



**MIDDLEBURG TOWN COUNCIL
Monthly Work Session**



**Monday, April 6, 2009
Town Office, 10 W. Marshall Street**

8:00 a.m.

PENDING APPROVAL

PRESENT: Mayor Betsy A. Davis
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Lisa Patterson
Councilmember Judith Pryor Plescow
Councilmember Kathy Jo Shea

STAFF: Jerry M. Schiro, Town Administrator
Rhonda S. North, MMC, Town Clerk
David M. Beniamino, Town Planner
Steve M. Webber, Chief of Police

ABSENT: Vice Mayor Darlene Kirk
Councilmember Mark Snyder

The Town Council of the Town of Middleburg, Virginia held their regular work session on Monday, April 6, 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 Review – April 9th Meeting Agenda

Mayor Davis asked whether the staff has re-worded the Zoning Text Amendment language related to temporary and itinerant vendors. Town Planner Beniamino confirmed he made the changes as requested by Council.

Mayor Davis recognized that the regular meeting agenda was in the new format as approved in Council's Rules of Procedure. She noted that Middleburg events/businesses/individuals received five awards during the recent Loudoun Convention & Visitors Association luncheon; and, asked whether the winners should be invited to come to the April 9th meeting so the Town could acknowledge them under the new item titled "Special Recognition by Mayor and Council". The award winners include the Upperville Horse Show; two awards for Market Salamander; Mary Kay Garwood, individual; and, Chrysallis. After some discussion, the Council agreed that the individuals should be invited to attend; however, the invitation should not be in the form of an obligation. Mayor Davis asked the Town Clerk to contact the recipients and to prepare a list of the awards.

Council reviewed the action items on the April 9th meeting agenda. Mayor Davis asked that whoever made the motion to approve the Arbor Day Proclamation also read it. Councilmember Murdock asked about the details of the Buy Local Program; and, how it was started. Mayor Davis advised Council that Genie Ford has been talking about putting together a program to help promote shopping locally. She reviewed the various types of support that Ms. Ford was requesting, in particular the use of the Town's contract with Bendure Communications.

Councilmember Murdock asked who would pay for their use. Mayor Davis noted that the staff's recommendation was that any use of the contract should go through the Economic Development Coordinator; and, suggested the Town could not allow anyone to use Bendure Communication and bill the Town. She noted that the Town currently received eight to ten hours worth of service per month under the existing retainer. Councilmember Murdock noted that this item raised a red flag for her. Mayor Davis suggested the Economic Development Coordinator could work on any press releases for the Buy Local Program; and, forward them to Bendure Communications. Councilmember Murdock noted that the recommended motion was that the approval was contingent upon out-of-pocket expenses being approved by the Council. Town Administrator Schiro reminded Council that the Town had a limited amount of money available for economic development. He noted that he liked the way the Town Clerk worded the recommended motion. Mayor Davis suggested the Middleburg Business & Professional Association may be able to assist with any costs associated with the program. Town Administrator Schiro reiterated that the Town had no flexibility in its economic development budget to donate money. He noted that this was a good program; however, there was no extra money to support it without taking away from other things. Councilmember Patterson advised Council that she spoke with Ms. Ford and suggested that she piggy back with what the Economic Development Coordinator did, which was where the list came from. She suggested that the Ms. Ford could also piggy back on other programs, such as those provided by LCVA. Ms. Patterson explained that Ms. Ford felt she would be more successful in gaining public approval for the program if she could say she had Council's support. Mayor Davis expressed her opinion that Ms. Ford would offer a more detailed description of the program during the Council meeting. Councilmember Murdock agreed with the need to help businesses. Town Administrator Schiro reiterated that the Buy Local Program was a good one. Councilmember Patterson advised Council that she has made Ms. Ford aware of the Town's budget problems. She noted a recent news report regarding a local restaurant in Alexandria in which the owner was waiting tables due to the tough economic times. Ms. Patterson further noted that the locals were now rallying to eat at that restaurant; and, suggested it was nice that people were paying attention to local businesses that were struggling. Mayor Davis suggested she reiterate during the Council meeting that there were a lot of local businesses that were struggling in Middleburg; and, the citizens need to help them when possible.

Mayor Davis noted that the final action item was a reduction in the Steeplechase Run Project bond. Town Planner Beniamino reported that he and the Town Engineer would review the bond reduction amount later this week. He noted the need to ensure that the bond balance was enough to cover the cost of completing any outstanding work. Mr. Beniamino advised Council that Middleburg Automotive was also planning to request the release of the \$80,000 cash bond held for improvements to their property located at 13 & 15 W. Federal Street; and, explained that the site plan for that project had expired. He expressed hope that he would receive a letter seeking the bond's return prior to Thursday's meeting; and, advised that he would seek to add it to the agenda if this were the case. Mr. Beniamino reiterated that the applicant could not make the improvements on the site plan as it expired; and, noted that he no longer planned to construct a car wash. He advised that the applicant did plan to construct an addition, as well as perform other work on the site; and, has submitted another site plan that must ultimately be bonded. Mr. Beniamino explained that the Town no longer needed to hold the existing cash bond; and, reiterated that he would put the waiver on the agenda if the request was received by Thursday.

Councilmember Patterson asked whether the Steeplechase Run owners planned to complete their project; and, noted that a house recently sold. Town Planner Beniamino expressed his opinion that they would probably seek relief from the HDRC for some of the building materials that have been required. He explained that Mr. Battel's contention was that he could not be competitive in the market if he could not lower the price of the houses due to the stone and façade work that the HDRC required. Mr. Beniamino advised Council that he has spoken with the Chairman of the

HDRC who was not in agreement with relieving Mr. Battel of these requirements. He noted that he has informed Mr. Battel that he could appeal the HDRC's ruling to the Town Council if he did not agree with their decision. Mr. Beniamino advised Council that he was not saying they should over rule the HDRC. Councilmember Patterson advised Council that the remaining buildings associated with the project would have an impact on two members of the Council; and, explained that it was part of their view shed. Councilmember Murdock noted that there were still five members of Council who could vote in the event of an appeal. Councilmember Patterson advised Council that to relieve the applicant of these requirements would destroy the property values for the surrounding neighbors. Town Planner Beniamino advised Council that the applicant had not submitted an alternative; therefore, the staff had nothing to review and comment upon. Councilmember Murdock noted that the price of building materials was going down. Town Planner Beniamino advised Council that Mr. Battel was saying that the problem was the specific materials, such as stone, that were approved. Mayor Davis noted that the price of stone was down by 25%. Town Planner Beniamino advised Council that Mr. Battel stated that he's building the houses for almost cost; and, if the purchaser did not want to pay for stone, he must eat the cost of installing it. He reiterated that the staff was not making a recommendation. Councilmember Shea noted that until the Council received a request, it could not make a decision. Councilmember Littleton advised Council that the cost of some building materials were up, while others were down. He suggested there was an overall 8-10% savings currently available. Mr. Littleton explained that the problem was that the suppliers have stopped making things; and, once their inventories were depleted, the costs would rise again.

Discussion

Mayor Davis advised Council that if they agreed, she would like to send a letter to the Post Office regarding the removal of the mail box located in the center of Town. She noted that she has heard from a lot of people who were unhappy about the removal. Ms. Davis advised that one of the individuals she spoke with asked the Post Master why the box was removed; and, he said it was too expensive to maintain. She questioned what expense could be involved as the box has been in existence for many years; and, the personnel who empty it were already on the clock – they simply walk down to the box. Ms. Davis reiterated that she didn't understand the argument related to expense. After some discussion, the Council agreed the Mayor should write a letter to the Postal Service asking that the box be returned. Councilmember Patterson noted that, otherwise, the Town could receive a lot of applications for mail boxes in the Historic District.

Mayor Davis asked Council how they felt about cancelling work sessions such as the one held today when there was not much on the agenda. Councilmember Murdock advised Council that when the agendas were as empty as the one held today, she was in favor of allowing the Mayor to cancel the meeting. She advised that she would prefer to stay an extra half hour during the regular meeting. Mayor Davis advised that she would rather have the meetings; however, she noted that Vice Mayor Kirk and Councilmember Snyder must remain in Town for the morning meetings. She advised that she would raise this issue again during the regular meeting.

Mayor Davis asked that council members officially notify the Town Clerk in the event they would not be present for a meeting. She noted that she would repeat this request during the regular meeting. Councilmember Shea advised Council that she would prefer to assume the Council would hold a morning meeting; and, allow the Mayor to cancel it if necessary. She noted that she believed this meeting would only last for fifteen minutes; and, it turned out the Council had a lot to discuss. Councilmember Littleton noted that the morning meetings did allow the Council to address items that then did not have to be addressed during the regular meeting. He suggested that if it appeared the meeting would last more than fifteen minutes, the Council should hold it.

Councilmember Shea reported that she would not be able to attend this month's Loudoun County Community Action Board meeting due to a scheduling conflict.

There being no further business, a motion was made to adjourn the meeting at 8:25 a.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk