



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



**MONDAY, NOVEMBER 25, 2019  
PENDING APPROVAL**

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

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

Chair Combs welcomed Councilmember Jacobs to the Planning Commission.

Possible Use in C-2 District – Automobile Sales Showroom

Deputy Town Administrator Moore advised the Commission that the potential applicant was unable to attend the meeting at the last minute; therefore, this discussion would be moved to their December meeting. He explained that Blueline Motors was an online business that also had a small showroom for their high-end vehicles. Mr. Moore reported that they were considering locating in the former Southern States building. He advised that they envisioned mostly an indoor display, with one vehicle that would be outdoors during normal business hours when the weather was good. Mr. Moore noted that this would be a sales office only and would not include a service department. He explained that the potential applicant wanted to start a conversation with the Planning Commission as the C-2 District did not include auto sales as a listed use. Mr. Moore recommended, if the Commission wished to consider allowing this use, that they craft it as a special exception use with criteria. He reminded the members that there were other protections in place as the location was in the Historic District and the Virginia Department of Motor Vehicles also had regulations related to automobile sales. Mr. Moore further reminded the members that this location was prime real estate in Middleburg; however, no use had been found for it thus far. He questioned whether the allowed uses in the C-2 District should be expanded to include this one. Mr. Moore noted that the proposed applicant was open to either a lease or purchase of the property.

After some discussion, the Commission expressed hesitation to consider a request from one individual. They suggested they look at the C-2 District uses holistically to determine what they wanted to add or delete. The Commission noted that they could also look at whether this use fit.

Deputy Town Administrator Moore advised the members that he planned to offer them an orientation session in January and suggested a discussion on the nature of special use permits would be a part of it. He reminded the members that in order to be approved for a special use permit, an individual must apply and advised that the Commission could tailor its recommendation to the Town Council to include conditions. Mr. Moore noted that he told the potential applicant that the list of conditions for his request would be exhaustive. He reminded the members that once a special use permit was granted, it ran with the property; therefore, the conditions would need to be tightly crafted in order to prohibit any uses that were not desired.

The Commission expressed concern that the proposed applicant could request a change to the conditions after they were approved. They reiterated the need to look at what uses should be allowed in the C-2 District; however, they agreed they would be open to a discussion of the proposed use to see whether it would fit.

### Banberry Cross Reserve Subdivision

The Commission noted the rising opposition to the Banberry Cross Reserve Subdivision and expressed an understanding that a new application would be forthcoming in the future. They questioned whether their role was to review the site plan to determine whether it met the requirements for approval. The Commission further questioned whether it was correct that any disagreement with the current permissible cluster development use was something that Loudoun County must address, not the Middleburg Planning Commission.

Deputy Town Administrator Moore confirmed this was correct. He agreed that the impact of a cluster development surrounding the town on the Town was a concern for the Commission and suggested the need to identify an avenue where they could discuss their concerns with the County Planning Commission or Board of Supervisors. Mr. Moore advised that as to the site plan application, the (Middleburg) Planning Commission's role was related to a ministerial act and was not a legislative decision.

The Commission questioned whether a public hearing was mandatory for a site plan. Deputy Town Administrator Moore explained that even though the State Code made it discretionary, the Town's subdivision ordinance required a public hearing for preliminary subdivision plats. He noted that in the case of this application, the County's zoning applied; therefore, the Town's site plan public hearing was the only forum available for citizens to speak. Mr. Moore reported that Loudoun County allowed final construction plans to be approved without the need for a public hearing and allowed subdivisions to be approved administratively.

The Commission noted that people have been talking about the construction of a sporting club, in addition to the housing units. Deputy Town Administrator Moore advised that he could not comment on that. He reminded the members that they would be asked to act on what was proposed, not what was being speculated upon.

The Commission expressed a desire that the applicant appear at the next public hearing to make a presentation on their application. They questioned whether the Army Corp of Engineers permit was something they could ask about.

Deputy Town Administrator Moore confirmed it was and advised that the Army Corp had made a decision of preliminary jurisdiction. He advised that more information would be provided on that in the new application.

Chair Combs adjourned the work session at 6:59 p.m. He called the regular meeting to order at 7:00 p.m.

**Disclosure of Meetings with Applicants**

The members reported that they had no meetings with applicants.

**Approval of Meeting Minutes**

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

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

No – N/A

Abstain – N/A

Absent – Commissioner Stein

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**Council Representative’s Report**

Councilmember Jacobs noted that he was just sworn into office earlier in the day. He advised that he was honored to be a part of the Planning Commission.

**Discussion Items**

**Draft Zoning Text Amendment – Penalties & Remedies for Zoning Violations**

Deputy Town Administrator Moore reminded the Commission that they did not direct any revisions during their last meeting. He further reminded them that no action was required at this time and suggested this item be advanced simultaneous with the other zoning text amendment that was on the agenda in order to realize cost savings on the advertisements.

Chair Combs opined that it was best to adopt the language from the State Code; however, he suggested there was room for some clarifications. He advised that he would send his recommendations to the staff. Mr. Combs suggested the amendment be added to the agenda for advancement when it was appropriate.

**Draft Zoning Text Amendment – Repeal & Reenact Article XIV Pertaining to Signs**

Deputy Town Administrator Moore advised the members that the ordinance had changed since they last saw it and explained that it now included three tables for sign allotments – one for residential and one for non-residential uses in the residential/agricultural districts and one for the commercial districts. He noted that some of the proposed language came from the model ordinance prepared by local government attorneys.

Deputy Town Administrator Moore opined that the businesses often had angst regarding sign ordinances. He explained that the goal was to reformat it to address the Virginia Supreme Court’s ruling that signs cannot be treated differently based on their content, while not reducing signage allotments that were available in the commercial districts. Mr. Moore advised that the staff’s recommendation was to allow for a slight increase in the signage allotment in the commercial districts from the current allotment of one square feet per two lineal feet of building to one and a half square feet. He further advised that in addition, under the draft ordinance, there would be an absolute maximum sign allotment of thirty-six square feet per building, as opposed to the current thirty square feet, with no separate allotment for second floors. Mr. Moore reminded the members that all of the commercial properties were located in the Historic District; therefore, the signage was subject to an aesthetic review by the HDRC. He noted that the HDRC was not obligated to approve the maximum signage allotted for a building.

The Commission opined that it would be helpful to see how the numbers applied in a real-world application. Deputy Town Administrator Moore agreed to provide visual examples during the Commission's meeting in December or January. He suggested the members take their time in reviewing the amendments.

The Commission inquired as to how the proposed ordinance would apply to flags and noted that there was a property in town that had seven. They questioned how inappropriate flags were handled. Deputy Town Administrator Moore explained that if the flags were currently legal, they would become non-conforming upon the adoption of new regulations. He advised that any new applications would have to comply with the ordinance. Mr. Moore noted that as to community decency standards, they may or may not be able to be enforced and suggested the need to discuss this with the Town Attorney. He reminded the Commission that the goal was to get away from content-based regulations and opined that there would likely be no recourse for something that was deemed inappropriate.

The Commission noted a house with a television in the backyard and questioned how that would be considered. Deputy Town Administrator Moore advised that the first thing was to look at the definition of a "sign" and noted that a sign was designed to attract attention. He advised that there was nothing in the draft ordinance that would address televisions.

The Commission noted that some advertisements were displayed on a video screen and questioned how that was different from a television. Deputy Town Administrator Moore explained that a video screen that met the definition of a sign would be prohibited. He advised that in addition to not affecting the current sign allotments, the draft ordinance contained the some of the same prohibitions as the current one, such as no illuminated signs, moving signs or animated screens.

In response to an inquiry from the Commission, Deputy Town Administrator Moore advised that the zoning ordinance currently exempted flag poles from the height limitations. He further advised that if the sign ordinance, which included flag pole height limitations, was adopted as proposed, it would conflict with the zoning ordinance. Mr. Moore noted that the zoning ordinance would then need to be addressed.

The Commission advised that they had suggested changes to the draft ordinance. They asked that a Word version be sent to them so the members could send their proposed changes to the staff.

The Commission questioned how political signs would be handled under the draft ordinance. Deputy Town Administrator Moore advised that they would be considered to be a temporary sign; therefore, they would have to comply with the allotment for such signs.

The Commission questioned whether the goal was to assure that what was approved was legally defensible. Deputy Town Administrator Moore confirmed it was. He advised the Commission that at some point, they would be asked to initiate a zoning text amendment. Mr. Moore noted that they would then hold a public hearing and forward a recommendation to the Council on the draft ordinance. He suggested the Town Attorney attend a Commission meeting to discuss whether what was being proposed was legally defensible before they reached the last step in the process.

The Commission questioned whether there was anything in the draft ordinance that would address the number of signs allowed within a certain space. They noted that too many signs could be an eyesore.

Deputy Town Administrator Moore confirmed this would be addressed under the maximum aggregate square footage allotment. He noted that the proposal was for sixteen square feet of temporary signage and questioned whether this was the right number.

It was noted that signs, political or otherwise, could not be legally placed in the public right-of-way. The Commission questioned how sandwich boards signs were allowed to be placed there.

Deputy Town Administrator Moore advised that sandwich board signs were not currently addressed in the zoning ordinance. He opined that in the past, there was confusion on the interpretation of the ordinance and how it applied to sandwich board signs. Mr. Moore advised that his interpretation was that zoning applied to properties, not signs. He suggested that one way to allow sandwich board signs could be under a license agreement, which would fall under the purview of the Town Code, not the zoning ordinance. Mr. Moore noted that often such licenses included disclaimers, such as hold harmless agreements. He advised that no decision had been made yet as to how to tackle sandwich board signs.

In response to an inquiry from the Commission, Deputy Town Administrator Moore advised that while he would not say a business could place a sandwich board sign in the public right-of-way, he did not enforce it if they did. Mr. Moore advised that nothing could legally be placed in the right-of-way that obstructed it; however, he reiterated that he did not pursue such violations.

The Commission inquired as to who would be the “authorized official” who could remove signs. Deputy Town Administrator Moore confirmed this would be a Town employee, such as himself.

Chair Combs suggested the Commission review some case studies during their next meeting.

Deputy Town Administrator Moore confirmed he would send a Word version of the draft ordinance to the members so they could submit edits to him.

#### Future Goals

Chair Combs suggested the Commission identify what it wanted to accomplish in 2020 during its December meeting and reminded them that they have discussed amending the zoning ordinance. He suggested they identify what long-term strategic items they wanted to tackle and the steps necessary to do so.

#### Hard Copies of the Comprehensive Plan 2019

It was noted that the Commission previously requested hard copies of the newly adopted Comprehensive Plan.

Deputy Town Administrator Moore advised that he had them and simply needed to distribute them.

#### **Quorum for December Meeting**

It was noted that the Commission traditionally moved their meeting in December to the third Monday. Those members who were present indicated they would be present for the December 16<sup>th</sup> meeting.

There being no further business, Chair Combs adjourned the meeting at 7:50 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript**  
**November 25, 2019**

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

**Eric Combs:** OK. Well, why don't we get started with the work session and we'll start on Wills end this time synchronize our microphones and introduce ourselves.

**Will Moore:** Will Moore, Deputy Town Administrator.

**Don Woodruff:** Don Woodruff.

**Rachel Minchew:** Rachel Minchew.

**Bud Jacobs:** Bud Jacobs.

**Terry Cooke:** Terry Cooke.

**Eric Combs:** Eric Combs.

**Ed Fleischman:** Ed Fleischman here.

**Rhonda North:** Rhonda North Town Clerk.

**Eric Combs:** Thank you, everybody. And first things first, welcome to our new [applause] planning commissioner.

**Bud Jacobs:** Thank you, thank you.

**Eric Combs:** Welcome aboard.

**Bud Jacobs:** Thank you very much.

[multiple speakers]

**Bud Jacobs:** You've met Bridge Littleton right? I'm delighted to be here.

**Eric Combs:** Well, we thank you for joining the planning commission and looking forward to your input here. [off mic] We'll accept that anyone who is willing to sit there. Well, why don't we just jump right in our first discussion. First and only a discussion item in the work session is it possible use with respect to automobile sales showroom in the C2

**Will Moore:** Yes. [off mic] Thank you, Mr. Chairman. Members of the commission. I regret that this will be a shorter discussion, I think, than I had planned for you. Unless you want to take it further. There was intended to be a potential applicant here tonight to discuss with you, but just learned earlier today that he became unavailable. He's hoping to make your December meeting, but to just introduce the concept. There's nothing secretive about this. This is a gentleman who has a current business. It is very much an online based business, but with a a small showroom that has had a couple of different locations. He's

currently in Manassas. It's called Blue Line Motors. And if you wanted to do any research on that a former law enforcement officer in Leesburg who's retired and gone into another line of work, the way he essentially pitched it to staff members is that he does a lot of higher end automobiles. Now, the ones currently on his website are more kind of souped up trucks or SUVs like a Jeep Wrangler or a high-end pickup truck with modifications. But again, the way he pitched it to us was that he has a lot of high-end clientele. Some are pro-athletes, for example, who typically do not go to automobile dealerships themselves and source out vehicles to maybe middle men is the right word such as himself. And so, he is considering the former southern states building. And what he is envisioning at least would be if not only indoor display, it might be indoor display with one vehicle outside when it's good weather and only during operating hours. So, he is really looking at a showroom, not a not a lot. Yeah. And obviously there are some space limitations there. He is also this would be sales only. So, no service component, no storage of inoperable vehicles waiting for, you know, engine work or tire changes or oil changes, anything like that. Again, obviously limited by the possible space. So, he wanted to start the conversation with the commission just to see if there was any immediate pushback or concerns that he might be able to address. Staff's suggestion to him because the C-2 area is such a unique area that that really doesn't include an auto sales component, at least in its modern iteration. Mr. Jacobs and I were having a discussion prior to the meeting that there actually I think was an auto dealership at one point in time. [off mic] Right. So, there were a couple of different locations in town, but obviously, especially the Washington Street corridor is our primary hub, at least in its current iteration. So, you know, staff suggestion was that if this was considered, it would have to be very tightly crafted, most likely as a special exception use not as a by-right use. And that that special exception would probably have a bunch of immediate criteria that you would have to reach even to be considered that kind of idea. But again, I regret that he's unable to be here this evening, but happy to discuss this. If you have any immediate thoughts that might be able to pass on to the gentleman, understanding there are other protections in place in the C2 core, including historic district review for any changes that would happen to the exterior of the building. There are Department of Motor Vehicle regulations that would have to be met. If anything, it might be challenging for him to have space for enough vehicles because they do mandate that any licensed dealership have at least enough space for. I think it's the display of 10 motor vehicles, but he's he's pretty sure he can get them in that space. It could be a tight fit. It's a 24 hundred square foot building, so.

**Terry Cooke:** Will, I'm sorry. I missed it when you identified the location the proposed location.

**Will Moore:** Sorry. The former southern states property.

**Eric Combs:** You know, it's interesting the special exception uses in our C-2 currently include a service station.

**Will Moore:** Correct. I'm not sure where you would ever fit a service station in my current C-2 unless maybe the distillery, which was once a service station, were to go away and somebody proposed one back in a location like that.

**Eric Combs:** Also included is a neighborhood utility facility [inaudible]

**Will Moore:** Yeah. There is a definition in the definition section of the ordinance that outlines that. I don't have the. Don't have it off the top of my head, but it could be a small substation maybe or something like that.

**Eric Combs:** Ed please.

**Don Woodruff:** I believe the distillery was a BP station owned by Morgan Oil.

**Ed Fleischman:** A question, Will. So as of right, he could not put in that type of facility there.

**Will Moore:** Correct. Yes, sir.

**Ed Fleischman:** So, what would be the reason? The advantage to the city, the town to grant a special exception. Why would we want to grant a special exception?

**Will Moore:** Well, so I think there might be a couple of questions there. I don't know that you would. But it's more so is there do you see that is something that could fit and fit in in the C-2 district. A tightly crafted use like that that would require only indoor display of vehicles or something like that. I mean, there's always gonna be the argument from maybe a property owners perspective that this is a prime piece of real estate, that they've been unable to, to this point, find a use for. And would it be better to consider expanding options for the space or do we want to stick with what the current allowances, whether by right or by current special exception?

**Ed Fleischman:** So, will this individual, is he talking about a rental or a sale?

**Will Moore:** He only addressed sales with a staff.

**Ed Fleischman:** No, no. I'm sorry. Is the property going to be sold. Proposed to be sold or proposed to be rented.

**Will Moore:** Sorry. He is open to either option. If the current property owner would be open, he's open to options.

**Eric Combs:** [off mic]

**Ed Fleischman:** I just would be. Hesitant to grant an exception with promises or statements, he won't do this, he won't do that or he won't do this. You know, once you open the door, I think it's problematic. I think that if you grant an exception in one case, then you have to worry about other property owners coming in and wanting exceptions also. So, I think that in my opinion, in order to grant an exception, there'll be some real advantage to the town to do it. So, my advice to give him would say, tell us the advantages to the town.

**Eric Combs:** I would also say that I'm somewhat hesitant to look at one off special exemptions within any of the classifications. I would prefer that we perhaps take it from the other end, which is to look at C-2 holistically and then see if we can identify what uses we might like to see added to it or uses that are currently either by right or special exception, perhaps, pulled out of it and maybe look at it that way and then see if this is proposed use might fit. But I think whether it's top down or bottom up, I'm not sure, but I would prefer to see an approach that maybe looked at it from that angle.

**Will Moore:** Understand. And just for the benefit of some members, it might not have been through training sessions with us to this point. And I'll just take a quick side route there. I do plan on offering it to the chairman's discretion as soon as January, kind of an orientation session. It's more of a refresher for the commissioner's who have been doing this for a while, but for especially Bud's sake, we've not really had an orientation, a really formal formalized orientation for this commission. So, I planned on doing that soon. And to get us back to the discussion, just the nature of a special exception use means that in order to be approved, you have to apply for a special use permit. So, one of the benefits of that approach is that you can tailor approval of that permit. You can tailor your recommendation. The council in granting a permit can tailor what we call conditions to that permit so that we're not just talking let's amend the ordinance to add auto sales showroom as a special accepting use and then grant one, you would consider granting one with certain conditions attached. And those conditions can be very specific as to hours of operation, method of display of vehicles, prohibitions on any service uses, etc. It could be a laundry list.

And as I explained to the potential applicant, if we were ever to get to that point, he should expect that list to be pretty exhaustive. And he to his credit, he was very understanding of this. You know, he came in again with a pitch that there is a certain clientele, certain type of vehicles, certain limited number, not going to do service uses. And I simply said to him, if something like this ever were to be considered, you would probably expect to see that and a lot more listed as specific conditions. And that's necessary, I think is his kind of quip to us was I'm not the guy selling the the used Honda with 200,000 miles on it. And the response was, we understand that but once this is granted a special exception, use runs with the property. So it would a permit would have to be tailored in such a fashion that if again, hypothetically, if one were granted to this operator, if he went away and somebody else moved in who wanted to sell those, you know, two hundred thousand mile, 10 year old Hondas, that the conditions would have to be crafted so tightly that it would prohibit any of the service uses that would go along with those older vehicles, things like that.

**Eric Combs:** [off mic]

**Ed Fleischman:** Will, say there is an agreement, say he buys the property, someone buys the property and is in agreement crafted by you and approved by the town. And it goes on for a year with that agreement, which is very limited. And then after a year, he comes before the town and says, you know, I spent five million dollars on buying the building. I spent another two million dollars on renovating the building and I potentially am going bankrupt. It's a hardship case. I need to expand what I can sell. I need to expand the hours. I need to expand this. I need to you know little things. And so, it can be problematic from that standpoint. That's all.

**Eric Combs:** [off mic]

**Don Woodruff:** Will, does he currently operate such a location of business somewhere else?

**Will Moore:** Yes. It's my understanding he's currently operating in Manassas at the current time.

**Eric Combs:** Any indication as to why Middleburg? Why the relocation to Middleburg?

**Will Moore:** He had some reasons, but it's probably best to hear directly, directly from him.

**Eric Combs:** [off mic] And I think, again, I'd like to kind of look at it from that angle and say, I mean, I know this property specifically had some potential uses presented to the current owner that fit within the existing C-2 structure. And, you know, are we perhaps just getting to this point now with this proposed use just because. Right. So, we just want to kind of be thinking of it in that context. But I guess we'll see if the applicant or a potential applicant is interested in furthering the discussion. But, you know, we're all ears for discussions. Yeah absolutely. Ok. Will, anything else you want to tackle in the work session?

**Will Moore:** I don't think so. I think we can just wait a few minutes till your regular meeting time and tackle those items.

**Eric Combs:** Close the work session and then we'll pick back up at 7. Oh Terry, yeah.

**Terry Cooke:** Thank you, Mr. Chairman. It's not on the agenda. I'm just all of us have seen the substantial promotion of opposition to the Banbury Cross proposal. It's anticipated that that a new application will be forthcoming. Again, purely for purposes of discussion. But I am presuming. Well, let me preface that. It's my understanding that our role in reviewing a new application is as it was in the original. Confined to satisfaction of the requirements for site plan. It has nothing to do. Our review has nothing to do with zoning issues. And any disagreements or unhappiness or disputes with the current permissible users of cluster developments under the current Loudoun County zoning ordinance is an issue

for Loudoun County to deal with. Not for the Middleburg Planning Commission to deal with. Is that too broad a statement or is that correct?

**Will Moore:** I would suggest that in the terms of this commission's potential deliberation over a forthcoming application, that is correct. I think the impacts of cluster development surrounding the town on the town itself might be an issue of concern for the commission and it might be one that the commission looks for an avenue to discuss with, whether it's county planning commission or county board of Supervisors at some point. I think there are some concerns just in general with the nature of cluster subdivision and how it's how it actually the intent versus how it plays out. But again, returning to the potential resubmission of a new application for that particular project, you're absolutely correct that your role would be in that ministerial act, not in one where you're making a decision, a legislative decision. You know, it's it is a ministerial act.

**Terry Cooke:** Thank you.

**Eric Combs:** Is a just a following question, is a public hearing an automatic item [off mic] or is that something the applicant lacks or doesn't elect? How does that work?

**Will Moore:** Right. So, it was discretionary for the town to mandate it. So, in one of these instances where there is development that is within our extraterritorial subdivision control area, it is the town's subdivision ordinance which governs, but it's county zoning. And our subdivision ordinance does require a public hearing for a preliminary plat of subdivision.

**Eric Combs:** So, it is required in connection with when that application comes back in.

**Will Moore:** Yes, sir.

**Eric Combs:** We think we'll be the forum for a lot of concern [off mic] whether it's immediately applicable to the application before us or not. Nonetheless, this is the forum. I think that perhaps it's the only forum, I think a lot of concern people might have. [off mic]

**Will Moore:** No. [off mic] That's correct. Loudoun County does does not mandate a public hearing. So, the the code of Virginia for certain instances will mandate public hearings, in which case the the localities must hold hearings. But it gives localities discretion to hold hearings as they may see fit on other types of applications. So, again, a preliminary plan of subdivision does not require a hearing, according to the code of Virginia. But the the town in adopting it subdivision ordinance years ago did mandate public a hearings.

**Eric Combs:** And I could be wrong, but I think because there by writing the zoning in Loudoun County, they can go all the way to final engineering without any sort of public hearings is that.

**Will Moore:** They can get all the way through to construction. In fact, they don't even mandate that their commission be the approving authority. So, they relegate the approving authority for a subdivision to an appointed subdivision administrators, essentially a staff level decision.

**Ed Fleischman:** Since we opened that the subject of just a general question Will. In the advertisement that appeared in the one of the local newspapers. It talked about the Mr. [Inaudible] planning a neighborhood facility called the Greenfields Sporting Club. Do you know anything about that and what that is?

**Will Moore:** I have received a barrage of information from concerned citizens about other potential developments or other development that may occur within the development that you previously reviewed. I'm not really at liberty to comment on any of those proposed developments other than I've heard wind

that these might be out there, but we at a staff level and the commission at your level, you will be asked to at some point in time act on what is being proposed at that time, not necessarily on speculative development that may be rumored. So that's the best I can, I think I can answer that.

**Ed Fleischman:** Just maybe a side comment suggesting that when you have informal discussions with the development team. I feel it would be good if we do have a public hearing that they come and make a presentation and answer questions.

**Will Moore:** Oh, yes, sir. Agreed 100 percent.

**Ed Fleischman:** So, you can have them tell them that.

**Will Moore:** If and when that application comes in I will be happy to pass on that suggestion.  
[inaudible]

**Bud Jacobs:** Will at the first hearing about the development one of the citizens representatives mentioned that there was a question whether the Army Corps of Engineers had decided to exercise or decided not to exercise jurisdiction on any wetlands that may be on the property. In the next hearing, assuming there is one is that the kind of question that we may ask the developer and if they make a presentation?

**Will Moore:** I think that's fair to ask. I will tell you that the Corps has made a preliminary decision of jurisdiction.

**Bud Jacobs:** That they do have jurisdiction.

**Will Moore:** Correct. They issued what's called a preliminary letter of jurisdiction. Might have the terminology, a little bit of tweak there, but on. So, there will there would be more information about that if and when this were resubmitted there would be more information about that within the new application.

**Bud Jacobs:** And do I have that right, that the Corps decision was whether to exercise jurisdiction or not?

**Will Moore:** I don't know that that's exactly right. But I can get that answer for you.

**Eric Combs:** I think we could continue on that topic for quite sometime. [laughter] I'm thinking everybody's. [off mic] Not at all. I'm just simply saying, I think, well, if there aren't any other immediate questions or comments on the topic, we could take a maybe 1-minute break and then get into our regular meeting.

**Don Woodruff:** [off mic] [multiple speakers]

**Eric Combs:** Ok. Why don't we jump right into a regular meeting and we'll start with any disclosures of meetings with applicants. Ed.

**Ed Fleischman:** I had no meetings with applicants.

**Eric Combs:** Similarly, no meetings here.

**Terry Cooke:** No meetings or contacts.

**Bud Jacobs:** No meetings here.

**Rachel Minchew:** No meetings.

**Don Woodruff:** No meetings other than Bud.

**Bud Jacobs:** Oh, I forgot one, Don.

**Eric Combs:** Okay. Thank you, everybody. We can skip our public comment. Right into our minutes, Rhonda, thank you for the minutes of the October meeting. Any comments, thoughts, questions, concerns regarding the minutes as drafted and proposed, I

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

**Eric Combs:** Do I have a second?

**Terry Cooke:** Second.

**Eric Combs:** All in favor.

**Everyone:** Aye.

**Eric Combs:** Wonderful passes. Thank you. Bud lucky you. Not even an on-deck warning. Sorry about that.

**Bud Jacobs:** Not a worry.

**Eric Combs:** This is where you fit in and spill all the beans on what's happened at the council since we last convened.

**Bud Jacobs:** I was sworn in today. Covered in drywall dust as the county clerk was kind enough to come to my home where I spent the day entertaining the plumber. And I am. I am sufficiently or is a substantially lighter in my wallet as a result of this experience today. But sadly, I have no council skinny to share with you guys. However, I will in the future, certainly. I'm just glad to be here and honored to be part of this team.

**Eric Combs:** Excellent. Thank you Bud. Just so you know, the council represent a report on our agenda as Kevin was often the one delivering that report was the highlight [inaudible] [laughter] So big shoes to fill there. Did you have something to add? Okay. Well, why don't we just jump right into our discussion items? The first one being the draft zoning text amendment pertaining to penalties and remedies for violations, which we looked at and discussed in our October meeting. And now perhaps everyone has had a little more chance to digest the materials that Will has provided and we can maybe have a little more meaningful discussion on it. Will, it looks to me as if I'm looking at the materials correctly were right where we left off last time in that nothing has changed in the interim.

**Will Moore:** Correct. There were really no revisions directed by the commission for this month. So, it is in the same draft form as you saw last month. I'm still not necessarily requesting any action on your part at this time. I've seeing that there is another text amendment on your agenda. It might be helpful to move them forward simultaneously at some point in time. We can incursion or realize some cost savings and advertisements and things like that, but I'm happy to have further discussion on this potential amendment.

**Eric Combs:** Just as a threshold issue, I noticed a lot of the texts that you've added as a proposed addition to the ordinance is pulled straight from the statutes.

**Will Moore:** Correct.

**Eric Combs:** I would imagine it's probably our best bet just to drop that language wholesale as included from the statutes. But as reading through, I noticed there is some room here or there for clarification in some of the text. I don't know if we want to entertain any kind of nits or edits along those lines as we're contemplating the draft. But if so, I'm happy to kind of share some of my thoughts on that with you off-line if that's more [inaudible].

**Will Moore:** Yeah. I think that would be good. If you want to send me what you have off-line. I can I can digest it myself. And if necessary, send it to Martin to consider as well.

**Eric Combs:** OK. Any other thoughts regarding the draft?

**Bud Jacobs:** Which draft are we looking at at the moment?

**Eric Combs:** We're looking at the draft ZTA.

**Bud Jacobs:** Penalties.

**Eric Combs:** And the background on this is that it came to council's attention that our zoning ordinance did not include penalties as high as the Virginia code had allowed for localities. And so, while Will has rarely, if ever, seen the need to invoke any of the penalties, preferring instead a sort of soft, informal enforcement, council nonetheless thought it would least behoove us to have had that authority into our tool box. And I think we collectively as a planning commission have agreed with that. So now we have the draft text in front of us. And as we just discussed, there are two. I think it's two statutes in particular from which the proposed language here was pulled. And it's, I think, relatively straightforward. What Will is proposing two to include in our draft amendment. But, Will, I'll share my thoughts on it. Just kind of minor language stuff here and there. But beyond that, I think unless there are other comments, we can kind of put that on a burner to get her to get ready whenever you think it's appropriate. Ok. Then moving on to our next item, admittedly, probably not a straightforward sign ordinance. And a lot of material here. Again, a memo from Will, a draft ordinance which includes Will's markup of the model that Martin was instrumental in drafting with his committee and then some background material. Again, a lot to take in. I know we kind of had an abbreviated amount of time with it before our last meeting, but I'm assuming folks have kind of dug in and maybe have a fair amount of questions or comments on it now. So, have at it, if everyone is willing. Will, if you want to just frame that a little better. We'd be better for it.

**Will Moore:** Yeah. So really the big difference between this month versus the version you saw last month is Estee and I have as a starting point. On page 9 of the draft, which is part 2, we have given you a starting point of and that's all this is meant to be of the different potential allotments that would be provided for these different types of signs in the different zoning districts. So, we have broken this up. We have grouped all residential districts together. And in addition, we have grouped the AC district with the residential district. We've created two potential tables of allotments. One would be for residential uses within those districts and the other would be for non-residential uses within those districts. So, for example, the Community Center is technically in a residential district. The Community Charter School is in an agricultural conservancy district. So those would be governed by the non-residential uses in the residential and AC districts. And then we have grouped likewise all of the commercial signs together in a proposed allotment table. There is a lot to take in there. We're happy to go through and discuss those different allotments that we have proposed here of some we took from some basic information that was in the the LGAs model ordinance included one table only for the residential district. But we've obviously expanded on that as was necessary. One of our methods of approaching this was we wanted to make sure with business communities in particular. There is oftentimes a lot of angst with sign ordinances, period. But when you start making changes to sign ordinances one of our goals here was to try to accomplish this revision. So, reformatting our ordinance, making sure that it addressed those very particular concerns in

Reed v. Gilbert as to not treating signs differently based on their content. But we also wanted to not make any drastic changes or better said not make any reductions to allotments that were available in particular for our commercial districts. So, we didn't want to come through and, you know, create a situation where a current business has a 20 square foot sign that is perfectly conforming to the ordinance today. And it becomes non-conforming because we changed the rules and now all of the sudden it's too big. One of our goals was to make sure that if anything, you might had slightly more of an allotment. But we were attempting to ensure that there was no reduction in allotments available in particular to our business community. And again, happy to discuss if you have any initial thoughts. This is it's hard to start to figure out where to start tackling.

**Eric Combs:** Yeah. I was just going to ask you where you might you suggest, if at all, you could see us jumping in or.

**Will Moore:** Well, I think maybe in the the commercial district. So, the allotment table there is on the final page of the draft, which is page 10. And I kind of suggest jumping in there because really that's where our current ordinance is geared. Most of the allotments that you find in there were more contemplating what happens in our commercial district. In fact, we had very little, if any, distinguishing of different allotments for different districts in our current ordinance. So the the one basic standard that is if there is any one kind of governing piece in our existing ordinance, it is this basic allotment of one square foot per two lineal feet of building frontage said another way, if you have a 20 foot wide store front, you could have a maximum of 10 square feet of signage. But then it gets a little more complicated and starts addressing second-story occupancies. And so, if you have second-story activities, you get additional allotment based on that. But it's only one fourth of the allotment based on your ground-floor if it becomes a little cumbersome to deal with. So, one of the one of the first things we did was the fact is the majority of our commercial district exists with multiple stories, not all, but the majority does. So, what we were proposing was slightly increasing that allotment to one and a half square foot per two lineal feet. So that same 20-foot-wide storefront would be eligible for up to 15 square feet of signage. The other part of that is there would be an absolute maximum that is currently at 30 square feet. So regardless of how tall or wide the massing of your structure is, you're currently limited to no more than 30 square feet of signage. We would propose, but that's exclusive of the second-floor allotment. Yes. So, we're we're proposing taking that second floor allotment out and just upping that maximum allotment to 36 square feet. Part of our comfort level and proposing that to you is that with the exception of one property in the town of Middleburg, every property that is commercially zoned currently is also in our historic district. So, you're always going to have that aesthetic review that goes along with it that they are not obligated to approve the maximum allotment available. I really don't think this is going would give you any signs that were in any regard out of scale with most of our buildings. But you're always going to have that secondary line of defense for review here, which is very helpful. I think.

**Eric Combs:** Oftentimes, I find it might be helpful with texts like this to see how it might be applied as a way to perhaps understand it. Because, you know, taken just by itself with its four corners, it's a lot to take in. For example, even weighing in on the allotments you have in the residential and commercial is in my mind, as we look at it, arbitrary, like I don't know whether to say, well, that's too much or too little, right? It might be helpful if we had either a hypothetical or sort of real-world application for some of this or just a couple studies. [inaudible].

**Will Moore:** Yeah, we would be happy to assemble quite a number I think of visual examples for your December meeting, even if we I think we can get a number done in that amount of time. [off mic] She's already been working on it. So yeah, I think that's something we could certainly put together between now and if not December, maybe even rolling into January again. We see we see you. We suggest that you take your time on working through this and those kind of examples. If we can put those together to help you better visualize.

**Eric Combs:** And also may help us if we could sort of run it through the sign ordinance, maybe see how some of these provisions interact or how they interrelate as an application might come in and a permit is reviewed. Maybe just a demonstration of that will help us to kind of understand the moving parts in here.

**Will Moore:** Absolutely.

**Eric Combs:** Thoughts, Ed.

**Ed Fleischman:** Will, just driving here to the meeting I passed a couple of residential properties that maybe are examples and you can tell me how it would apply. One residential property had on their fence line seven flagpoles with seven different flags.

And is that. There's a sixteen square feet have anything to do with that or how would that work?

**Will Moore:** Yeah. So. So that's that. It would have something to do with that. Now, that being said, anything that is in place today, assuming it was in place legally. If our rules change, that would become a non-conforming situation. So, we would not go and tell this person to take their seven flags down. But somebody else wanting to put up so many flags would need to comply with the ordinance.

**Ed Fleischman:** Ok. And at one time, one of the flags was not appropriate and he took the flag down voluntarily after some incidents in Charlottesville. So, is there any requirement on what's an appropriate sign or if someone puts an inappropriate sign? How is that handled?

**Will Moore:** Yeah. That's a tricky it's a tricky question.

**Ed Fleischman:** That's why I asked it. If it was simple, I would have answered it myself.

**Will Moore:** Exactly. Yeah. Again, we're reviewing. Yes. So, there may be some certain levels of community decency standards that may or may not be enforceable. I really have to talk with the town attorney more about that. But in general, the goal here is to get away from content based. So even though, you know, the flag you mentioned may have been inappropriate, that there'd probably be no recourse.

**Ed Fleischman:** Okay. Thank you. It's gone. So, it's not an issue. Yes. The other item as I was driving here on the street. There is a house that has a backyard that's really close to a stone wall and they have a big TV screen in their backyard, which is almost on a lot. And I just wondered, is that how is that considered? I wondered why they have it on because there's no one in the backyard. [off mic] But some people have seen it. [off mic] that right?

**Will Moore:** It's a little tricky. So, we always have to. [off mic] We always have to go back to our definition of a sign which we're proposing a slightly different definition based on the model ordinance and it could get tricky in an interpretation there. The tricky part is, is it being is it designed and used to attract attention to that property from those who are outside? Or is that attraction of attention just something that is secondarily happening unfortunately. That's a little bit tricky. I don't know that we have anything currently in the way this is drafted that would allow us to address that situation.

**Eric Combs:** This ordinance doesn't seem to speak to it.

**Ed Fleischman:** Just as talking about, you know, a TV screen. There are a number now of advertisements that are really a video screens. And then appear and some of them are large. And if so, how would that be different than a TV screen or would there be a requirement not to have a video screen here as an advertisement in your.

**Will Moore:** There would be. Yeah. Yeah. Any any video screen that meets the definition of a sign would be prohibited in the town.

**Ed Fleischman:** So, of it's just a TV that's on that's not a sign.

**Eric Combs:** If you look at the deficit nation of the sign under this model ordinance, it would be designed and used to attract attention. So, in public.

**Ed Fleischman:** But it is attracting attention because a number of the commissioners have seen it.

**Eric Combs:** But is it designed and used in that manner. I think that's where we would come down to it and that would then trigger whether it qualifies as a sign subject to the ordinance.

**Ed Fleischman:** OK. Thank you. That's that's fine. I appreciate the.

**Bud Jacobs:** A video, a screen with a crawl message on it is a sign, presumably.

**Will Moore:** Most likely, yes. There are multiple components in the audience here, but essentially this in addition to having that goal of not limiting an allotment that exists today or not reducing a lot of it to exist today, a lot of the same premises that were in our current ordinance, in particular with no internally illuminated signs, no moving sides, no animated screens. Some of those types of things you see allowable in other jurisdictions, generally in larger jurisdictions that have more of the auto centric commercial corridors. Those prohibitions essentially remain in this draft.

**Terry Cooke:** Will, you answered this question in response to one of Ed's comments regarding flagpoles? I'm aware of at least one flag pole in the residential district that if this ordinance were in place today, it would exceed the height and setback limits. But I presume any flagpole that's currently existing would be a as you said, a nonconforming use or a grandfathered use. Unless they move that flagpole somewhere in the future.

**Will Moore:** Right. Assuming it exists legally. It's always a bit of an assumption. Sometimes things go in. But currently our ordinance and this is something that we might have to otherwise address. Currently, our zoning ordinance, but not in the signed section, exempts flagpoles from all height limitations. So that is something that the.

**Terry Cooke:** The current ordinance does?

**Will Moore:** The current ordinance, yes. Again, it's not in the signs section. It's in a separate section of the ordinance. So that was something that Estee and I discovered when we were piecing together these allotment tables that had limitations on height of flagpoles necessarily. We realized that if this were adopted, that would create a conflict elsewhere that we would also have to address. So, a subsequent draft of this will probably also include an amendment to that section as well.

**Terry Cooke:** And one a minor nit that is I noticed it as well as reading it through it last month. And I'll bring it up today if we look at Page 3 of the proposed ordinance. It's subpart double A and the last sentence reads, the term sign also does not include the display of merchandise for sale. Also seems to be an extraneous word there, doesn't it?

**Will Moore:** It does. I apologize for not addressing that. I do think that was directly from the model ordinance. But that doesn't mean doesn't mean we can't change it. But, yes sir. Yeah.

**Eric Combs:** Sorry. Yeah, I see that. And I have a number of other similar sorts of nits. Might it be best just to red line those in a Word document.

**Will Moore:** That would be wonderful. I can send this out in a Word document if you like. If that would be helpful. And then I can distribute that to all members if all of you want to spend your time correcting papers because you don't get enough of that. [multiple speakers] But yes, I'd be happy to send that.

**Eric Combs:** Okay. Yeah, I think that maybe just would be easier to red line some proposed kind of language or text edits along the way.

**Will Moore:** That would be great.

**Eric Combs:** Were there any sort of maybe this this from general to specific any just sort of general observances or observations, thoughts, reactions as you were going through this without kind of getting into the weeds on anything in particular? And I can appreciate where the where it all comes from and the need for it in the background for it. But wondering whether there are any comments about any of that. Just as a threshold issue.

**Terry Cooke:** I have a question.

**Eric Combs:** Sure.

**Terry Cooke:** I'm fascinated by feather signs. What the devil is a feather sign? Is it the kind of things that we see, for example, at the distillery? [multiple speakers] [off mic]

**Will Moore:** Estee and I got a good laugh because the definition of a feather sign from the model ordinance read that which may resemble a sail, a bow or a tear drop but didn't say would resemble a feather. I said I got to add that [inaudible] a feather sign because it resembles a feather. [off mic]

**Eric Combs:** Ed, did you have a thought?

**Ed Fleischman:** Yeah, yeah. Just refresh my memory on political signs. How do they fit into this again?

**Will Moore:** So, a political sign would typically be addressed as a temporary sign. And it would be based on the allotments that are provided in the different districts for temporary signs. So, we would not classify a political sign differently than, say, another political sign. So, if you've driven the area outside of town, you may have even seen a few pop up inside town that say oppose Banbury Cross Reserve. Not sure if we call that a political sign, but it's a sign for a cause. We would treat that the same as a insert candidate's name for President 2020. We treat that the same is the oppose Banbury Cross Reserve and you would get an allotment based on where your property fits in these tables for a certain number possibly of those signs a certain maximum square foot each, a certain maximum square foot aggregate, but we would not treat them differently than another temporary sign. Another example if a business in town was doing a grand opening event, they would get the same allotment for a temporary sign for the grand opening event as if they wanted to put up a political sign as well. It's still a temporary sign. We would not treat them differently.

**Ed Fleischman:** I don't really know much about this. What do you mean allotment? When you put up a temporary sign, you ask the town for an allotment, or is there a section in here that deals with the size?

**Will Moore:** Yes. So those are the tables on pages 9 and 10 of the draft. And yes, so we're talking about sizes that are available. So, depending on the type of size or type of sign, you will get a certain allotment.

**Ed Fleischman:** So, the size of the sign has to be within the constraints of the permanent signs sort of put a big sign up that says vote for Sheriff So-and-so or can you in your front lawn.

**Will Moore:** Right. Well, you can. So, I'll use the residential district. So, if you look on page 9 of the of the draft section 205, table A, which is for residential uses and residential district. So now we are on Sycamore Street at Mr. Fleischman's house. Residential use and residential district are temporary signs. There is a maximum total aggregate area for temporary signs of 16 square feet. There is a maximum size each of 16, so you could put up 1 16 square foot there.

**Ed Fleischman:** So, I can't put our big billboard that says vote for Sheriff So-and-so. Right. I mean, 16. It's not that big.

**Will Moore:** It's four square four by four. Right. Yeah. [multiple speakers]

**Ed Fleischman:** So, it's not actually the definition of a billboard type sign.

**Will Moore:** Correct.

**Ed Fleischman:** Yeah. Because you see some on the Plains Road or something and I think that's a that's a point worth this commission discussing is that an appropriate limitation. I think that's where we can help by maybe giving you some examples of what does that look like. Maybe in today's political atmosphere, you think that's too limiting? Maybe you think it's just fine. You know, again, we can maybe the maximum size each is fine, but maybe the total aggregate area. You want someone to able to put up more signs in that. So, I think those are the kind of things we need to start working through. Right.

**Bud Jacobs:** Looking ahead to potential challenges, particularly with respect to political science, isn't it the most important feature of this is that whatever decisions we make are defensible and not or cannot be don't appear to be arbitrary.

**Will Moore:** I think that's absolutely right. Yeah, absolutely. Yeah. Yes. My intention is prior to this commission. So, at some point in time, we will ask you to do a couple of things. One is to make a motion to initiate this is an amendment. So right now, it's a draft amendment. You've not. So, an amendment to the text of the zoning ordinance here in Middleburg can only be initiated two ways. One is by the council. The other is by the planning commission. So, me drafting this based on the model ordinance and handing it to you is not formally initiating. So, at one point, at some point, we will ask you to do that. Subsequent to that, you will need to schedule a public hearing as you would on any amendment to the ordinance. Hold that public hearing and then make take action to forward it to council with recommendation. At some point in time before that last step with you my intention is to have the town attorney here at least one day with you to have those kind of discussions about how does that play in, you know, are we going the right way here? Is this defensible? The way we've customized it? Is it defensible? Are there concerns.

**Eric Combs:** Really [inaudible] departures from the model?

**Will Moore:** I think so. [off mic] I think so. Yeah.

**Eric Combs:** I think that would be helpful. Terry, please.

**Terry Cooke:** Will is there anything in the proposed ordinance that would address the issue of numerosity for lack of a better word. One of my a pet peeve is not so much here in in Middleburg because I haven't seen it, but if you've driven through Fairfax County where there's an upcoming election. I mean, I've driven stretches of Route 50, perhaps 50 feet long where they were probably 50 political signs [off mic] crammed within that 50 foot space. And it is such an eyesore. It's like being beaten over the head with the message. Is there anything in this ordinance that would preclude that sort of thing?

**Will Moore:** There is. There is. So, a couple of things come into play there. And I'm scrolling through trying to find scrolling through the actual model ordinance with Martin's notes right now, where there was

a suggestion to not have a specific limitation on the number of certain types of temporary signs. However, what really addresses it is going to be that maximum aggregate square feet. So, the way we have again and this may not be the perfect approach. But again, let's just use the residential district. We do say right now maximum number of temporary signs we say, quote, unquote, no limit. But we further go to say that there's a maximum size each of 16 square feet. And we say there is a maximum total aggregate area. So, all of your signs put together, temporary signs cannot exceed a certain size. That number, we still have that at 16 square feet. And what that really envisions is you could put up basically four of your normal campaign size signs in residential property. Is that the right number? Should that aggregate area be larger or smaller? I think that's what we can discuss. But we're not specifically saying you can only weigh in on one topic because we're giving you a certain number, but we're giving you your total area to work with. So, if you want to weigh in on 12 different races, you're going to have to pick and choose how much size you give to each of those.

**Ed Fleischman:** Following up on Terry's comment. In actuality, you can't put up a huge number of signs or any sign unless you get approval on public right of way rights, a Route 50 and all the signs that are near the street are not allowed or prohibited according to the ordinance, right?

**Will Moore:** Yes. This ordinance does not allow for any signs to be placed in public right of way by any private individual.

**Ed Fleischman:** So, you can't legally put up on Route 50 political signs.

**Will Moore:** I'm not going to say you can't because I would have to see where on Route 50 that is in. If it's right out near the edge of the road, the chances are it's.

**Ed Fleischman:** If it's within their fence, it's on residential or private.

**Terry Cooke:** They're typically within the medium.

**Ed Fleischman:** Yeah. Yeah. They are usually in public land, right.

**Will Moore:** Yeah. Which. Yeah. There's no there's no allowance for that. [off mic]

**Eric Combs:** We have certain a frames or sidewalk sandwich board signs that are in the right away on the sidewalk and whatnot.

**Will Moore:** We do. That is a separate ongoing discussion at a staff level right now as to how we wish to treat or continue to treat those.

**Bud Jacobs:** Are those treated right now as temporary signs, even though they're.

**Will Moore:** They are not treated under the zoning ordinance at all.

**Eric Combs:** Just aesthetically in HDRC right. Is that the only.

**Will Moore:** Not even really like that. Yeah.

**Eric Combs:** I thought I recall some issue. [off mic]

**Will Moore:** Yeah. There has been some confusion and some various interpretations of our ordinance and what is in the current ordinance and how that applies to those signs. My answer is zoning applies to properties. The zoning doesn't apply to rights of way. You might reiterate sometimes that things aren't allowed in the right of way within zoning. But that's not that's not addressed. So, there are some

allowances in our current ordinance that may have been mistakenly interpreted as applying to signs in the public right of way. Sidewalk signs for example.

**Eric Combs:** How much would you propose the town address signs in the right of way, for example the sandwich boards.

**Will Moore:** Right. So oftentimes that's done with the attorney would call it a license agreement. We might just call it a permit that it's not done under the purview of zoning, but it's done under the purview of the town code. So, something that might allow you to put your sign on the sidewalk. Oftentimes, though, that that comes with various disclaimers hold harmless agreement and a certificate of insurance that says we're additionally insured in case you trip on it and lots of stipulations as to exactly where it can be so it's not obstructing free passage of pedestrians, particularly those who might have like a mobility disability or something like that. So, it can be very nuanced and we've not decided yet to tackle that.

**Eric Combs:** Ok. Thank you. Don.

**Don Woodruff:** Someone wishing to put a sandwich up in front of there going for [off mic] or was I misunderstanding what you said.

**Will Moore:** I won't say that they can, but I won't say that we will necessarily be trying to enforce it either. Really, you're not allowed to put the bass line is you can't put something in public right-of-way to obstruct the right -of-way. But we have we've chosen as a talent to not actively pursue those kinds of things to this point.

**Don Woodruff:** [off mic]

**Eric Combs:** Ed.

**Ed Fleischman:** Will, in the written word right now it says that a sign could be removed by an authorized official authorized person. Who are these people? Whose authorized.

**Will Moore:** It's essentially going to be a town employee, most likely myself, Estee, my maintenance supervisor.

**Ed Fleischman:** An official of the town, like a policeman.

**Will Moore:** Policeman could do it.

**Ed Fleischman:** Maybe you ought to determine what an authorized official is. Thank you.

**Eric Combs:** Other thoughts, questions, comments on the sign materials. OK. So maybe you will take up some case studies we'll call them. [inaudible] It'll help us kind of work through this a little bit.

**Will Moore:** And in the meantime, I will send out a word version of the current draft. And if anybody wants to submit edits, that would be wonderful.

**Eric Combs:** Thank you.

**Estee Laclare:** So, when we're talk about case studies. Do you want examples in the sense of what has been improved in the past based upon on things? What are you thinking would be the best way for you to visualize this?

**Eric Combs:** Yeah, I mean, I think for our present purposes, whether it had been approved in the past or not could still help us run it through. So yeah.

**Will Moore:** We'll put our heads together. I think it's I think I'm envisioning different types of signs projecting one flat to the wall free-standing the limited mounts. [off mic] With some annotations as to this is X amount of square feet. This is X amount of square feet back on a building that is this wide.

**Eric Combs:** Really any anything I think. anything you think looks like a good candidate for our discussion.

**Will Moore:** Absolutely.

**Eric Combs:** Okay. One other discussion item I just wanted to raise was that as we get into December. I would think we might have a bit of an opportunity to forecasting in 2020 twenty see things that we might want to be accomplishing as a planning commission. Now, being on the heels of our comp plan was a huge undertaking and I know we have a lot in front of us with the sign ordinance, but we have talked about addressing zoning ordinance issues more generally maybe first targeting some some [inaudible] areas Will has identified in the past or or perhaps tackling it any number of ways. But maybe we can use our next meeting in December to just maybe spitball some things that we may want to try to tackle in 2020 and maybe make a bit of a plan for next steps, now that the comp plan is behind us, because we have our [inaudible] kind of day to day stuff with applications and things that council might put before us. But there are some, I think the longer-term things we strategically can be focusing on. And I know we've talked about that before, but it just dawned on me that we have one more meeting in this calendar year and that might be a good time to do it.

**Bud Jacobs:** Great idea.

**Eric Combs:** Then Will, I'm happy to sit down with you offline and maybe we can throw a few ideas out there to put onto the agenda.

**Will Moore:** I think it'd be great.

**Eric Combs:** Okay. OK. Is there any other discussion items anyone else wants to [inaudible] [off mic]

**Ed Fleischman:** Will, last meeting we discussed getting written hard copies of the comprehensive plan. What's the status of that?

**Will Moore:** [off mic] hang out after the meeting. I'll try to locate them. [multiple speakers] You know, I literally that might be where they are. She brought them in shortly after we gave her as hard copy. She bound them.

**Rachel Minchew:** No, we didn't get them yet. [off mic]

**Will Moore:** Thank you for reminding me. They're somewhere. [off mic] No, I'm not going to jail for 25 dollars. [laughter] [multiple speakers]

**Eric Combs:** All right. Calendars, December. So, we're scheduled for December the 16th being the third Monday rather than the 23rd, which is the fourth. Does the 16th present any issues for anybody? Great. It looks like we might have a quorum. OK. Anything else? Before I. Thank you everybody.