



**MIDDLEBURG TOWN COUNCIL
PUBLIC HEARING
AND REGULAR WORK SESSION
MINUTES**



Thursday, June 24, 2010

PENDING APPROVAL

PRESENT: Vice Mayor C. Darlene Kirk
Councilmember Lisa Patterson
Councilmember Judith Pryor Plescow
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Rhonda S. North, MMC, Town Clerk

ABSENT: Mayor Betsy A. Davis
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock

The Town Council of the Town of Middleburg, Virginia held a public hearing and their regular work session on Thursday, June 24, 2010 in the Town Hall Council Chambers, located at 10 West Marshall Street. Vice Mayor Kirk opened the public hearing at 6:00 p.m.

Public Hearing – Amendments to FY '10 Budget

No one spoke and the public hearing was closed.

Vice Mayor Kirk called the work session to order at 6:00 p.m.

Council Approval – Amendments to FY '10 Budget

Jerry Schiro advised Council that the proposed amendments have been broken into fund categories. He further advised that he was proposing that the supplemental appropriations be covered through the use of fund reserves.

Councilmember Patterson noted that the Town spent \$91,000 for snow removal this year. Vice Mayor Kirk agreed the Town spent a lot; and, noted that it received a lot of snow this year.

Councilmember Snyder moved, seconded by Councilmember Plescow, that Council approve the FY' 10 end-of-the-year budget amendments in the amount of \$394,987.

Vote: Yes – Councilmembers Kirk, Patterson, Plescow, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Mayor Davis and Councilmembers Littleton and Murdock

Council Approval – Parking Lot Lease Agreement – Middleburg United Methodist Church

Jerry Schiro explained that the agreement before Council was the same as last year's. He further explained that it was for one year. Mr. Schiro reported that the Middleburg United Methodist Church had agreed to renew the lease under the same terms, including the same rent.

Vice Mayor Kirk asked whether the Town made over \$5,000 in revenue from the parking meters in the lot. Town Clerk North reported that according to the Treasurer's June report, the Town had received \$4,220 in meter revenue for the lot. Councilmember Shea asked whether that figure took the lot's maintenance expenses into consideration. Town Clerk North confirmed it was strictly revenue; and, did not take expenditures into consideration. Councilmember Snyder expressed his opinion that the Town had made an improvement over the previous agreements.

Vice Mayor Kirk asked whether the Council should look at re-negotiating the lease amount next year. Councilmember Plescow expressed concern that the Town was not clearing what it was paying in rent.

Councilmember Snyder reminded Council that the reason for the lease was to try to provide parking for businesses and customers in the business district. He suggested that doing so was necessary; and, that the Town had no alternative. Mr. Snyder reported that he was not happy with the current financial conditions; however, he suggested the Town could not afford to lose the parking. Councilmember Plescow agreed with the need to provide parking. Councilmember Snyder expressed hope that, sooner rather than later, the numbers would improve so the lot would not be as much of a financial loss as it has been for the past year or two.

Vice Mayor Kirk suggested the staff provide Council with the total cost for maintenance and rental fees. She further suggested that this information be shared with the church. Councilmember Shea reminded Council that this information was provided previously. She noted that she recently met up on the street with members of the Planning Commission; and, suggested they were looking at parking. Councilmember Patterson confirmed they were looking at sidewalks. Councilmember Shea asked whether the Council had asked the Commission to look at parking.

Councilmember Snyder expressed his opinion that there was enough parking in town. He noted that there were complaints; however, he suggested there were plenty of places to park if an individual was willing to walk.

Councilmember Shea reported that during the recent Town Council Summit, the presenter made a good point in that towns were usually designed for automobiles; however, automobiles did not spend money. She suggested that there was never enough parking; and, explained that whenever the spaces in front of a particular business were full, there was not enough parking from the customer's perspective. Ms. Shea expressed her opinion that there was usually not a parking problem for towns that were designed for pedestrian traffic.

Councilmember Patterson expressed her opinion that the parking lots were critical to the Town. She explained that as the Planning Commission has worked on the issue of sidewalks, the need for parking lots that people could walk from was raised. Ms. Patterson reminded Council that the parking spaces in the Liberty Street Parking Lot cost the Town \$31,000/space to develop; and, that the annual maintenance costs were another \$3,000-5,000. She suggested that even if the Town spent \$10,000 to rent the parking lot, it was cheaper than buying and building a new one. Ms. Patterson reminded Council that the church parking lot was also centrally located. She noted that the church could not do anything else with it; and, suggested they were getting a check for property that simply sat there. Ms. Patterson expressed her opinion that the Town was providing a service to the business community; and, noted that they paid a huge amount of taxes to the Town. She advised that she did not want the church to feel as if it was being "hoodwinked".

Vice Mayor Kirk agreed that the businesses paid a lot in taxes. She noted that she was recently in Ocean City, Maryland; and, advised that they were hurting and had lost a lot of their businesses. Ms. Kirk expressed her opinion that Middleburg was very lucky in that regard.

Councilmember Patterson reported that she would return to the Town after her departure to discuss parking. She explained that she has been discussing what would be helpful and useful from a business perspective with the members of the Middleburg Business & Professional Association. Ms. Patterson expressed her opinion that there were a lot of good ideas out there that the Council was not hearing; and, suggested it was important to get the Association to talk about possible solutions. She reiterated that the Council would see her again.

Councilmember Snyder advised Council that he did not see an imminent opportunity for the development of another parking lot, either in terms of funding or land acquisition. He agreed there was a lot that could be done about parking; and, suggested it was good to look at it from time to time. Vice Mayor Kirk expressed her opinion that motorists used the church parking lot quite a bit.

Councilmember Shea moved, seconded by Councilmember Snyder, that Council authorize the Town Administrator to sign an agreement with the Middleburg United Methodist Church for the lease of their parking lot, said lease effective July 1, 2010 through June 30, 2011.

Vote: Yes – Councilmembers Kirk, Patterson, Plescow, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Mayor Davis and Councilmembers Littleton and Murdock

Council Discussion – Quorum requirements for HDRC

Town Clerk North advised Council that the HDRC recently cancelled their meeting due to the lack of a quorum. She reminded them that the Town Code required the HDRC to have the chairman plus four voting members of the Committee present in order to achieve a quorum. Ms. North further reminded them that while a member, Councilmember Littleton was a non-voting member of the Committee. She noted that the Committee could actually have five members present, including Councilmember Littleton, but still not achieve a quorum under the Town Code.

Town Clerk North explained that the staff was proposing to amend this section of the Town Code to reflect the same language the Town Charter used (effective July 1, 2010) for the Council's quorum, which was five members including the Chairman or four members in the absence of the Chair. Councilmember Snyder inquired as to the number of members on the HDRC. Town Clerk North confirmed that it consisted of eight members; however, she reminded Council that Councilmember Littleton was a non-voting member. Vice Mayor Kirk questioned whether the quorum requirements would be the same under the proposed amendment by requiring the Chairman plus four voting members to be present. Town Clerk North reiterated that the staff was proposing an amendment that would require the Chairman plus four members or in the absence of the Chairman, simply four members. Vice Mayor Kirk asked whether the four members had to be voting members or whether they could simply be members. Town Clerk North confirmed that the proposed language would simply allow four members to achieve a quorum in the absence of the Chairman. She advised Council that the staff was also proposing the inclusion of language that would make it clear that the Vice Chairman would assume the role of the Chairman in his absence. Ms. North explained that this proposed language mirrored that of the Town Charter with regard to the Vice Mayor. She advised Council that the staff attempted to mirror the same language for the HDRC as applied to the Town Council.

Councilmember Shea asked whether the Council would be giving Councilmember Littleton a vote by proposing that only four members were needed to achieve a quorum. Town Clerk North advised Council that by law, Councilmember Littleton could not vote. She explained that, under the State Code, the only Council representative serving on a committee that could vote was the Planning Commission representative. Councilmember Shea expressed her opinion that under the proposed amendments, if Councilmember Littleton and three members were present, the HDRC could still conduct business. Town Clerk North confirmed this was correct in the absence of the Chairman. Councilmember Patterson asked whether the HDRC was okay with that proposal.

Councilmember Snyder noted that the HDRC had seven voting members. He advised that he was not sure he wanted to look at three members achieving a quorum. Mr. Snyder noted that the eight members included the Chairman. Town Clerk North reiterated that under the proposal, the Chairman plus four members would achieve a quorum, whereas if the Chairman was absent, only four were needed. Councilmember Snyder suggested that in terms of a quorum, a non-voting member was immaterial and should not help to constitute a quorum. He expressed his opinion that a quorum should be achieved through a majority of the voting members only. Councilmember Plescow agreed; and, suggested the quorum be through four voting members. Councilmember Snyder suggested that any four voting members, regardless of the Chairman's presence, should constitute a quorum as there were seven voting members, including the Chair.

Councilmember Shea suggested the language did not need to mirror the Council's since the Mayor was not a voting member on a regular basis. Councilmember Snyder noted that the Mayor could only vote to break a tie. Town Clerk North noted that under Section 35(b), the Chairman of the HDRC could only vote to break a tie. She explained that she tried to keep the language the same for the two bodies since they so closely mirrored each other in terms of membership. Vice Mayor Kirk expressed her opinion that the Chairman of the HDRC could vote. Councilmember Patterson noted that the Chairman of the Planning Commission only voted when needed for a quorum. She explained that when only four members were present, he would vote. Councilmember Snyder suggested the Council could make the rules the same for the HDRC. Town Clerk North reiterated that under the Town Code, the HDRC Chairman could not vote except to break a tie. She noted that in the case of the Planning Commission, the Town Code did allow the Chairman to vote; however, he has taken the position that he would only do so in cases of a tie. Councilmember Patterson noted that he also voted when his presence was needed to achieve a quorum.

Councilmember Snyder suggested that the language be changed to allow any four voting members to achieve a quorum; and, that if the Chairman's presence was necessary to create the quorum, the Chairman would become a voting member. He expressed his opinion that this was a good tweak. Vice Mayor Kirk noted that this would require changes to Section 35(b). Town Clerk North confirmed that she would work on those changes. Councilmember Patterson expressed her opinion that this would make it easier for the HDRC to achieve a quorum in the Chairman's absence. Town Clerk North noted that as currently written, the HDRC was not even supposed to meet if the Chairman was absent. She questioned why the HDRC would have a Vice Chair; and, noted that language has been proposed for insertion to correct this deficiency.

Town Clerk North reminded Council that this ordinance was contained within the Zoning Ordinance; therefore, it must be referred to the Planning Commission for public hearing, with the matter then returning to Council for a public hearing. Council agreed to send the proposed amendments to the Planning Commission.

Council Discussion – New Member Orientation

Councilmember Shea reported that the Council had a draft copy of the proposed New Councilmember Orientation Packet. She stressed that it was a draft; and, noted that there were some items, that were marked in yellow, that were simply an outline with no associated writing. Ms. Shea suggested that if the members wanted to give her input on those items, she would put them together.

Councilmember Shea reported that she started with an outline. She further reported that she then talked with most of the members of Council, as well as the staff; and, has incorporated most of their comments into the document. Ms. Shea reiterated that this was not a finished product. She expressed her opinion that the document would answer some of the issues Councilmember Snyder raised earlier with regard to new members. Ms. Shea reported that she would like to have the document completed by the next election. She recommended that in the meantime, the Council could assemble the document and the associated attachments. Ms. Shea suggested that the new members get the orientation packet in the form of a book so they did not spend hours reading Town documents. She noted that it contained information on meeting procedures, as well as a flow chart; and, advised that she was willing to make corrections. Ms. Shea advised Council that she did learn some interesting things in researching the Town's committees; and, noted that this was reflected in the draft document.

Councilmember Snyder reported that he had extensive comments, if the Council wanted to go over them. Vice Mayor Kirk noted that she had not yet read the draft; and, advised that she would like to do so before discussing it. She suggested that everyone have a chance to read it first. Ms. Kirk expressed her opinion that Councilmember Shea did a great job of pulling the information together.

Councilmember Shea reiterated that in conducting her research, she learned things that surprised her. She reported that Go Green was not a standing committee of the Town, but rather was an ad-hoc committee. Ms. Shea further reported that the Streetscape Committee must be addressed as there was a dissolution of it during a meeting; with nothing reflected in the minutes after that date to re-establish it. Councilmember Patterson asked whether this was what was meant by "Middleburg Beautification & Preservation" with regard to the Streetscape Committee. Town Clerk North explained that in August of 1999, the Council voted to dissolve the Streetscape Committee as a Town Committee; and, recommended that it be a committee under Middleburg Beautification & Preservation. She advised that the Streetscape Committee was no longer an official Town committee, which was a problem in that the Town Council and Planning Commission were basing their approvals upon the Streetscape Committee's approval of landscape plans. Councilmember Patterson noted that they were a recommendation body. She reminded Council that the Middleburg Beautification & Preservation committee was a private organization; and, was not a Town committee. Town Clerk North advised that she researched all of the meeting minutes after August 1999 to determine if the Streetscape Committee had ever been re-established as a Town committee; however, she could not find anything to indicate it was.

Councilmember Shea advised Council that Councilmember-elect Stewart had a copy of the draft document. She noted that she would make a copy available to Councilmember-elect Hazard. Ms. Shea noted that Councilmember Snyder had comments he wanted to offer. She suggested that the Council continue to work on the document slowly so that by the next election the packet would be available. Ms. Shea further suggested that it also be made available to anyone who was considering running for office.

Councilmember Snyder noted that the document told a lot about the Town, how it was organized and how it worked. He advised that he also would emphasize the VML Newly Elected Officials Conference because it gave the new members an orientation into how Virginia was organized and what a municipality could and could not do.

Councilmember Shea recommended that, in the future, the Council hold a work session with the new members to go over items such as meeting procedures, as well as any issues that needed to be brought to their attention. She further suggested that the new members then tour the Town's facilities. Ms. Shea noted that the Town Clerk has recommended that following the tour, the new members meet in the Council Chambers with the members of staff to find out what they did. She recommended that this be the orientation program for new members of Council.

Vice Mayor Kirk agreed the new members should look at what the Town was doing; however, she asked whether the current members should tour the facilities. Councilmember Shea noted that Mr. Schiro has suggested to her that the entire Council should probably tour the new treatment plants. Councilmember Patterson noted that she would also like a tour, even though she would no longer be on Council when the plants were complete.

Councilmember Shea recommended the Council informally review the orientation materials with the new members this year. She reminded Councilmember-elect Stewart that he was welcome to talk to the Town staff.

Vice Mayor Kirk asked what was done for Councilmembers Plescow and Shea when they came on board. Councilmember Plescow noted that she simply received a box of materials. Councilmember Shea reported that she received the same box. Vice Mayor Kirk and Councilmember Patterson noted that they did not even receive a box. Councilmember Shea suggested that it contained too much information to take in at once. Councilmember Patterson noted that she downloaded the information when she was appointed to the Planning Commission. Vice Mayor Kirk expressed her opinion that it was a good idea to have something available for future members of Council and the staff that could be pulled off the shelf.

Councilmember Patterson reported that former Town employee Gary Garrett offered her a tour of the utility system, including the location of the wells. Councilmember Snyder agreed that Mr. Garrett was good about offering tours to the Council. Councilmember Shea reported that she would attend the system tour with the new members. Councilmember Patterson suggested that it was also worthwhile to take a ride with Chief Webber. Councilmember Shea noted that Chief Webber would be assisting with the orientation materials related to the Police Department; and, advised that she would get that information to Council later. She noted that she has not yet spoken with Councilmember Plescow; and, advised that she would like her comments. Vice Mayor Kirk agreed that she would like both Councilmembers Patterson and Plescow to offer their comments; and, noted that they may have ideas that the other members would not think of.

Council Discussion – Joint meeting with Planning Commission and related issues

Councilmember Shea advised Council that she would like to set up a joint meeting with the Planning Commission and Town Council to evaluate how things worked and how the two bodies communicated. She noted that the Town now had a full-time Zoning Administrator; and, suggested the Town may wish to consider dividing the duties differently. Ms. Shea reminded Council of the issues that have recently been experienced when the Planning Commission made recommendations to the Council. She suggested it was time the two bodies came together to talk about how they operate.

Vice Mayor Kirk expressed her opinion that this was a great idea. She noted that the Council knew the direction it wanted the Town to go in; however, they may not be clearly telling the Planning Commission this since the communication was going through someone else. Ms. Kirk suggested the need for an agenda and possible meeting dates. She further suggested that the meeting be held sooner rather than later. Councilmember Patterson expressed her opinion that it was "sometimes clear as mud" as to the direction in which the Council wanted the Planning Commission to proceed.

Councilmember Shea expressed her opinion that the Comprehensive Plan needed to be updated. Councilmember Snyder suggested the Zoning Ordinance was more neglected than the Comprehensive Plan. Councilmember Patterson advised Council that the Planning Commission was working on the development of a pedestrian plan, with the thought that it would be a new section in the Comprehensive Plan. She noted that this was important to her as a member of the Planning Commission. Ms. Patterson advised that they were trying to get something started before her departure; however, the Planning Commission meeting for this month was cancelled. She noted that they toured the town to look at sidewalks and pedestrian issues. Ms. Patterson explained that they were trying to prioritize what projects needed to be done first for when money became available. She suggested that including this as a component of the Comprehensive Plan would make it easier for the Town to get grant money. Ms. Patterson reiterated that if money freed up and there was a priority list, the Town could use the money to advance the improvements.

Vice Mayor Kirk asked whether the Council was not being clear, whether the problem was the messenger or whether the Council was giving the Planning Commission too much work to handle. Councilmember Patterson advised Council that the Planning Commission consisted of a talented group of individuals who could “run off on a tangent”. She expressed her opinion that what was happening was that they were not getting stopped when they should. Ms. Patterson suggested this was not the staff’s fault as they were not an easy group to stop. She advised that it was clear to her what the Council was asking when it asked the Planning Commission to look at site plans waivers; however, she noted that the Commission’s discussion rolled into a parking one. Ms. Patterson reminded Council that the Planning Commission then asked the Council what it wanted so they would not go down the “wrong” road.

Councilmember Plescow expressed her opinion that the information Council provided to the Planning Commission was not necessarily clear. She noted the number of times members of Council have asked whether they knew what was being sought after a twenty minute discussion. Ms. Plescow further noted instances in which she thought she knew what the Council was asking; however, when she talked to another member after the meeting, they would say that was not what they agreed to do. She suggested there was some give and take on both sides.

Councilmember Shea suggested there was an issue with the recommendations from the Planning Commission in that they may not have been duly noted by the Council. She noted that this was not intentional; and, suggested that there was a lot of Planning Commission discussion that the Council did not hear. Ms. Shea suggested the need to recognize when significant information was being given to the Council. Vice Mayor Kirk reminded Council that the reason they received the Planning Commission minutes was so they could educate themselves. She suggested that it fell upon the Town Planner to say if something was very important to the Planning Commission. Ms. Kirk suggested that he needed to “step up some” as well.

Councilmember Shea expressed her opinion that the Council was talking about what could be discussed during the joint meeting; and, suggested there were a lot of factors that needed to be discussed. Vice Mayor Kirk suggested the work session be held on a Saturday or possibly another day of the week. She further suggested that there be a clear agenda.

Councilmember Snyder expressed his opinion that one of the agenda items needed to be priorities. He explained that the reason he suggested the amendments to the Zoning Ordinance was that the Council had amended sections of it; however, the entire ordinance had not been updated by the Planning Commission since 1993. Councilmember Patterson agreed the Zoning Ordinance had not been updated extensively, but rather has been “nitpicked”. Councilmember Snyder noted that the Zoning Ordinance had never been reviewed the way the Comprehensive Plan had been. Vice Mayor Kirk expressed her opinion that the Council kept giving the Planning Commission other items to work on that side tracked them. Councilmember Patterson reminded Council that the Salamander Project had

consumed the last five years, as well as other projects. She further reminded them that last year, there were more projects in Middleburg than in the County. Ms. Patterson suggested that this was part of what needed to be discussed. She expressed her opinion that the Zoning Administrator could handle more administrative approvals; however, the Planning Commission was reluctant to relinquish their authority. Ms. Patterson noted that the current process kept the Planning Commission and Council informed; however, she expressed her opinion that some of the Town's systems were repetitive. She cited the example of a site plan that also required a zoning location permit. Ms. Patterson reminded Council that if a site plan has gone through the Planning Commission approval process, it would have met all the Town Code requirements, meaning the Council could not deny the zoning location permit. She advised that this process only allowed for it to be informative to the Council; and, noted that doing so cost the applicant two weeks to a month. Ms. Patterson expressed her opinion that the processes could be changed so they were not as onerous.

Councilmember Snyder noted that when the Planning Commission reviewed site plans in the past, they only acted when there was a problem with what was being allowed or not being required on the site plan. He advised that they did not spend a lot of time reviewing site plans; and, suggested that the Commission had taken more responsibilities upon itself. Mr. Snyder expressed his opinion that this may have been driven by the Salamander Project. Vice Mayor Kirk suggested it may have been driven by the Council asking for more.

Councilmember Shea recommended that the joint meeting not be held this summer, but rather that it be held in September. Vice Mayor Kirk asked whether it should be delayed until the new Town Administrator was hired. Jerry Schiro reminded Council that the Town Planner/Zoning Administrator was the staff member for the Planning Commission. Vice Mayor Kirk suggested the need to have all of the players together. Councilmember Shea expressed her opinion that it would be great if the Council could have the new person on board. She noted, however, that if the new person had not been hired, they could still have the Zoning Administrator, Planning Commission and Council meet. Ms. Shea expressed her opinion that this item needed to be moved forward. She reiterated that she did not want to hold the meeting this summer.

Councilmember Snyder expressed his opinion that "no pants were on fire"; and, suggested that it would be nice for the Council and Planning Commission to get on the same page a little better. He further suggested that if time was spent organizing the meeting, it was not an issue. Mr. Snyder noted that the Council had a lot on its plate between finding a Town Administrator as good as Mr. Schiro and having new Councilmembers coming on board. He advised that he would like the new members to attend the VML Newly Elected Officials Conference if they were willing.

Vice Mayor Kirk asked whether someone needed to be put in charge of developing topics for the joint meeting. She suggested that Mr. Schiro could do so. Councilmember Snyder asked whether the Vice Mayor was asking about information related to timing or location. Councilmember Shea expressed her opinion that she was suggesting that someone needed to be in charge of the preparations. Councilmember Snyder suggested the Town Planner should be the point person; and, should draft an agenda for the Council's review. After some discussion, the Council agreed the Town Planner should solicit the Planning Commission's input on agenda topics during their July meeting; and, draft an agenda for the Council's review during its August work session.

Discussion

Vice Mayor Kirk recognized Councilmembers Patterson and Plescow for their service to the community; and, noted that they would be greatly missed. She advised that in addition to her service on the Council, Councilmember Patterson has served on the Planning Commission, BZA and Business & Professional Association, as well as having assisted with many events. Ms. Kirk further advised that in addition to her service on the Council, Councilmember Plescow has served as the Council

representative on the Farmers Market and Ad-hoc Marketing Committees. She noted that Councilmember Plescow has done a lot to make the Farmer's Market more successful. Ms. Kirk presented a Middleburg paper weight to Ms. Plescow for her service on the Council. She noted that both would probably be asked to serve on committees in the future.

Councilmember Plescow thanked everyone on the Council; and, advised that she had enjoyed her service. She noted that it had been a learning experience. Ms. Plescow advised that it was an honor to serve and work with the incredible Town staff, which was headed by Jerry Schiro. She suggested that she would continue to turn up periodically at the Town meetings.

Vice Mayor Kirk advised that she has learned a lot from Councilmembers Patterson and Plescow; and, would like to continue to have their input and support. She expressed her appreciation for all they have done.

Steve Plescow, Chairman of the Planning Commission, thanked Councilmembers Plescow and Patterson for their service on Council. He noted that Councilmember Patterson, who also served on the Planning Commission, would be especially missed.

There being no further business, a motion was made to adjourn the meeting at 6:42 p.m.

APPROVED:

Darlene Kirk, VICE MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk