



**MIDDLEBURG TOWN COUNCIL  
Monthly Work Session**



**Monday, November 10, 2008  
Town Office, 10 W. Marshall Street**

**8:00 a.m.**

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**PENDING APPROVAL**

**PRESENT:** Vice Mayor Darlene Kirk  
Councilmember Trowbridge Littleton  
Councilmember Lisa Patterson  
Councilmember Judith Pryor Plescow  
Councilmember Kathy Jo Shea (arrived late)

**STAFF:** Rhonda S. North, MMC, Town Clerk  
David M. Beniamino, Town Planner  
Cindy C. Pearson, Economic Development Coordinator

**ABSENT:** Mayor Betsy A. Davis  
Councilmember Catherine "Bundles" Murdock  
Councilmember Mark Snyder

The Town Council of the Town of Middleburg, Virginia held their regular work session on Monday, November 10, 2008 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Vice Mayor Kirk called the meeting to order at 8:00 a.m.

**Council Review – November 13, 2008 Council Meeting Agenda**

Vice Mayor Kirk asked whether the budget amendment was related to the inspection services contract for the water and wastewater treatment plant construction projects. Town Clerk North confirmed it was.

Vice Mayor Kirk noted that the agenda contained an item for appointments to the Town's boards and commissions. Town Clerk North explained that she was still waiting for a response from three individuals. She explained that because one of the re-appointments was for the Board of Zoning Appeals, which requires approval by the Judge of the Circuit Court, she was attempting to advance the re-appointments on the November agenda. Ms. North noted that the Town was still waiting to hear on the two other BZA appointments.

Vice Mayor Kirk noted that the next item on the agenda was for the approval of a Zoning Location Permit for Vinegar Hill. Town Planner Beniamino advised Council that this project, located at Jay/Federal Streets, originally involved two office buildings; however, it was now one large building. Vice Mayor Kirk questioned whether this project was being completed by the same individual who was handling the entrance. Town Planner

Beniamino confirmed that Bill Tyler handled the bathroom and parking lot project on Liberty Street. He noted that Ms. Kirk was thinking of the Coe Eldredge project. Mr. Beniamino reminded Council that the Vinegar Hill project was approved five years ago; however, the site plan was only good for a five year period. (Councilmember Shea arrived at the meeting.) Mr. Beniamino advised Council that the original plans contained a residential component which has now been removed as the Town's parking requirements have increased. He noted that this project has raised the issue of a problem with VDOT. Mr. Beniamino explained that their site distance requirements have increased dramatically over the past year; and, will cause serious impacts to the Town if it must continue to comply with the requirement for two hundred sixty-five feet of unobstructed view. He reminded Council that VDOT used to be able to waive the site distance requirements upon the request of the Council; however, they can no longer do so. Mr. Beniamino advised that he and members of the Planning Commission would like to meet with VDOT to see if it is possible to change this requirement.

Vice Mayor Kirk noted that the next item on the agenda was the inspection services contract for the water and wastewater treatment plant projects. Town Clerk North reported that the Town Administrator was successful in getting Whitman Requardt to amend the contract so that inspection services would be performed on an as-needed basis. She explained that the Town Administrator would meet with the inspector each month to determine the upcoming inspection needs. Councilmember Shea questioned whether the Town Administrator approached Salamander about sharing the cost of the contract. Town Clerk North advised Council that the Town Administrator would have a full report during the Council meeting; however, it was her understanding that they declined to participate in the funding.

Vice Mayor Kirk noted that the next item on the agenda was a resolution supporting the All-American Road designation. Town Clerk North explained that this item was based upon a request from the Journey Through Hallowed Ground Partnership. Councilmember Patterson asked whether this item would be discussed further during the Council meeting. Vice Mayor Kirk confirmed it would. Town Clerk North asked whether there was specific information the Council needed as a part of that discussion. Councilmember Patterson explained that she was curious as to whether the reference to Route 15 was for the old or new Route 15; and, reminded Council that Middleburg was on the old Route 15. She noted that the Town should be on the Journey path as a part of the old Route 15; however, they ran the corridor down the new Route 15. Ms. Patterson questioned how the Town would benefit from this designation if it is related to the existing Route 15. She noted that she supported the Journey Through Hallowed Ground; however, she did not want the resolution to state that the Town would access federal funds if this was not possible. Town Clerk North explained that this was the reason she included the language "whenever available" when referencing the federal funding. Ms. Patterson explained that she didn't want to mislead anyone into thinking we had access to federal funds if the Town did not.

Vice Mayor Kirk noted that the Historic District Expansion Sub-Committee was scheduled to make a presentation to the Council. Town Planner Beniamino expressed hope that all of the members of the sub-committee, with one possible exception, would be present. He noted that they now have their materials ready.

Vice Mayor Kirk noted that the next item on the agenda was a discussion of the Identity Theft Protection Policy. Town Clerk North reminded Council that the Federal Trade Commission has mandated adoption of such a policy by local governments who have utility accounts. She noted that the Virginia Municipal League prepared a draft policy, which the Town Attorney and Town Treasurer have reviewed and revised. Ms. North reminded Council that this policy was originally to have been in place by November 1; however, because so many local governments were caught unaware, the FTC extended the deadline for implementation to May 1, 2009. She stressed that the Town had no choice but to implement a policy.

Vice Mayor Kirk noted that the next item on the agenda was the draft noise ordinance. Town Planner Beniamino reported that he has received comments on the draft ordinance from Councilmembers Shea, Kirk and Snyder. He noted that he also offered the Planning Commission the opportunity to make comments; and, has received comments from Steve Plescow. Mr. Beniamino explained that the individual members' comments were shown in bold after each appropriate section. He suggested that if Council had additional comments, he could revise the document. Mr. Beniamino explained that during the Council meeting, he would like to review each section on which comments were made to determine if the Council wanted to include the comments in the draft ordinance. Councilmember Patterson expressed her opinion that a public hearing was not required on the ordinance. Town Planner Beniamino confirmed a hearing was required. Town Clerk North reminded Council that they must hold a public hearing on this ordinance; however, the Planning Commission is not required to do so.

Vice Mayor Kirk noted that the next item on the agenda was the draft itinerant vendor ordinance. Town Planner Beniamino advised Council that the draft ordinance was discussed by the Planning Commission. He noted that this was a zoning ordinance; therefore, a public hearing was required by both the Planning Commission and Town Council. Mr. Beniamino explained that the Planning Commission has asked for the inclusion of additional provisions; and, he planned to take the revisions back to them in November. Vice Mayor Kirk expressed pleasure that the Planning Commission raised the issue of PODS; and, noted that one was located in the Town for a significant period of time. Town Planner Beniamino noted that they also raised the issue of dumpsters; and, advised that one was placed in the middle of Jay Street last week. He further advised that he had to have the unit removed as it was negatively affecting the Christmas Shop.

Vice Mayor Kirk noted that the final item on the agenda was the proposed Town entrance sign design. Economic Development Coordinator Pearson reported that John Ralph, of Quail Run Signs, appeared before the HDRC on the design. She expressed hope that he would have a new drawing of the sign by the Council meeting. Ms. Pearson advised Council that the ornamentation and gold have been removed from the sign, leaving it as a treated wood sign with green coloring. She expressed her opinion that Council would like this design better. Councilmember Littleton concurred. Vice Mayor Kirk asked whether the existing supporting signs would fit on the proposed new sign. Economic Development Coordinator Pearson confirmed they would. She noted that Mr. Ralph has proposed to install a slat on the sign that would accommodate the paddle signs that hang from the individual event signs.

## Discussion

Councilmember Patterson requested an amendment to the Economic Development Coordinator's report to correct the name of the Wounded Warriors and to make it clear that they were the children of soldiers wounded in Iraq and Afghanistan. She noted that the Christmas in Middleburg Committee was still soliciting funding for a handicapped accessible bus to bring the children and their parents to Middleburg for the Christmas in Middleburg event. Ms. Patterson reiterated that they were still seeking funding for the bus or were looking for a better deal on a bus. Vice Mayor Kirk suggested the use of the Hill School bus. Councilmember Patterson explained that their bus was not handicapped accessible. Town Clerk North suggested the Committee explore using the Virginia Regional Transit Authority in Leesburg; and, noted that their buses were handicapped accessible. Councilmember Patterson expressed her opinion that it would be a nice gesture to have this group participate in the Christmas in Middleburg event; and, noted that the children were excited about coming to Town.

Economic Development Coordinator Pearson reminded Council that the Middleburg Business & Professional Association would hold its monthly Biz Buzz meeting this evening on Madison Street. She announced that the Town would have a truck at the event that would be used to collect non-perishable food for Seven Loaves. Ms. Pearson advised that, given the economy, Seven Loaves was desperate for food; and, noted that their shelves were bare. Councilmember Littleton asked whether the event would be held inside. Ms. Pearson confirmed it would be in the shops, as well as outside under a tent. Councilmember Patterson questioned whether it was limited to non-perishable food or whether they were also looking for items such as diapers. Ms. Pearson advised that they were focusing on non-perishable foods for this event.

There being no further business, Vice Mayor Kirk declared the meeting adjourned at 8:17 a.m.

APPROVED:

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Darlene Kirk, VICE MAYOR

ATTEST:

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Rhonda S. North, MMC  
Town Clerk