



**MIDDLEBURG TOWN COUNCIL  
Monthly Work Session**



**Monday, March 9, 2009  
Town Office, 10 W. Marshall Street**

**8:00 a.m.**

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**PENDING APPROVAL**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk  
Councilmember Trowbridge Littleton  
Councilmember Judith Pryor Plescow  
Councilmember Kathy Jo Shea

**STAFF:** Jerry M. Schiro, Town Manager  
Rhonda S. North, MMC, Town Clerk  
Cindy C. Pearson, Economic Development Coordinator  
Steven L. Webber, Chief of Police  
N. Phil DeLeon, Town Engineer

**ABSENT:** Councilmember Catherine “Bundles” Murdock  
Councilmember Lisa Patterson  
Councilmember Mark Snyder

The Town Council of the Town of Middleburg, Virginia held their regular work session on Monday, March 9, 2009 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 8:00 a.m.

**Council Discussion – Delay in holding public input sessions regarding lot coverage (a/k/a McMansion) issue until economy improves**

Mayor Davis noted that she spoke with the Town Planner who thought the Council may wish to consider delaying the public input sessions due to the economy. Town Administrator Schiro confirmed that with the slowing of the Salamander Project, the economy and the recent assessments, it may be good idea to delay the input sessions. He reminded Council that the Town was going to spend money on consulting services. Vice Mayor Kirk and Councilmember Littleton agreed it made sense to delay them. Councilmembers Shea and Plescow disagreed. Councilmember Plescow expressed concern that individuals may purchase property in Middleburg now at depressed rates; and, suggested that if the Town did not impose rules related to development, it would look like it was asleep at the wheel. She expressed her opinion that the Town should be pro-active rather than reactive. Councilmember Shea advised Council that she would like to see the Town approach this item as being concerned about what would happen when the economy improved and to identify the options. She suggested the Town eliminate the reference to “McMansions” and instead ask the citizens where they wanted the Town to go and what they wanted the neighborhoods to look like. Mayor Davis noted that the staff was hearing people say they don’t want the Town to expand the Historic District, which was fine. She suggested the Council needed to let the citizens know this was something the Town was only discussing; and, noted that some already think the expansion was a done deal. Ms. Davis reiterated the need to make them understand that nothing has been decided; and, that the Town was only at the information gathering stage. Councilmember Shea noted that she has spoken with

the Town Planner about how this item should be presented; and, suggested the staff should explain that the Town was seeking input, while sharing the possible impact of development on their property. Councilmember Littleton advised Council that he was fine with proceeding with the information gathering sessions; however, he asked why the Town needed to hire a consultant. Mayor Davis expressed her opinion that the Town did not. Councilmember Shea noted that the Planning Commission offered to facilitate the sessions. Mayor Davis reiterated that the Town needed to stress that it was not trying to talk anyone into anything – it was simply trying to offer options/suggestions and the pros/cons of each. She noted the need to make sure the citizens attend the sessions. Councilmember Littleton suggested the bottom line was that people didn't want their values to change; and, sometimes didn't understand that not allowing development increases the value, not decreases it. Mayor Davis noted that some people think the Town was trying to tell them what they needed to do. Councilmember Littleton noted that the Town was not trying to stop additions or the construction of a new house – it just didn't want them to go beyond the scope of the community. Vice Mayor Kirk advised Council that she had no problem proceeding either way. Councilmember Shea suggested the Town explain that it knew the economy would improve and wanted something in place to protect the residents. Town Administrator Schiro noted that the Town Planner has held discussions with Winchester's Planning Director about serving as the facilitator. He advised that he would talk to him to determine what he had in mind; and, suggested it would not involve a lot of money. Councilmember Littleton suggested notices be sent out with the water bills. After some discussion, the Council agreed it wanted over-sized brightly colored post cards to be mailed to each resident alerting them of the public input sessions. They noted that the post cards could be produced on the copy machine, thus allowing the bulk of the money to be used for postage. Mayor Davis asked that the Town Planner be prepared to brief Council during the regular meeting on how he planned to proceed.

Vice Mayor Kirk asked that an item be placed in the newsletter reminding citizens that the Council was discussing the upcoming budget and possible cost-cutting measures. She suggested the article indicate that the Council was seeking citizen input.

### **Council Review – March 12<sup>th</sup> Meeting Agenda**

Mayor Davis noted that the first item on the agenda was a request from the National Sporting Library to waive the sidewalk requirement associated with their building project. Councilmember Littleton advised Council that the Planning Commission and HDRC had no details on the proposed sidewalk; and, suggested the Library needed to do its homework. Mayor Davis asked whether the sidewalk would be located along The Plains Road. Town Engineer DeLeon explained that the Library would have a path running from the intersection of Washington Street and The Plains Road up to their building. He further explained that the Town was trying to get them to incorporate a handicapped accessible trail/sidewalk into and through their site in order to link it to other areas of the Town. Mr. DeLeon explained that due to the steep grade and hill, the Library would have issues. He advised that during the Planning Commission meeting, the engineer made a very simple attempt to show something; and, the Commission asked that he go back and make a good attempt at designing a sidewalk/trail to determine whether it was feasible. Mr. DeLeon noted that the Library then submitted their waiver request during the Planning Commission's meeting.

Councilmember Littleton asked whether VDOT approval was needed. Town Engineer DeLeon confirmed that comments have been received from VDOT on the project; however, they did not address the sidewalk issue. He advised that during the Planning Commission meeting, Mr. Johnson (of the Library) proposed the idea of moving the stone wall and running the sidewalk along The Plains Road; and, was told that it would need to meet VDOT criteria. Mr. DeLeon

noted that the Town Planner was also asked to talk to the Town Attorney about any liability issues that may arise as the result of having a public trail through the Library's property; and, explained that this was one of the Library's concerns. Mayor Davis suggested the Council discuss this matter further during its regular meeting. Town Engineer DeLeon expressed hope that the Library would have a representative present to make their case. He reminded Council that they have the option of approving the waiver or asking for more information. Mr. DeLeon noted that the Planning Commission has said it wanted to see more; therefore, they delayed the vote on the site plan. He further noted that they recommended the Library submit a sidewalk plan to the HDRC for their consideration. Councilmember Littleton noted that the HDRC said the same thing. He expressed his opinion that the Council could not approve a waiver. Vice Mayor Kirk and Councilmember Shea noted that the recommended motion was in line with what the Planning Commission and HDRC recommended. Town Clerk North reminded the Council that they could always waive the requirement for the sidewalk at a later time, once the plans were prepared and reviewed. Town Engineer DeLeon noted that the Library's engineer was talking about starting construction in April. He further noted that the engineer did not show up for several Planning Commission meetings. Mr. DeLeon advised that the Commission asked for a full landscape plan; however, the Library just pulled an old one. He noted that no one has looked at the existing trees on behalf of the Library; therefore, the Streetscape Committee was going to evaluate them. Mr. DeLeon advised Council that the Library has a number of unresolved issues to address; however, they were pushing for approval of the project as they have put it out to bid. Councilmember Littleton expressed his opinion that the presentation offered during the HDRC meeting was very unprofessional; and, advised that the applicant had not done his homework. He noted that the Library has both an engineer and architect working on this project; and, advised that it involved the construction of a large building.

Mayor Davis noted that the next item on the agenda was a storm sewer easement in the Liberty Street Parking Lot. Town Administrator Schiro advised Council that VDOT was requiring the easement. Councilmember Shea asked whether this involved just one easement. Town Engineer DeLeon confirmed it did; and, noted that the easement was for the inlet located in the middle of the parking lot, connecting to the inlet in Liberty Street.

Mayor Davis noted that the discussion item related to the draft Rules of Procedure would tie up the Council's past discussions. She noted that the Council would also discuss the acquisition of a bench in memory of Billy Leach. Councilmember Littleton asked whether a location has been identified for the bench. Mayor Davis advised that this would be a part of the discussion. Council held some discussion about placing the bench in front of the former hardware store. Councilmember Littleton suggested the bench contain an inscription that would identify Mr. Leach's years in Town; and, noted that it was forty.

There being no further business, a motion was made to adjourn the meeting at 8:18 a.m.

APPROVED:

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Betsy A. Davis, Mayor

ATTEST:

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Rhonda S. North, MMC, Town Clerk