and do it that way. Finally, you all know that November 3rd is Election Day. Town staff has been in contact with the elections officials in Loudoun County who seem very well prepared to have a smooth election this year. I know. Although town offices will be closed, our town manager and our assistant town manager will be pulling shifts in the office to make sure that if they're needed for some reason, the elections folks will have access to them. And I guess I would close by urging everybody to continue to honor our social distancing requirements, wearing masks in public spaces and frequently washing your hands, as silly as that sounds to say. That's about all I have. Thank you.

Terry Cooke: Thank you Bud.

Dev Roszel: Mr. Chairman. This is Commissioner Roszel. Yes. If I may, I'd like to say a couple of things. One is to Commissioner Jacobs to relay to the town council. I personally think they have done an incredible job in helping this town continue to stay viable. I noticed that whenever you go anywhere people are wearing masks, people are it does not. Even though it's an odd environment, I think that the town has done the town itself council and all of the staff has done a great job at making the town still very welcoming. And I really want to say that from somebody that, you know, I walk through town all the time. I think it's an amazing feat for what the council and the town staff has done. And I think it's been fantastic. The other question I have for Bud is, are we going to have the tree lighting this year or is that going to be put off? That's all I have to say. Thank you very much Bud for all that you guys do on the council.

Bud Jacobs: That's a great question about the tree lighting, we are going to do it right?

Rhonda North: The museum committee is still planning to do the tree lighting.

Bud Jacobs: Did you hear that Dev?

Dev Roszel: Yeah. That's great.

Terry Cooke: And thank you Dev for those comments, I think we all well, I know we all agree with you 100 percent. Next item on the agenda is discussion items, an opportunity for commissioners to voice any thoughts or concerns or questions they might have on anything. Anyone have anything going once? Going twice. Thank you. And finally, we look forward to our meeting on November 23. Any of the

commissioners have any conflicts? I know that's right on the cusp of Thanksgiving. Is usually a time when people are traveling, although probably not so much this year. But anyone, not.

Dev Roszel: I haven't been anywhere, and I don't have anywhere to go so I'll be here. [laughter].

Terry Cooke: So I assume all of us will be on board for the twenty third. Thank you.

Rachel Minchew: Thank you.

Terry Cooke: With that, this meeting is adjourned. Thank you all.

Will Moore: Thanks everyone.