



**MIDDLEBURG TOWN COUNCIL  
Monthly Work Session**



**Monday, December 8, 2008  
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 Catherine "Bundles" Murdock  
Councilmember Lisa Patterson  
Councilmember Judith Pryor Plescow  
Councilmember Kathy Jo Shea (arrived late)  
Councilmember Mark Snyder

**STAFF:** Jerry M. Schiro, Town Manager  
Rhonda S. North, MMC, Town Clerk  
David M. Beniamino, Town Planner

The Town Council of the Town of Middleburg, Virginia held their regular work session on Monday, December 8, 2008 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 – Gift Certificates for Town staff and board/commission volunteers**

After some discussion, Council agreed to continue the gift certificate program.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve giving \$50 gift certificates to the Town staff and \$25 gift certificates to members of the Town's boards and commissions.

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

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Councilmember Snyder asked whether the funding for this program was included in the budget. Town Administrator Schiro confirmed it was; however, he noted that he liked to have a motion approving the distribution of the certificates.

**Council Discussion – Options under consideration by Loudoun County Public Library’s Board of Trustees for reducing the Library Services Division Budget**

Councilmember Patterson noted that the community was fortunate that Dan Marrow was a member of the County Public Library’s Board of Trustees. She further noted that the Town Clerk has done some research into this matter. Ms. Patterson advised that it was her understanding that the Board of Trustees would consider four options – one of which would result in the closing of the libraries in Middleburg and Sterling. She noted that the Middleburg Library has been cited as having the lowest number of users. Ms. Patterson expressed her opinion that the Council needed to become involved in this matter. (Councilmember Shea arrived at the meeting.) She noted that the Middleburg Library began as a private library; and, suggested the Board of Trustees needed to know the history of its origin. Ms. Patterson reminded Council that this was the same type of occurrence as when the School Board considered closing the Middleburg Elementary School, in that the Board did not have the history of the school until the Council provided it. She reiterated that it was important for the Trustees to know the history of the library.

Mayor Davis reminded Council that the Middleburg Library solicits donations toward its operating costs. She questioned whether other libraries did the same. Mr. Marrow confirmed they did. He noted that several of the public libraries, including the one in Lovettsville, have their own board of trustees; and, nearly all hold fundraisers such as book sales. Councilmember Patterson noted that Middleburg Library was the result of a grass roots effort. She reminded Council of how critical the library was to the community; and, recommended the need to get the Parks/Recreation Department involved due to their use of the library. She noted that all of the summer camps were held there. Ms. Patterson reminded Council that if the library were to close, there would be nothing for the teenagers; and, advised that unlike other communities that have other activities for teens, Middleburg Library was where they went. Mayor Davis reminded Council that if the County were to keep all of the libraries open, many services would be eliminated, including the teen programs. She recommended that these programs may have to be provided through volunteers and/or parents. Councilmember Patterson recommended that the Council work with Windy Hill and the Community Center in order to separate its functions from the County. She noted that no matter which option was chosen, there would be a huge impact on the community. Ms. Patterson expressed her opinion that it would be devastating to lose the teen and kids programs.

Councilmember Murdock asked who owned the library building. She further asked what would happen to the building if the library were closed. Councilmember Patterson asked what would happen if the library were to lose funding for the librarian and utilities. She further asked what would happen to the book collection, which was mostly donated. Ms. Patterson expressed her opinion that the Council needed to provide information to the Board of Trustees in order to aid them in making their decision.

Mayor Davis reminded Council that the Library Division has indicated that the Middleburg Library has the lowest number of users. Councilmember Littleton suggested the need to look at the number on a per capita basis.

Councilmember Murdock recommended the County needed to understand how much community money was invested in the library. Mr. Marrow suggested the Board of Supervisors needed to understand. He reminded Council that the changes would affect the 2010 budget. Councilmember Shea recommended the Council write a letter to make it clear that this item needed to be considered from a per capita basis. Vice Mayor Kirk noted that they also needed to understand that the land and book collection were donated.

Council held some discussion regarding what records may exist regarding the Library's history and who would have the information. Councilmembers Patterson, Murdock and Shea agreed to seek additional historical information. Town Clerk North noted that she has drafted a resolution for Council's consideration if they were interested. Council agreed it would like to consider a resolution during its regular meeting that would support the Middleburg Library and encourage the Board of Trustees to consider other options for addressing revenue shortfalls that would keep all libraries open. Council also agreed to attend a Board of Supervisors meeting to express their concerns. Council asked that the staff research the ownership of the building.

### **Council Discussion – Request to consider an ordinance pertaining to sidewalks**

Councilmember Shea advised Council that she met with the Town Administrator and Town Engineer to discuss the topic of sidewalks as a follow-up to some grant information she had received. She noted that she did not know whether it would be possible to pursue the grant; however, she did find that the Town had performed a sidewalk study. Ms. Shea recommended the Council review the study; and, noted that she has some areas of concern that she believed should be targeted for sidewalk installations, such as the area around the elementary school. She recommended the Council also consider amending the Town Code to require sidewalk installations as a part of substantial construction or reconstruction projects.

Mayor Davis reminded Council that when they previously reviewed the sidewalk study, there were concerns about installing sidewalk in some areas of Town, particularly Federal Street. She noted that because of the way the town was built and has grown, connecting the Town's sidewalk network could result in the infringement upon existing buildings. Ms. Davis explained that if the Council were to adopt an ordinance provision requiring sidewalks, this may result in the removal of buildings. Councilmember Shea suggested the ordinance should be reasonable. She noted that there were areas in town where sidewalks could be installed; and, suggested that on Federal Street, pedestrians may have to just step around one building. Ms. Shea recommended the ordinance be written to reflect that the necessary right-of-way must exist and that no buildings would be removed to construct the sidewalk. She reminded Council of the proposed project behind the Middleburg Country Inn; and, noted that currently there was no way to require the installation of sidewalks. Town Planner Beniamino reminded Council that the current ordinance required the installation of sidewalks if there was an existing network. He noted that the Middleburg Professional Center Project that did not have a sidewalk network to connect to; however, the developer was required to construct a trail to the Hill School. Mr. Beniamino noted that to have required sidewalk along The Plains Road frontage would have resulted in a sidewalk that did not connect to anything. Councilmember Shea expressed her opinion that The Plains Road was a wonderful example of the problem; and, explained that there were walkers in this area that had nowhere to walk. Councilmember Patterson reminded Council that the Planning Commission raised this issue; and, asked where the Town would start if it did not start somewhere. Town Planner Beniamino reminded Council of the need for a Capital Improvement Plan that would identify the planned network. Town Administrator Schiro reminded Council that they also needed to consider storm water issues; and, noted that one of the problems was the lack of a storm water management system. He recommended that whatever plan was drafted needed to include provisions for storm water management. Councilmember Patterson recommended the Council build from the existing sidewalk report in order to determine what should be included in the plan. She expressed her opinion that it would be easier to write an ordinance if the Council were to say it wanted sidewalk within this area and that sidewalks needed to be included in any major construction project. Ms. Patterson noted that the Americans with Disabilities Act would also dictate the need to address pedestrian access. She agreed that there were issues with Federal Street in that the sidewalks could not go out any further due to the gas easement and the VDOT right-of-way width. Ms. Patterson noted that pedestrians walk in this area and expect to be safe;

however, they are walking in the middle of the street. She reiterated the need to develop an overall plan; and, recommended it be included in the Town's Comp Plan before the ordinance could be modified. Councilmember Shea agreed that the more plans the Council had ready, the better off the Town would be.

Councilmember Patterson advised Council that she was happy this item was placed on the agenda; and, noted that she received a call from the local newspapers alerting her to a press conference the County was holding later in the day to show off the new police station in Brambleton and to try to present details of the upcoming stimulus program to local governments. She expressed her opinion that the County should have contacted the Town office regarding the stimulus package; however, she noted that no towns were contacted. Ms. Patterson explained that the County was trying to get up to speed on what infrastructure improvements were needed so they could go after the money when it became available. Vice Mayor Kirk agreed with Councilmember Shea regarding the need for sidewalk behind the Middleburg Country Inn. Councilmember Patterson advised Council that the architect has been told of the need for sidewalk for that project.

Councilmember Shea advised Council that she has been walking and was nearly hit by a car turning off Route 50 as there were no sidewalks, forcing her to the edge of the road. Councilmember Patterson agreed with the need to advance this item. She reiterated the need to place the sidewalk plan in the Comp Plan so an ordinance amendment could be considered.

Councilmember Murdock noted that Councilmember Shea mentioned possible grants. Councilmember Shea noted that there may be Community Development Block Grant (CDBG) money that could be used for new sidewalks. Mayor Davis reminded Council that the Town received a grant for a portion of the elementary school sidewalk. She noted, however, that the grant money was not enough for the entire project. Town Engineer DeLeon advised Council that there was money from a Safe Route to Schools Grant Program. He explained that it would be easier to go through the grant application process if there was an overall plan in place. Mr. DeLeon reminded Council that they have a sidewalk survey; and, advised that a build plan was needed so the Town could justify the requirement to construct sidewalks when developers bring in their project plans. Councilmember Patterson reminded Council that there was one major piece of undeveloped property for which a sidewalk plan was needed. Councilmember Shea recommended the plan reflect the need for safe passage from the neighborhoods into the Historic District. She noted that pedestrian access in the Ridgeview Subdivision was fine; however, she reminded Council that the Chinn's Lane area contained no safe pedestrian access.

Town Planner Beniamino asked whether the Council wanted sidewalks as a part of commercial or residential projects. Councilmember Littleton recommended both be included. Councilmember Patterson reiterated the need for a plan the Council could be comfortable enforcing; and, noted that there were locations where they would not want sidewalks. She reminded Council that the question may not always be sidewalk related – it may just be a pedestrian access.

Town Planner Beniamino reminded Council that the Town Code does not stress the need for curb and gutter; and, reminded them that this would be a drastic change. He expressed concern about telling someone that they could use grass-crete parking and then require the installation of sidewalks; and, noted that the two seem contradictory. Councilmember Shea noted that she was using the term "sidewalk" loosely; and, suggested there needed to be a pedestrian path. Town Administrator Schiro reminded Council that any pedestrian path must meet VDOT and ADA standards. Councilmember Patterson noted the need to look at sidewalk connections; and, to consider what was in place. She suggested the need to be careful about how things were phrased. Vice Mayor Kirk noted that she liked the term "pedestrian path".

Councilmember Shea advised Council that she would like to see this issue raised again. Councilmember Patterson asked what was on the Planning Commission's plate. Town Planner Beniamino noted that they were working on the sign ordinance and expansion of the Historic District. He further noted that they would also have a number of site plans to review in the near future. Councilmember Patterson recommended that a couple of individuals work with the Town Engineer to prepare a document that could be presented to the Planning Commission.

Mayor Davis reminded Council that the last time sidewalks were discussed in the vicinity of Federal Street, there was discussion about making the street one-way. She advised that she would be very opposed to such a proposal; and, expressed concern about taking away the town's flavor if streets were made one-way. Councilmember Snyder agreed; and, noted that it would complicate traffic on Route 50. Town Engineer DeLeon advised Council that he previously developed different sketches for Federal Street; and, noted that the biggest issues were the hill and drainage, which would require an expensive enclosed system. He confirmed this would generate enough width to allow for two-way traffic. Councilmember Patterson expressed her opinion that Federal Street was the perfect example of a project that would require a major amount of money, not to address the sidewalk issue, but rather to deal with the associated water. She suggested that if these improvements were identified in the Capital Improvement Plan, the Town may be able to utilize federal funds when they became available as these projects would create jobs.

Town Engineer DeLeon noted that the stimulus may also spin off into the CDBG Program; therefore, there may be multiple funding sources available in the future. He recommended the Council have a plan in place, including costs, so the staff could then chase the money. Councilmember Patterson agreed that when the money became available, the Town could implement small projects that would build the network.

### **Committee Report – Health Center Advisory Board**

Vice Mayor Kirk expressed her opinion that the proposed donation amounts needed to be reviewed before the Council voted on this matter. She reminded Council that she was unable to attend the Health Center Advisory Board meeting due to a death in the family; however, she noted that she did speak with one of the board members. Ms. Kirk explained that she wanted the Board to meet before the Council voted on the donations, which they did. She reminded Council that they discussed making a donation to the Cherry Blossom Breast Cancer Foundation; and, advised that this needed to be added to the list of recommendations.

Mayor Davis noted that the Health Center Advisory Board's recommendations included the doubling of the donation to the Loudoun Abused Women's Shelter. She reminded Council that in the past, they discussed keeping the money in Middleburg. Ms. Davis noted that this was not to say there were not lots of good causes county-wide; however, she recommended that increases not be given to organizations outside of Middleburg. She further recommended that the donation to the Middleburg Fire Department be increased. Vice Mayor Kirk noted that she would like to see the donation to the Middleburg Library increased.

Mayor Davis noted that the Advisory Board recommended a donation to the Levis House Wish List; and, asked whether the Council knew the details of the list. Vice Mayor Kirk advised Council that she would prefer to not add new organizations to the donation list. Town Administrator Schiro advised Council that one of the Advisory Board members raised this organization as a possible donation recipient. Mayor Davis advised Council that she would like to give the Middleburg Library more money.

Councilmember Murdock asked whether the donation to Seven Loaves was proposed for increase. She reminded Council that this organization's needs have increased; and, would continue to do so given the economy. Councilmember Patterson confirmed that Seven Loaves was running out of food for distribution. Councilmember Plescow advised Council that her husband has been volunteering at Seven Loaves; and, advised that the week of Thanksgiving, eighty-seven families sought food. She further advised that by the end of the week, there was no food left on the shelves. Ms. Plescow expressed her opinion that the Town needed to increase the donation. Councilmember Murdock agreed. She expressed her opinion that it was critical that Seven Loaves have food for distribution. Councilmember Patterson recommended that, given the economy, the Council should look to providing donations that met basic needs. Councilmember Littleton agreed; and, noted that food was the first priority.

Mayor Davis noted that the Advisory Board recommended doubling the donation to Middleburg FISH. She reminded Council that this organization mostly consisted of volunteer activities; and, questioned what their money was used toward. Vice Mayor Kirk asked that the Town Clerk research this matter. Mayor Davis recommended the Council keep their funding level.

Vice Mayor Kirk noted that the Advisory Board recommended doubling the contribution to the Community Center. She recommended that some of that money be reallocated. Councilmember Murdock asked why the Town was putting its money elsewhere. Mayor Davis reminded Council that each year, they need to judge where the donations should go based on circumstances. She explained that if the Council felt that Seven Loaves had the most urgent need and should get a larger donation, then the other organizations would not get as much. Councilmember Patterson reminded Council that it was also a matter of serving the community and the residents.

Mayor Davis asked whether the Council was interested in adjusting the donation list. Councilmember Shea advised Council that she was abstaining from the discussion and vote due to a conflict of interest. After some discussion, the remainder of Council agreed it would like to consider donations as follows:

- American Legion - \$500
- Community Center - \$4,000
- Middleburg FISH – \$2,000 (unless the staff finds they are doing a lot of community service)
- Bluemont Concert Series–\$2,500
- Loudoun Abused Women's Shelter - \$1,500
- Middleburg Fire & Rescue - \$4,500
- Windy Hill Tutoring – \$2,000 (Town Clerk to check on use of funds)
- Levis Hill Wish List – \$1,000 (Town Clerk to check on use of funds)
- Cherry Blossom Breast Cancer Foundation - \$500
- Middleburg Library - \$1,500
- Seven Loaves – \$10,000

Councilmember Littleton asked how quickly the donations could be distributed; and, noted the need of the Seven Loaves. Town Administrator Schiro confirmed that if the Council approved the donations during their regular Council meeting, the Town Treasurer could cut the checks the following day.

#### **Council Review – December 11, 2008 Council Meeting Agenda**

Mayor Davis noted that the only item on the agenda was the Health Center donations which were previously discussed.

## Discussion

Councilmember Murdock reminded Council of the Holiday Luncheon scheduled for December 18<sup>th</sup>; and, noted that she would be sending them an e-mail soliciting their contribution.

Councilmember Patterson noted the proposed federal stimulus package; and, asked how the Council could assure that Middleburg was kept up to speed on this item. Councilmember Shea advised Council that she received an e-mail from President-Elect Obama's campaign asking community members to meet on January 13/14 in order to identify their list of wants/needs. She noted that she was willing to organize the development of a list for Middleburg; and, asked whether the Council was willing to support this or whether she should do this as an individual. Ms. Shea noted that the e-mail offer was sent to President-Elect Obama's supporters. Town Administrator Schiro reminded Council that the funding would not be available until 2010. Councilmember Patterson advised Council that the stock market jumped tremendously based upon talk about the proposal. She recommended the Town be prepared if money became available; and, noted that the President-Elect was talking about an infrastructure stimulus program similar to that utilized by President Roosevelt that would result in the creation of jobs. Ms. Patterson reiterated the need for Middleburg to be prepared; and, reminded Council that the Town's water system could use improvements, in addition to the Town's other infrastructure needs. Councilmember Shea expressed her opinion that the public comment meetings served two purposes – to give feedback from the community and as a way for the Council to get feedback from the speakers. Councilmember Littleton agreed with the need to explore every avenue.

Mayor Davis asked whether there was a particular channel the Town should be using. Councilmember Patterson advised Council that the County was holding a press conference later in the day; and, expressed concern that they indicated they were the lowest level of government. She further expressed concern that the County did not think of the towns as a lower level. Councilmember Shea noted that the difficulty in distributing information and determining proper channels at this point was the fact that President-Elect Obama was not yet the President. Councilmember Patterson recommended that the mayors of the small towns work together to provide a united front. Mayor Davis recommended the Town send the Board of Supervisors a letter stating its unhappiness that the Town learned of this meeting through the press and asking how the Town would be kept informed in the future. Councilmember Murdock recommended the Mayor e-mail other mayors to coordinate town efforts. Mayor Davis expressed her opinion that the towns need the stimulus help more than other municipalities; and, noted the years of unfunded mandates that have been imposed on small budgets. She expressed her opinion that this has been unfair; and, noted that the Town has had to increase its rates in order to keep up with those unfunded mandates. Councilmember Patterson expressed her opinion that the Town had a good staff who could keep their thumb on the Town's needs. Vice Mayor Kirk recommended the Council utilize the e-mail offer that Councilmember Shea received. Councilmember Shea advised Council that the meeting, entitled "Change is Coming", talked of grassroots community people; however, she expressed her opinion that the Town could attend as well.

Vice Mayor Kirk announced the passing of Billy Leach, a former Town Administrator for Middleburg. She recommended the Town do something to recognize his contributions to the community; and, noted that he managed Middleburg for a long time. Councilmember Plescow recommended the Council consider donating a bench in Mr. Leach's memory.

Vice Mayor Kirk noted that the Ridgeview Subdivision area was seeing a lot of large trucks; and, advised that a long tractor trailer could not traverse Sycamore Lane and was forced to back up the hill. She noted that they were also seeing a lot of dump trucks. Ms. Kirk advised Council that the road surface was starting to break up as a result of the heavy vehicles. She expressed her opinion that the trucks were not supposed to be traveling in this area. Councilmember Murdock reminded Council that the limit on truck traffic was only related to the Salamander Project; and, noted that there were other construction projects that were on-going. Town Planner Beniamino confirmed the Town could not prohibit other projects' delivery vehicles from using public streets. Councilmember Patterson recommended the Council explore the option of limiting truck traffic on residential streets; and, noted that the Town could impose weight limits in order to protect its infrastructure. Council discussed the option of imposing weight limits on Town streets.

Councilmember Snyder noted that the trucks serving the water treatment plant construction project were using the Ridgeview Subdivision for ingress/egress. Town Planner Beniamino confirmed those trucks should not. Council asked the staff to check on this. Councilmember Murdock asked how the water treatment plant would be accessed once completed if weight limits were imposed on the roads. Vice Mayor Kirk noted that once construction was completed, the trucks accessing the site would be normal in size. Councilmember Shea recommended the developers coordinate delivery times with the staff so the roads could be cleared for safe passage. Town Planner Beniamino reiterated that Salamander's delivery trucks were not supposed to use these streets. Town Administrator Schiro suggested the delivery trucks that were being observed were accessing the Chinn's Crossing Project. Town Planner Beniamino explained that this access needed to occur in the rear to avoid closing parking spaces in the front on Washington Street. Vice Mayor Kirk expressed concern that the Town would have to absorb infrastructure costs for any damages to the road.

Councilmember Shea advised Council that she intended to pursue the Change is Coming meeting; and, asked whether she should represent the Town. Council agreed she should.

Councilmember Shea invited the Council and staff to attend Solstice's Open House to be held December 21<sup>st</sup> from 1:00-4:00 p.m.

Councilmember Shea noted that she heard a rumor that a portion of the Chinn's Crossing Project would not be constructed. Town Planner Beniamino advised Council that he spoke with the developer, Chet Hughey, who assured him that the project would be completed. Mayor Davis explained that Mr. Hughey was awaiting a permit from VDOT; and, advised that it should be available by mid-December. She noted that Mr. Hughey planned to leave the interior of the building as a shell until he had a tenant for the space. Town Planner Beniamino advised that the question was raised as to whether the project had to be completed; and, noted that the applicant had five years to do so. He suggested, however, that it would not make sense to invest in the infrastructure to serve the site without completing the buildings. Vice Mayor Kirk asked that the staff recommend the best travel route for trucks making deliveries to the site.

Councilmember Patterson recommended the Council publicly thank the volunteers for the Christmas in Middleburg event. Council agreed to adopt a proclamation similar to the one adopted last year. They noted that Marvin Simms, Reggie Dawson, Bill Brown and the members of the Police Department did an outstanding job. Councilmember Shea reminded Council of the need to thank the Sheriff's Department as well. Mayor Davis recommended a letter be drafted to the Sheriff.

Councilmember Murdock announced that she would miss the December 11<sup>th</sup> meeting. She further announced that she would miss the January 5<sup>th</sup> work session.

There being no further business, Mayor Davis declared the meeting adjourned at 9:09 a.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk