



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting**  
**Minutes**  
**November 8, 2012**



**PRESENT:** Mayor Betsy A. Davis  
Councilmember Kevin Hazard  
Councilmember Trowbridge Littleton  
Councilmember Catherine “Bundles” Murdock  
Councilmember Kathy Jo Shea  
Councilmember Mark T. Snyder  
Councilmember David B. Stewart

**STAFF:** Martha Mason Semmes, Town Administrator  
Rhonda S. North, MMC, Town Clerk  
Angela K. Plowman, Town Attorney  
A.J. Panebianco, Chief of Police  
Cindy C. Pearson, Economic Development Coordinator  
David M. Beniamino, Town Planner  
Debbie J. Wheeler, Town Treasurer

**ABSENT:** Vice Mayor C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, November 8, 2012 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Mayor Davis thanked the staff and members of the Police Department on the amazing job they did during Hurricane Sandy. She noted that the Town Administrator kept everyone current through e-mails; the Maintenance Superintendent worked on the streets both before and after the storm; and, Chief Panebianco, Senior Officer Prince and Officer Fadely were here for the entire night. Ms. Davis reported that Middleburg experienced no major problems.

Councilmember Snyder noted that Charlie Triplett, of Loudoun Water, was also here that night.

Mayor Davis expressed appreciation for the Town’s dedicated staff. She noted that the Town was thankful that it fared as well as it did. Ms. Davis expressed sympathies and prayers to those up north who were devastated by the storm.

**Public Comments**

Catherine “Bundles” Murdock spoke as a citizen. She advised that she was outraged at the acts of violence that occurred on Election Day and the days prior to it related to political signs. Ms. Murdock reported that four residences experienced damage to their Romney signs. She advised that she would be raising this issue no matter which candidate’s signs were damaged. Ms. Murdock further advised that she had never witnessed such bad intentions during a presidential campaign. She noted that the campaign workers for the two parties were very friendly and shared food and drinks throughout Election Day; and, opined that whoever vandalized the signs should take a cue from them. Ms. Murdock expressed dismay over what happened; and, expressed hope that it was just the result of the efforts of one individual.

Councilmember Snyder noted that the town residents have always shown respect of political discourse. He advised that he encouraged them to share their opinions, regardless of whether they agreed with him or not.

Councilmember Littleton noted that the same thing happened twenty years ago during a local election. He advised that it was done by someone from outside of the town. Mr. Littleton expressed sadness that this occurred.

Councilmember Snyder reiterated that most of the town's residents respected political discussion; and, expressed hope that they always would.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Councilmember Littleton, that the Council approve the October 11, 2012 Regular Meeting and October 25, 2012 Work Session minutes as amended.*

Vote: Yes – Councilmembers Hazard, Littleton, Murdock, Shea, Snyder and Stewart

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

(Mayor Davis only votes in the case of a tie)

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**Staff Reports**

Town Administrator Semmes reported that she met with representatives from FEMA, the County Emergency Operations Department and the Virginia Department of Environmental Management to provide them with information on the costs the Town incurred related to Hurricane Sandy. She explained that the data from throughout the County would be compiled and sent to the Governor, who would decide if the County was eligible for relief. Ms. Semmes advised that the Town's costs were related to overtime and generator fuel needed to run the treatment plants. She reported that Middleburg's costs were not bad compared to others. Ms. Semmes advised that if Loudoun County was deemed eligible for relief funds, the Town could file an application to recover some of its costs.

Town Administrator Semmes reported that she and Charlie Triplett participated in a conference call earlier in the day with the Town's consultants and the equipment suppliers for the wastewater treatment plant in order to review the Town's concerns related to the punch list. She opined that progress was being made on the punch list.

Town Administrator Semmes asked whether the Council wished to continue its holiday gift certificate program again this year. She reminded them that in the past, they have given members of the Town's boards and commissions a twenty-five dollar (\$25) gift certificate and has given the employees a fifty dollar (\$50) gift certificate. The Council agreed it wanted to continue the program this year.

Councilmember Murdock noted that VDOT and Dominion Power both responded quickly to Hurricane Sandy. She reminded Council that Dominion Power previously indicated they would improve their notifications, which they did. Ms. Murdock asked whether it was appropriate for the Mayor to write a letter of thanks to VDOT and Dominion; and, to tell Dominion that the residents noticed their communication was forthcoming. Ms. Murdock asked whether VDOT removed the fallen tree on Washington Street. Chief Panebianco confirmed the tree was removed through VDOT, using a tree company. Councilmember Murdock noted that there were tree incidents on both Madison and Washington Streets.

Councilmember Shea opined that it was helpful that Dominion called in advance to say they would turn off the power.

Councilmember Snyder suggested it would have been more helpful if they had told him when they were turning the power off. Councilmember Shea reported that the message she received was that it would be turned off within a given period of time. Mayor Davis opined that they did not know the exact time as they had to line things up.

Councilmember Shea advised Council that she brought it to the Town Administrator's attention that Go Green has asked to have a representative serve on the Route 50 Streetscape Project Steering Committee so the Steering Committee would be aware of the issues that Go Green has studied for the past year.

Chief of Police Panebianco reported that the entire Town staff was impressive during the storm. He further reported that there was no damage as a result of it.

Chief Panebianco reported that Halloween went well. Councilmember Murdock noted that there was a difference of opinion as to the number of children who were out this year. Chief Panebianco reported that Senior Officer Prince advised him that there were 60-70% of the normal trick-or-treaters out this year. Councilmember Littleton reported that the Community Center's numbers were down by one-third.

Chief Panebianco noted that the Christmas Shop also started that same night. He advised Council that their tent took in water from Hurricane Sandy; however, they were able to remove it quickly. Chief Panebianco opined that this event went very well; and, advised that he understood they had a good turnout and made money.

Chief Panebianco reported that the old boiler has been removed from the Health Center building; and, the new gas equipment has been installed. He noted that the contractor was currently running the pipe. Chief Panebianco advised Council that they were now waiting for the gas company to install the gas line. He reported that the project was moving slower than anticipated.

Councilmember Littleton thanked Chief Panebianco for staying in town for so many hours during the storm. Chief Panebianco noted that he was up for twenty-three hours; and, advised that he was not as young as he used to be. He opined that everything went well; and, noted that he was blessed to have the staff he had. Chief Panebianco noted that he sent Senior Officer Prince home so he could get sleep and relieve him if needed. He advised that he and the Town Administrator talked a lot during the storm.

Mayor Davis asked whether the fire and rescue department was quiet during the storm. Chief Panebianco confirmed they were busy responding to downed trees and sparks on the lines. He reminded Council that the power was out for a few hours. Chief Panebianco opined that the storm could have been a lot worse; and, noted that the town fared well given the circumstances.

Councilmember Murdock inquired as to what time the Council should be present for the Christmas in Middleburg parade. Economic Development Coordinator Pearson reported that the hay wagon would be in its normal location. She further reported that the Council should be on the wagon by 1:45 p.m., as the parade started at 2:00 p.m. Ms. Pearson noted that the hunt parade started at 11:00 a.m.

Town Attorney Plowman reported that she was continuing to work on contracts, including the oil tank removal contract.

Town Administrator Semmes reported that the utilities staff had fallen behind on their reports due to the storm and vacations. She advised that because of this, the utility report was not available.

Councilmember Snyder reported that he and the staff were continuing to work on the water rate study. He reported that they would present information to the Council when it became available. Mr. Snyder asked the Town Administrator to schedule a meeting with the consultant so he could get it on his calendar.

### **Reports of Town Committees/Council Liaisons**

Town Administrator Semmes reported that Vice Mayor Kirk provided a summary of the Health Center Advisory Board meeting. She advised Council that the Advisory Board would like for the Police Department to pay rent for the last six months of the year, which would require a budget amendment.

Councilmember Snyder advised that he was amenable to doing so. He suggested, based upon the meeting with the water rate consultant, the Town Office should also pay the Utility Fund a user fee for the water used by the Town Office. Mr. Snyder opined that the Utility Fund should not subsidize the operations of the Town government. Town Administrator Semmes noted that the Health Center Fund should also pay for the water used at the Health Center.

Councilmember Shea opined that the Council already discussed having the Police Department pay rent. Town Administrator Semmes confirmed they used to pay rent. Councilmember Shea opined that the Council had already had another discussion regarding the rent.

Mayor Davis asked about the donations list. Town Administrator Semmes reported that the donations would be presented to the Council during their December meeting.

### **Action Items** (non-public hearing related)

### **Council Appointments** – Boards and Committees

Town Clerk North reported that while she has not personally spoken with Wendy Duling or Mimi Stein, Mary Kay Garwood has notified her that both individuals have agreed to seek re-appointment to the Pink Box Advisory Committee. She suggested these names could be added to the proposed motion if Council so desired.

*Councilmember Snyder moved, seconded by Councilmember Murdock, that Council re-appoint Kathy Ribaldo to the Planning Commission for a four-year term. Councilmember Snyder moved, seconded by Councilmember Murdock, that Council re-appoint Howard Armfield and Edward “Snooks” Swain to the Health Center Advisory Board for two-year terms. Councilmember Snyder moved, seconded by Councilmember Murdock, that Council re-appoint Andrew Bergner, Terri Kitchen, Mary Bell Peters, Wendy Duling and Mimi Stein to the Pink Box Advisory Committee for two-year terms. Councilmember Snyder moved, seconded by Councilmember Murdock, that Council appoint Marci Nadler to the unexpired term on the Middleburg Arts Council, said term to expire June 14, 2013. Councilmember Snyder further moved, seconded by Councilmember Murdock, that Council recommend to the Judge of the Circuit Court, the re-appointment of Betty Barrett to the Board of Zoning Appeals for a five-year term, said term to expire December 31, 2017.*

Vote: Yes – Councilmembers Hazard, Littleton, Murdock, Shea, Snyder and Stewart  
No – N/A  
Abstain: N/A  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie)

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**Council Approval** – Resolution to Initiate Amendments to Zoning Ordinance pertaining to Outdoor Lighting and Resolution Amending the Historic District Guidelines pertaining to Outdoor Lighting – HDRC

Town Planner Beniamino reminded Council that they discussed this item during their work session. He reported that one of the resolutions would forward the zoning text amendments to the Planning Commission so they could start the zoning ordinance amendment process. Mr. Beniamino reminded them that once the Commission made their recommendation, the text amendment would return to the Council for formal adoption.

*Councilmember Littleton moved, seconded by Councilmember Snyder, that Council adopt a resolution initiating amendments to the Middleburg Zoning Ordinance pertaining to outdoor lighting. Councilmember Littleton further moved, seconded by Councilmember Snyder, that Council adopt a resolution amending the Historic District Guidelines pertaining to outdoor lighting.*

Vote: Yes – Councilmembers Hazard, Littleton, Murdock, Shea, Snyder and Stewart  
No – N/A  
Abstain: N/A  
Absent: Vice Mayor Kirk  
(Mayor Davis only votes in the case of a tie)

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**Council Approval** – Appointment of Route 50 Streetscape Project Steering Committee

Town Administrator Semmes advised Council that as part of the project to develop the streetscape design for Route 50, it was recommended that an advisory group of stakeholders be appointed. She noted that the Go Green Committee has asked that a representative from their group be appointed to the Steering Committee; and, advised that she had no problem doing so. Ms. Semmes reported that a representative from VDOT would probably serve as an informal member. She advised Council that the Steering Committee would meet with the consultants and staff several times; and, noted that three such meetings were built into the schedule.

Councilmember Snyder asked what the Steering Committee would work on besides the streetscape plan. Town Administrator Semmes confirmed they would just work on this project.

Councilmember Snyder noted that the Town already had a Streetscape Committee. Town Administrator Semmes reminded Council that the Town received a grant from the Metropolitan Washington Council on Local Governments to provide consulting services to develop the streetscape design. She reported that the Streetscape Committee and Go Green Committees would be added to the list of those who would have representatives on the Steering Committee.

Mayor Davis summarized that the Committee would consist of a member of the Council, the Planning Commission, the HDRC, the Middleburg Business and Professional Association, the Go Green Committee, the Streetscape Committee and a citizen.

*Councilmember Snyder moved, seconded by Councilmember Shea, that Council authorize the staff to appoint a Route 50 Streetscape Project Steering Committee as proposed, with said individual appointments being made by the Town Administrator and reported to the Council.*

Vote: Yes – Councilmembers Hazard, Littleton, Murdock, Shea, Snyder and Stewart

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

(Mayor Davis only votes in the case of a tie)

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Town Administrator Semmes reported that this project would get underway soon; and, noted that she and the Town Planner would meet with the consultant within the next couple of weeks.

Councilmember Shea reported that Rebecca Poston would serve as the representative from Go Green.

### **Discussion Items**

#### **Proposed Amendments to R-2 Zoning District Ordinance and Discussion Related to Architectural Control Districts**

Town Planner Beniamino reminded Council of the Ridgeview Subdivision public input sessions; and, noted that one of the items that came out of those sessions was the desire to change the Town’s zoning ordinance and to implement an architectural control district. He further reminded Council that in July of this year, the Town received a charter amendment giving it the authority to implement architectural control districts. Mr. Beniamino reported that the Planning Commission has recommended changes to the zoning ordinance that it believed would halt the construction of “McMansions” in the Ridgeview Subdivision.

Councilmember Snyder noted that the changes would reduce the risk of McMansions; however, it would not halt them.

Town Planner Beniamino confirmed it would help to minimize their construction, along with an architectural control district that regulated size, scale and massing.

Councilmember Snyder advised that it would do so depending on the criteria of the overlay district. He noted that he was skeptical about it at this point.

Town Planner Beniamino advised Council that the Planning Commission’s zoning ordinance recommendations related to the R-2 District. He reported that the first change was to reduce the allowable lot coverage from thirty-five percent (35%) to thirty percent (30%). Mr. Beniamino advised that the second change was to reduce the allowable building height limit from thirty-five (35) feet to thirty (30) feet. He reiterated that the Planning Commission felt these changes, in conjunction with an architectural control district, could help limit any potential for McMansions or the construction of houses that were out of scale with the surrounding neighborhood. Mr. Beniamino further reiterated that the Town now had the ability to implement architectural control districts; however, he noted that they have not started work on them. He suggested the Council could ask either the HDRC or the Planning Commission to begin to explore such a district. Mr. Beniamino recommended this not be done until after the first of the year when the Council set its work plan for the year. He advised, however, that the Planning Commission would like to move forward with the zoning ordinance changes to the R-2 District as they felt the changes would bring the district more in line with the existing zoning ordinances. Mr. Beniamino reminded Council that the maximum building height in the C-1 District was twenty-five feet; and, noted that the C-1 District was supposed to be the buffer

between commercial and residential development. He advised Council that the height limits went from thirty-five feet in the C-2 District to thirty feet in the C-3 District to twenty-five feet in the C-1 District and back up to thirty-five feet in the R-2 District. Mr. Beniamino opined that a thirty-five foot tall house was large. He reported that the Planning Commission researched this matter; and, noted that while they talked about reducing the height limit to twenty-five feet, they were concerned about the roof pitches this would produce.

Councilmember Snyder advised Council that the zoning ordinance changes that were proposed were the same ones he wanted to initiate before he left the Planning Commission six years ago. He opined that they were great.

Town Planner Beniamino advised Council that the Planning Commission looked at the potential affect the changes would have on other neighborhoods. He noted that they have worked on these issues for several years; and, were ready to advance them if the Council was willing.

Councilmember Shea advised that she would like to see the changes moved forward. She suggested that when they were presented to the public that they be presented as applying to the entire town, not just the Ridgeview Subdivision.

Councilmember Snyder noted that they must be advertised as applying to the R-2 District, as there was more in that district than just the Ridgeview Subdivision.

Town Planner Beniamino advised Council that a resolution would be prepared for consideration during their next meeting to advance the zoning ordinance changes to the Planning Commission.

**Information Items**

Mayor Davis announced that the Upperville Fire Department would hold a breakfast on November 11th.

Councilmember Murdock advised the members of Council that she would send them an e-mail regarding their contributions to the holiday luncheon.

There being no further business, a motion was made to adjourn the meeting at 6:34 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk