



**MIDDLEBURG TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Thursday, February 25, 2010**  
**Town Office, 10 W. Marshall Street**  
**6:00 PM**



**PENDING APPROVAL**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk  
Councilmember Catherine "Bundles" Murdock  
Councilmember Judith Pryor Plescow  
Councilmember Kathy Jo Shea  
Councilmember Mark T. Snyder

**STAFF:** Jerry M. Schiro, Town Administrator  
Rhonda S. North, MMC, Town Clerk  
David M. Beniamino, AICP, Town Planner  
Cindy C. Pearson, Economic Development Coordinator  
Debbie J. Wheeler, Town Treasurer  
Steven Webber, Chief of Police

**ABSENT:** Councilmember Trowbridge Littleton  
Councilmember Lisa Patterson

The Town Council of the Town of Middleburg, Virginia held their regular meeting (rescheduled from February 11, 2010 due to weather) on Thursday, February 25, 2010, in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m. She led Council and those attending in the Pledge of Allegiance to the flag.

**Public Comment**

Punkin Lee thanked the Town for their outstanding efforts in removing the snow from the sidewalks and streets. She noted that she heard comments from many people who came into town about how they could drive, park and walk in Middleburg. Ms. Lee advised that this was a team effort; and, thanked the Street Superintendent and Town Administrator for their hard work.

Mayor Davis expressed her opinion that the Town Administrator did a phenomenal job of getting the crews to Middleburg; and, the Street Superintendent worked a tremendous number of hours overseeing their work. She noted that the Town was working on a non-monetary form of appreciation for the Superintendent. Mayor Davis also thanked the Police Department for their hard work; and, noted that the officers stayed at the Middleburg Country Inn during the snow events. She expressed the Town's appreciation to the Hazards for housing the officers.

Vice Mayor Kirk expressed her opinion that most people were patient during the recent snow events. Mayor Davis noted that she was proud of all who worked on the removal efforts; and, advised that everyone was saying how well the job was done.

## **Staff Reports**

Town Planner Beniamino advised Council that his written report was on their desks. He noted that the Planning Commission has held two meetings since the last Council meeting; and, advised that both were long. Mr. Beniamino reported that the Council may see two appeals of HDRC decisions, the first of which was the denial of changes to windows for the Chinn's Crossing Project. He advised that the second potential appeal was for changes to the Steeplechase Run Subdivision; and, noted that some of what the applicant sought was approved, but not everything. Mr. Beniamino advised that the Planning Commission was working on the zoning ordinance changes that would allow basement and/or second floor use changes in the C-2 District, as requested by the Council. He noted that they hoped to have a recommendation following their March meeting; and, advised that the outstanding issue was whether parking should be addressed as a part of this ordinance amendment. Mr. Beniamino reminded Council that the Middleburg Community Center was important to the Town; and, advised that they were having problems. He explained that the property was currently zoned residential; however, the Center brought in events involving commercial tenants that sell wares. Mr. Beniamino explained that this type of activity was not an allowed use in a residential district. He advised that the Planning Commission was exploring recommendations, which could include a rezoning or special use permit. Mr. Beniamino expressed his opinion that this item may come to Council as early as next month. Councilmember Murdock asked whether the solution would only apply to the Community Center. Town Planner Beniamino confirmed it would; and, noted that they were currently a nonconforming use. He recommended that this issue be resolved; and, explained that a neighbor could use the existing ordinance against the Center in the future. Mr. Beniamino noted that it has been a part of the community for a long time; and, advised that he wanted to make sure it was safe. Councilmember Murdock asked whether the problem was that they were using the property for business uses. Town Planner Beniamino explained that they have been operating by having non-profit organizations sponsor for-profit vendors. He further explained that recently they have received requests to allow for-profit businesses to operate out of the Center that were not under the umbrella of a non-profit organization. Councilmember Murdock asked how this would affect the Christmas Shop, American Legion and Middleburg Fire Department. Town Planner Beniamino noted that the Christmas Shop was located in a commercial zone; and, would not be affected. He expressed his opinion that the American Legion was zoned either C-3 or R-2; and, suggested it was residential as the Town's well (located adjacent to this property) was not zoned commercial. Mr. Beniamino noted that the fire house was zoned residential. He reminded the Council that a year ago, the Planning Commission denied the ability for the fire department to have commercial activities in their building, as they felt it was too close to the Levis Hill House. Councilmember Murdock asked what would happen if the Fire Department offered bingo in the building. Town Planner Beniamino explained that because they were a non-profit operation, that would not be a problem. He advised that the issue would be if they wanted to rent the building for a commercial use.

Town Treasurer Wheeler reported that the Town was receiving business license renewals.

Mayor Davis asked whether the recent snow events affected the Town's utility flows. Town Administrator Schiro confirmed they did.

## **Information Items**

Mayor Davis reminded the Council of the Project Helping Hand event scheduled for February 26, 2010 at the Community Center. She noted that attendees were asked to bring a dessert; however, it was not mandatory. Ms. Davis advised that she saw some of the table clothes that would be auctioned, including one crafted by a member of the Washington Wizards and one by Robert DuVall's Children's Fund. She noted that Councilmember Patterson crafted one for the Council that contained hounds around the perimeter and a red fox in the middle; and, advised that it was "exceptional". Ms. Davis expressed hope

that everyone would attend this event. She noted that members from the cast of “Nun Sense” would provide entertainment, in addition to other entertainers who would sing. Ms. Davis noted that Ken Reid, of the Washington Redskins, did a table cloth and would be present, as would some members of the Wizards. She expressed her opinion that this would be a fun event, with lots of activities and auction items. Councilmember Plescow noted that many artists have donated their works for the auction. Mayor Davis reminded the audience that all of the event proceeds would go to the Community Coalition for Haiti.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the January 14, 2010 Regular Meeting minutes and the January 28, 2010 Work Session minutes as amended.*

Vote: Yes – Councilmembers Kirk, Murdock, Plescow, Shea and Snyder  
Shea and Snyder  
No – N/A  
Abstain: N/A  
Absent: Councilmembers Littleton and Patterson  
(Mayor Davis did not vote as there was no tie to require her vote)

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There being no further business, a motion was made to adjourn the regular meeting at 6:13 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk