



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



Thursday, November 10, 2016

PRESENT: Mayor Betsy A. Davis
Councilmember J. Kevin Daly
Councilmember Peter Leonard-Morgan
Councilmember Trowbridge "Bridge" Littleton
Councilmember Philip Miller
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
William M. Moore, Town Planner
Ashley M. Bott, Town Treasurer
Cindy C. Pearson, Economic Development Coordinator
A.J. Panebianco, Chief of Police

ABSENT: Vice Mayor Darlene Kirk
Councilmember Kevin Hazard

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, November 10, 2016 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.

Appointment of Council Representative to Go Green & Land Use Committee

Mayor Davis asked that this item be moved to the December meeting agenda as she had not had time to address it.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Daly, that Council approve the October 13, 2016 Regular meeting minutes as amended.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk and Councilmember Hazard

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

Staff Reports

Mayor Davis noted that the utilities report indicated that the rebuilt booster pump was brought back on line at the Stonewall Water Treatment Plant. She questioned whether insurance covered this or whether it was under warranty.

Stuart Will, of IES, advised that it was not. He explained that the shaft of the pump shattered and broke. Mr. Will advised that the technicians could not say why this occurred. He noted that the pumps were not cheap and suggested this needed to be addressed in the budget.

Town Administrator Semmes advised Council that rather than buying a new pump, Mr. Will found someone who repaired the existing one. She noted that he saved the Town money by rebuilding the pump and expressed hope that the repairman would be a good partner with the Town.

Mr. Will advised that he had been searching for someone who could service Flygt pumps and mixers. He opined that this company would give the Town good service.

Public Presentations

Simon Lee and Beth Hodge appeared before Council representing Volunteers of America Chesapeake. Mr. Lee, Volunteer & Outreach Coordinator, advised Council that their organization was formed in 1896, with the goal/mission to inspire self-reliance and noted that they helped people in Maryland, DC and Virginia. Mr. Lee reported that they were doing a new campaign – Five Weeks of Giving – in which they were asking people to give a monetary gift or material donations.

Beth Hodge, Executive Program Director for the Loudoun Homeless Services Center, reminded Council that the Center was in Leesburg. She reported that they offered five programs including an emergency/cold weather shelter; permanent support of housing for those with a disability or chronically homeless for a year; rapid re-housing in which they try to get people who were homeless into housing before they came to the shelter; and, a drop-in center for those who lived on the streets. Ms. Hodge reminded Council that this time of year, they needed everyone to know they were available. She acknowledged that transportation could be an issue; however, she advised that every night, from 8:45 p.m. until the next morning, they provided cold weather shelter beginning November 15th. Ms. Hodge noted that a County bus would pick up people at the Douglas Community Center in Leesburg and bring them to the shelter, where they served them overnight and made relationships with them in order to end their homelessness. She opined that homelessness was more visible in the “city”; however, she noted that it was also an issue in the western part of Loudoun County. Ms. Hodge advised that it looked different and suggested it could look like someone sitting in their car or could involve a barn or shack where people would go to stay warm. She asked that if anyone saw someone in that situation that they send them her way as their goal was to keep them alive.

Ms. Hodge reported that last year, they served approximately four hundred people. She stressed that there was a homeless issue in Loudoun County. Ms. Hodge advised that they were able to decrease some of this and noted that they went from one hundred sixty-two to one hundred thirty-six individuals. She opined that this occurred because they switched one of their programs from a transitional one to a permanent supportive program and explained that this meant there was no end. Ms. Hodge expressed hope to help those individuals make a change by connecting with family or getting their finances in order. She advised that the dynamics in Loudoun County changed and opined that with the Metro, there were more people coming to Loudoun, which meant there were more issues that came along with them.

Mr. Lee reported that there was a new transportation program for which they were seeking funding. He explained that they wanted full-time staff to help with the transportation of clients either to the shelter or to their jobs. Mr. Lee advised that they would accept Uber credits or anything else to help people get to their jobs.

Ms. Hodge advised that there were limited bus routes. She opined that if her clients could be offered more transportation, they could move from being homeless to an affordable location. Ms. Hodge noted that the world was different if someone was homeless, lost their car and had no savings. She advised that they have developed relationships with a lot of partners, including faith based organizations. Ms. Hodge reported that they had a sponsor who was willing to fund their transportation program. She advised that they would take their two existing vans and, when they were not running to the shelter, would take people to the existing bus system. Ms. Hodge explained that they wanted to provide a service and reiterated that the goal was to end homelessness.

Mayor Davis expressed sadness that this was an issue that needed to be dealt with. She thanked Volunteers of America for their efforts and for bringing this to the Council’s attention. Ms. Davis asked whether they had any materials that they could leave for the members.

Ms. Hodge confirmed they had some literature for the Council on the Loudoun Homeless Services Center and their programs.

Staff Reports (continued)

Town Administrator Semmes reported that the Town received a property maintenance proposal from Circle Property Management that looked decent. She advised that the Facilities & Maintenance Supervisor was going to show the Health Center to another firm to determine if they were interested in submitting a proposal. Ms. Semmes expressed hope to have something to report in December.

Mayor Davis noted that the Town had conversations with VDOT about the pedestrian crossing signs and questioned whether those would be moved. Town Administrator Semmes advised that this was up to the Council. She noted that she had already witnessed a tractor-trailer hit the sign at Pendleton Street and advised that they could not make that turn with the signs in place. She reminded Council that VDOT indicated there was no need for the signs and that they would be happy to remove them if desired.

Councilmember Littleton asked that they be removed and opined that they were an eyesore. He noted that they were also an obstruction. Chief Panebianco reported that one had already been destroyed.

Councilmember Daly expressed concern about having the signs in place during the Christmas parade.

Mayor Davis asked that the Council discuss, during their work session in January, constructing a sign on each end of Town asking people to observe the pedestrian crosswalks. She noted that someone recently asked her how people were supposed to know that the crosswalks were crosswalks. Ms. Davis suggested that signage be discussed so the Town would be covered in the event someone did not understand. She noted that pedestrians had the right-of-way.

The Council agreed to remove the signs. Chief Panebianco suggested the bases also be removed, otherwise a horse could twist an ankle on one during the parade.

Town Administrator Semmes advised Council that VDOT recommended the removal of the sign only and explained that if the base was removed, the street would need to be repaired. She suggested the Town could remove the signs and have someone remove the bases before the parade.

Councilmember Snyder suggested a cone be placed over the bases until they were removed.

Town Administrator Semmes advised that they were safe to run over. She noted that they had a slight slope and explained that this was designed to deflect snow plows. Ms. Semmes acknowledged the animals that would be in the road and advised that it would be more work to get the bases up.

Mayor Davis asked that the staff remove what could be removed and address the remainder before the parade.

Town Administrator Semmes advised that this would take a while due to the depth of the bolts. Chief Panebianco advised that they were held in place with four six-inch bolts per sign. He opined that the holes should be able to be filled quickly.

Mayor Davis reiterated her request that the signs be removed as soon as possible, with the base to follow as quickly as possible.

Councilmember Snyder advised that it was possible to put a solar powered LED array around stop signs to make them more visible. He asked that the Town staff talk to the City of Winchester, where this was currently used, to find out more information on them and opined that it would be a good idea for the problem intersections. Mr. Snyder noted the stop signs at the intersection of Marshall/Pendleton Streets that motorists seemed to have difficulty seeing. He advised that because they were solar powered, there did not need to be an electrical connection. Mr. Snyder suggested the need to highlight the stop signs. He further suggested it would be an excellent idea to highlight the signs that Chief Panebianco identified as being an issue.

Councilmember Snyder questioned whether the staff had a plan for the disposal of the old flags in the closet. Town Administrator Semmes reported that they were gone. She advised that Trowbridge Littleton took them and was going to offer them to Childs Burden from a historical perspective.

Councilmember Littleton questioned whether the staff had finished the lease template for the Health Center commercial lease. He further questioned whether it was ready for signature. Town Attorney Plowman confirmed it was. Economic Development Coordinator Pearson reported that it was delivered to Second Chapter Books last week. She advised that Ms. Shea requested a meeting to discuss a few items in the proposed lease and reported that this meeting would occur next week.

Councilmember Littleton questioned whether this would be the template used for future leases. Town Attorney Plowman advised that it was initially drafted as a template, with a few additions being included for Second Chapter Books based upon the negotiations.

Councilmember Littleton questioned whether the template was where the Town would start whenever it wished to lease a portion of the property. Town Attorney Plowman confirmed it would.

Councilmember Littleton asked that he be emailed a copy of the template. He noted the damage to the Health Center as the result of the hail storm, as well as the deferred maintenance that had not been addressed. Mr. Littleton further noted that the deferred maintenance could not be included in the hail damage claim. He reminded Council of the weeds growing into the gutter, which was not hail damage related. Mr. Littleton questioned the status of the repairs, aside from the hail damage, that needed to be done, which included the window sills, the broken sidewalks, the broken windows on the second floor, the wood rot, the roof and the weeds growing in the gutter.

Town Administrator Semmes reported that she was working on the windows sills; however, she did not remember the other items having been placed on the list.

Councilmember Littleton reminded the Town Administrator that the Council asked the staff to look at the building for everything that needed to be done and to develop a maintenance plan. He questioned whether this had been done yet.

Town Administrator Semmes advised that she needed to ask the Facilities & Maintenance Supervisor and noted that she had not been working on the Health Center.

Councilmember Littleton asked that prior to the next meeting, the staff look at the entire building to determine what needed to be done. He noted that he looked at the building in September and opined that it had been neglected and that there were things that needed to be done. Mr. Littleton advised that the sidewalk was broken and uneven, creating a trip hazard. He further advised that there was trim wood rot around the roof and weeds growing around things. Mr. Littleton asked the staff to do a full inspection of the entire building, make a list of everything that could be an issue and figure out how to get those repaired.

Economic Development Coordinator Pearson noted that leaks had been reported in Dr. Falkenstein's office. She advised that water was leaking into the office due to the roof leaks and opined that the building had problems.

Councilmember Snyder questioned whether the Town had begun to undertake the repairs from the hail storm. Town Administrator Semmes confirmed this would be done as soon as the Council approved the contract. She noted that she and the Town Attorney approved the contract earlier in the day and would send it to the contractor for his review.

Councilmember Littleton questioned whether the contract for the Health Center repairs only included the hail damage. Town Administrator Semmes confirmed it did. She noted that the roof, gutters, shutters, and broken windows would be repaired.

Councilmember Miller questioned whether this would also address the leak in Dr. Falkenstein's office. Economic Development Coordinator Pearson opined that it would and advised that Mrs. Falkenstein reported that the leaks did not occur until after the hail storm. She noted that she just learned of this earlier in the day.

Councilmember Littleton questioned whether the Health Center had a slate roof. Town Administrator Semmes confirmed it did. She advised that as to the repairs to Unit 5, it appeared that this work would begin next week.

Mayor Davis questioned whether the Town had purchased the electronic parking chalking system. Chief Panebianco advised that he was told to issue an RFI in order to get information from other vendors. He explained that there were three components to this system – the police component, the payment component and the tracking component. Chief Panebianco reported that the Town Clerk wanted to have input into the tracking system as she handled that aspect. He advised that he was content and knew what he wanted to buy. Chief Panebianco reported that he received a couple of other calls but not a lot of information.

Mayor Davis noted that the RFI responses were due on November 14th. She questioned how long it would take to order the system. Town Administrator Semmes reported that this depended on the amount of the system. She noted that if it was more than fifteen thousand dollars, the staff would have to come to the Council for approval.

Chief Panebianco reported that the system he was looking at was approximately eight thousand dollars.

Mayor Davis questioned whether the system could be ordered if the cost was under fifteen thousand dollars. Town Administrator Semmes confirmed it could.

Mayor Davis questioned whether this could be done soon. She asked that this be prioritized when the RFI responses were received. Town Administrator Semmes noted that it depended on what was received and reminded Council of the need to receive at least three quotes.

Councilmember Littleton noted that the responses would be received on November 14th. He further noted that the next Council meeting was in December. Mr. Littleton suggested the staff return with an answer and recommendation during the next meeting.

Mayor Davis and Councilmember Snyder suggested it be ordered. Councilmember Snyder requested a status report during the next meeting.

Town Administrator Semmes advised Council that she could approve the order if the system was under fifteen thousand dollars.

Councilmember Littleton expressed hope that the staff would have purchased a system by the next Council meeting.

Chief Panebianco noted that he could purchase the system immediately; however, it was a matter of making sure the rest of the system worked properly.

Councilmember Littleton advised the staff that they had a month to work out the process.

Mayor Davis expressed hope to expedite the process. She questioned the status of the three hour parking signs.

Town Administrator Semmes noted that the Council cared about what the signs would look like. She questioned whether they wanted to include hours on the sign or whether they should just read "three hour parking". Ms. Semmes displayed some samples.

Councilmember Snyder expressed a desire for the sign on the right.

Councilmember Miller questioned whether the HDRC would review the signs. Town Administrator Semmes confirmed they would not and explained that traffic control signs were exempt from HDRC review.

Councilmember Miller noted the wayfinding signage program and questioned whether there was any interest in making the parking signs less standard and “prettier”.

Town Planner Moore opined that the facing of the sign needed to be a certain style; however, he suggested the pole be reviewed.

Councilmember Snyder advised that he did not want the regulatory signs to blend in too much with the wayfinding signs.

Councilmember Miller agreed that people needed to be able to recognize them; however, he did not want them to stick out like a sore thumb.

Councilmember Daly inquired as to the size of the signs. Chief Panebianco noted that he did not know the sizes that were required; however, he suggested they be the same size as the fifteen minute parking sign that was located in front of the bakery. He noted that this was a normal parking sign.

Town Administrator Semmes opined that they were twelve by eighteen inches. She advised that for the wayfinding signs, the staff was considering the use of a sleeve, which fit over a normal pole, and that would have a finial on top.

Councilmember Snyder opined that if the pole was black, it would blend into the background and the sign would be more visible.

Mayor Davis asked that the Council receive information on the sleeves and how long it would take to get the signs. Town Administrator Semmes advised that it would not take long to get the signs as the Town frequently worked with this company. She further advised that she would email the Council a photograph of the pole.

Mayor Davis advised that she was anxious to get the signs installed so the police would have some way to enforce parking. She noted that a car was parking in front of the Methodist Church all day and into the evening. Ms. Davis further noted that the Town had no teeth to make them move at this time. She questioned whether the Police Department could nicely ask the owner to not park on the main street.

Chief Panebianco confirmed he could; however, if they declined, he had “no bite”. He advised that he did not know who owned the car as there was no violation so he had not run the plates. Chief Panebianco advised that he was waiting until he could require that they move the car. He noted that once the signs were installed, they could enforce them through chalking.

Councilmember Snyder noted that the Friday E-Mail Blast had already been distributed. Councilmember Miller thanked the **Economic Development Coordinator** for including articles in her monthly report.

Town Planner Moore reported that the appeal before the Board of Zoning Appeals had been withdrawn; therefore, the Board would not need to schedule another meeting. He advised Council that this appeal involved an outside lift that was installed at the Exxon station and noted that he had issued multiple violations dealing with it. Mr. Moore reiterated that the applicant withdrew the appeal; therefore, he would be working on its removal.

Town Planner Moore reported that the deadline for Comp Plan proposals was earlier in the day. He further reported that the Town received two responses. Mr. Moore advised that some firms the staff was hoping would respond did not due to their workload. He noted that there was a third non-responsive proposal. Mr. Moore advised that the Planning Commission would proceed with the review of the two proposals.

Mayor Davis noted the agenda item pertaining to Committee appointments indicated that Steven Hallmark was not seeking re-appointment; however, the Planner’s report indicated he was elected as the Vice Chair of the BZA.

Town Planner Moore confirmed he was. He noted that the BZA was supposed to meet annually regardless of whether they had any applications. Mr. Moore advised that they had not met since 2008; therefore, only one of the five members had heard a case. He further advised that the Board held an organization meeting and elected a

Chair and Vice Chair. Mr. Moore explained that Mr. Hallmark was elected as the idea was to get the Board through an appeal that had been filed and noted that it would have been heard prior to the end of the year when his term expired. He advised that next year, the Board would have to go through elections again.

Councilmember Littleton noted that Kathy Ribaldo was leaving the Planning Commission at the end of the year. He questioned the number of vacancies on the Commission once that occurred. Town Planner Moore advised Council that traditionally, the Planning Commission has had seven members. He noted that there was no requirement to have seven. Mr. Moore opined that an odd number was better for voting and quorum purposes. He advised that currently, the Commission had six members; however, with Ms. Ribaldo not seeking re-appointment and no applicants to appoint, it would be down to five. Mr. Moore reiterated that five members was acceptable under the State and Town Codes and questioned whether there was a desire on the part of Council to have seven members.

Councilmember Snyder suggested the Town advertise in order to get two additional members. He noted that he was comfortable with five; however, if the Town could get seven and then drop again, the Commission would still be at five.

Councilmember Littleton noted that he would hate to drop to five and then have a member leave, at which point the Town would be stuck.

Town Planner Moore opined that the Town would be fine in that instance as long as it was advertising the seat. He noted that it had been a struggle to find applicants and advised that he had appealed to the sitting members to talk to their friends and neighbors. Mr. Moore appealed to the Council to do the same. He noted that putting notices in the newspaper and posting them on the bulletin board did very little.

Economic Development Coordinator Pearson noted that the positions were also advertised in her Friday newsletter each week.

Councilmember Littleton noted that members of the Planning Commission must live in the Town limits.

Councilmember Snyder asked that the Town live with five and the staff continue to advertise the positions.

Councilmember Littleton opined that it would be up to the members of the Planning Commission and/or Town Council to find people willing to apply.

Councilmember Snyder noted that he had even mentioned this in his newspaper articles. He opined that the Planning Commission was an excellent opportunity for an individual and noted that it was a way to learn about the State Code and local matters.

Town Treasurer Bott reported that the real estate, personal property and water billings went out earlier in the day. She advised that the new software was coming along and noted that it started with the real and personal property tax bills. Ms. Bott opined that there were some formatting and other changes that needed to be made to the bills next year; however, there have been no major issues. She advised that the payroll would be the next component introduced and noted that the company had sent her templates for review. Ms. Bott reported that she was happy with the new software to date and advised that it seemed easier to locate information. She reminded Council that during the last meeting, some of the members asked for changes to her monthly report related to the revenues and expenses in order to have a better idea of where the budget stood on a monthly basis. Ms. Bott noted that she changed the report to include a column that identified percentages on a year-to-date basis; and, explained that the colored arrows were based on where that item was as of October. She reminded Council that the Town was 34% through the budget year. Ms. Bott noted that real estate and personal property showed 0% in red and reiterated that those bills just went out. She advised that anything that was between 17-34% was marked in yellow to indicate that while it was not bad, it was something to watch. Ms. Bott noted that this may be due to the time of year the revenues were received. Ms. Bott advised that anything above 35% was shown in green, meaning this line item was in good shape. She noted that this was reverse on the expense side, with anything in red being something to pay attention to. Ms. Bott advised that this may be because a major expense occurred early or it could be that something could continually cause a problem, which would require a budget amendment.

Councilmember Snyder questioned whether the staff was billing the Town's facilities for water usage. Town Treasurer Bott confirmed she was. She reported that an adjustment was made within the funds; however, it did not occur on a monthly basis. Ms. Bott advised that it had normally occurred at the end of the year; however, she planned to do so every two billing cycles if she could not get to an every cycle basis. She advised that she would make an effort to make sure it occurred during every billing cycle.

Councilmember Littleton noted that the Council created an ad-hoc committee for the review of the financial policies. He questioned whether the Town Treasurer would find it helpful to have a Finance Committee. Mr. Littleton suggested she think about it.

Town Treasurer Bott opined that it could not hurt; and, confirmed she would think about it.

Councilmember Littleton suggested it would be a resource to the Town Treasurer on a monthly basis and opined that it could be helpful. He advised that if it was not, that was fine; however, he wanted to throw the idea out for consideration.

Town Treasurer Bott suggested she consider this once the software conversion was complete.

Councilmember Snyder advised that traditionally, the Council had department chairs led by Council. He noted that this went away when the Council decided to do committees as a whole. Mr. Snyder advised that at one time, there was a Finance Committee comprised of Councilmembers and noted that he remembered going to then-Councilmember Betty Kirk's house to review the proposed budget each year. He advised that this was the Finance Committee's primary role. Mr. Snyder suggested that if Councilmember Littleton was proposing to reconstitute that committee and if he had a vision for it, it would be helpful for the remainder of Council to know what that vision was.

Councilmember Littleton noted that a lot of organizations where he volunteered or places where he had worked have always had a finance committee. He advised that he was not saying the Town needed one as he did not know. Mr. Littleton noted that the Town Treasurer was the master of the finances. He advised that these committees have been helpful to him in the past as he could not spend the time in a meeting to go into detail on line items and forecasting. Mr. Littleton noted that he was only asking whether it would be helpful and advised that he was only asking people to think about it.

Mayor Davis noted that Vice Mayor Kirk was the Chair of the Personnel & Finance Committee and advised that she oversaw those items. She further noted that Ms. Kirk came into the Town Office to review things. Ms. Davis advised that she was currently working on the Employee Handbook amendments, which would be presented to the Council. She explained that the Council found that if there were issues to discuss, it would be better to do it as a whole. Ms. Davis further explained that what they found under the Committee system was that a few members were getting together and being thorough in their review and understanding, with the remaining members being unaware.

Councilmember Snyder noted that it reached the point where all of the members of Council were attending all of the committee meetings, which meant the Council was attending lots of meetings.

Mayor Davis noted that if any member of Council had any concerns or did not have an understanding, they could talk with Vice Mayor Kirk. She opined that the Town Treasurer may be happy to have someone come in.

Town Treasurer Bott advised that it was helpful to have feedback as she came from the private sector and noted that the public and private sectors were very different. She suggested that if there was a question, it was better for her to have time to think about it and get back to the Council.

Mayor Davis opined that it would be easier to determine once the Town got to the budget and noted that the Town Administrator did an excellent job of putting it together for Council's review. She expressed hope that Councilmember Littleton would feel more comfortable with the process as the budget was being put together.

Chief of Police Panebianco thanked Councilmember Daly for attending the National Law Enforcement Officers Memorial's Twenty-fifth Anniversary Ceremony & Groundbreaking for the museum being constructed. He noted that he and the Loudoun County Sheriff were asked to be guest speakers. Chief Panebianco advised that this was quite an honor as it was an important memorial. He noted that Middleburg had the first officer killed in the line of duty in Loudoun County on the wall. Chief Panebianco advised that he asked Officer Fadely to attend as well.

Chief Panebianco reported that the staff closed out some significant cases over the past month. He advised that while he could not discuss the details, the staff did a great job.

Chief Panebianco noted that his report indicated that he would have information from another vendor on the parking system and reported that the vendor indicated the Town did not do enough business for him. He explained that he indicated that the Town did not have enough parking spaces and noted that their charge was based on a per swipe basis. Chief Panebianco advised that they wanted more money than the Town could provide.

Reports of Town Committees/Council Liaisons

Councilmember Littleton reminded Council that the tree lighting was scheduled for December 2nd at 5:00 p.m. He announced that the Pink Box and Middleburg Museum would hold an open house at 4:00 p.m. that day and would have some conceptual drawings of what the building may look like. Mr. Littleton advised that they would have information on possible fundraisers and would have people available to answer questions. He noted that he would distribute flyers on the event to the area businesses next week. Mr. Littleton asked that the Councilmembers encourage people to attend.

Mayor Davis reported that the Route 50 Traffic Calming Committee met on November 9th. She advised that there were no Middleburg issues and noted that they were celebrating that the project was basically finished. Ms. Davis reported that they discussed issues elsewhere and the vegetation along the project.

Councilmember Snyder opined that the traffic circle in Aldie presented the biggest issue with regard to vegetation. Mayor Davis noted that they were trying to make it easier to maintain. Town Administrator Semmes reported that VDOT was supposed to have a maintenance plan developed before the Committee's January meeting. Mayor Davis noted that this process was new and explained that VDOT had never built something that they were then required to maintain.

Town Administrator Semmes advised that VDOT had a landscaper to water the trees that were planted. Mayor Davis questioned whether VDOT was supposed to water the trees in town or whether the Town was supposed to do so. She opined that they were not being watered. Town Administrator Semmes reported that the contractor was supposed to water them for the first year. She advised that she would check to make sure they were being watered.

Councilmember Snyder noted that the town had only received two-tenths of an inch of water this month.

Mayor Davis asked the staff to check on this and noted that Duchessa's owners were watering the tree in front of their business. She opined that no one else was doing so.

Action Items (non-public hearing related)

Council Appointments – Boards & Committees

Councilmember Snyder moved, seconded by Councilmember Daly, that Council re-appoint Jeri Coulter, Terri Kitchen, Mary Bell Peters and Mimi Stein to the Pink Box Advisory Committee to terms to expire December 31, 2018. Councilmember Snyder further moved, seconded by Councilmember Daly, that Council re-appoint Howard Armfield and Edward Swain to the Health Center Advisory Board to terms to expire December 31, 2018. Councilmember Snyder further moved, seconded by Councilmember Daly, that Council re-appoint Bill Turnure, Punkin Lee and Linda Wright to the Historic District Review Committee for three-year terms, said terms to expire December 31, 2019.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder
No – N/A
Abstain: N/A
Absent: Vice Mayor Kirk and Councilmember Hazard
(Mayor Davis only votes in the case of a tie.)

Council Approval – Disposal of Surplus Property

Councilmember Snyder moved, seconded by Councilmember Daly, that Council declare the utility system items as identified in Stuart Will’s email dated October 10, 2016 to be surplus so it may be sold at a public auction in accordance with Town Code Chapter 5.

Councilmember Snyder noted that this was miscellaneous equipment that was in the way as the Town was not using it. He advised that the Town was not maintaining it and opined that it would be good to get some revenue for it.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder
No – N/A
Abstain: N/A
Absent: Vice Mayor Kirk and Councilmember Hazard
(Mayor Davis only votes in the case of a tie.)

Council Approval – Contract for Repairs to Town Buildings Due to Hail Storm Damage

Mayor Davis noted that the Town received the VML Insurance check. She further noted that the bid before Council was the low bid.

Councilmember Daly moved, Councilmember Snyder, that Council authorize the Town Administrator to enter into a contract, as approved by the Town Attorney, with Belfor U.S.A. Group for repairs to multiple Town facilities due to the hail storm in accordance with Belfor U.S.A.’s quote in an amount not to exceed \$280,119.74, unless approved by the Town Administrator and reimbursed by VML Insurance.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder
No – N/A
Abstain: N/A
Absent: Vice Mayor Kirk and Councilmember Hazard
(Mayor Davis only votes in the case of a tie.)

Council Approval – Amendment to Employee Handbook – Inclement Weather Policy

Mayor Davis explained that while this was being discussed as a part of the Employee Handbook amendments, it was being brought forth now as winter was rapidly approaching. She reminded Council that the Town currently followed the County’s policy; however, last year, the Town found that there were a couple of times when the County was open but the Town did not agree. Ms. Davis noted that many of the Town’s employees traveled from outside of the area; therefore, the Council felt there should be some exceptions in the event the Mayor and Town Administrator agreed. She advised that generally, the Town would follow the County.

Chief Panebianco noted that some of the terminology would be different than it was. He advised that his reading of the section on compensation for those employees who must work during inclement weather was that they would be paid their emergency leave. Chief Panebianco advised that it was his understanding that under the old policy, if the Town Office closed, all of the employees would be paid for that same amount of time. He opined that the proposed language read that the employee must be working when the Town Office closed, which meant

that one group of employees would be getting a different benefit than another group. Chief Panebianco explained that the officers who didn't work during the day when the office was closed may have to work at night when conditions could be worse. He opined that those officers who were off should be compensated for that time as well. Chief Panebianco noted that they would be paid to stay at home. He opined that this was how the system worked in the past and suggested that when the Town Office closed for eight hours, everyone received eight hours of leave. Chief Panebianco noted that his officers have not read the proposed language as allowing that to occur. He asked that it say the same thing it used to say in that everyone would get the same benefit.

Town Administrator Semmes advised that what Chief Panebianco was referencing was for those employees who were required to work, who would receive both emergency leave and pay for the hours they worked. She further advised that everyone else would receive emergency leave and explained that if the officer was off, they would receive eight hours of leave. Ms. Semmes further explained that if they had to work, they would receive the eight hours plus pay for the time they worked.

Town Attorney Plowman questioned whether the concerns were addressed by the last sentence in the fourth paragraph, which addressed employees who were on scheduled leave at that time. Chief Panebianco noted that he was not talking about employees on scheduled leave but was talking about employees who were just on their regular day off. He reiterated that in the past, they were paid eight hours of leave time just like everyone else when the Town Office was closed. Chief Panebianco noted that otherwise, some employees would be getting a different benefit.

Mayor Davis questioned whether this would just apply to the day they worked. She suggested this was only talking about if the office was closed on a Tuesday and the officer was normally scheduled to work on a Tuesday. Ms. Davis opined that if the officer was not scheduled to work that day, they would not be affected.

Chief Panebianco advised that under those circumstances, one group would be paid to stay home. He reiterated that in the past, they were paid even though they were not working. Chief Panebianco advised that on the converse side, if it snowed on a Saturday, the officers would have to work, even though the Town Office may be closed on Monday because there was still snow on the streets. He advised that what had happened in the past was that if one group got a day off, all of the employees got paid for the day off.

Councilmember Littleton noted that the converse could occur on a weekend, in which it snowed on Friday with the Town Office being closed, but an officer was not scheduled to work until Saturday when the streets were open. He questioned whether the Chief was saying the officer should get a comp day for Friday if he was not scheduled to work. Chief Panebianco opined that he should get a comp day for Friday.

Councilmember Littleton questioned why that was if the officer was not scheduled to work on that Friday and the streets were open on Saturday when the officer was scheduled to work. Chief Panebianco advised that his position was that if one group received a benefit, the entire group should receive a benefit.

Councilmember Littleton expressed concern that this would prejudice people based on their shift, not based on inclement weather. Chief Panebianco opined that the policy, as written, did that.

Councilmember Snyder advised that he would like to address this from the other perspective. He advised that he would like to give the officers the opportunity to take weather days that were not available to the remainder of Town staff. Mr. Snyder opined that the County addressed this on Saturdays and Sundays when the rest of the staff was not typically on duty. He advised that he would like to make it more even handed by saying if you are not scheduled, you do not get the day off but if an officer was scheduled to work on a Saturday or Sunday, they should have that opportunity. Chief Panebianco advised that he was not aware that the County has ever given its officers the opportunity to be off on a Saturday due to inclement weather.

Councilmember Snyder suggested the policy should be even and should not provide a benefit to the officers that the Town staff did not receive. He noted that the officers' schedules were more flexible.

Mayor Davis noted that this was out of the Employee Handbook and suggested it be looked at as a part of that. She opined that if the Town has been paying it, she did not want anyone to be short changed. Ms. Davis suggested that if an officer was scheduled to work and it was bad weather but they worked anyway, they needed to be compensated. She opined that it was not appropriate to pay the officers for days when they were not even scheduled to work.

Councilmember Littleton cited the example of the Town Office being closed on a Friday due to inclement weather, with the officer being off that day and not being scheduled to work until Saturday. He questioned whether the officer was supposed to get paid for a day when he was not scheduled to work. Chief Panebianco advised that his officers would like to have what they had – that being that if the Town Office closed, they would get paid regardless of their work schedule.

Councilmember Snyder opined that this was a problem. He suggested the policy should allow the Town Administrator to offer inclement weather days on Saturdays and Sundays for the officers. Mr. Snyder further suggested this be done this way if the County did it.

Chief Panebianco reiterated that, in the past, typically when it snowed, it snowed on a weekend and went into the work week for a few days. He opined that if the Town did not compensate the employees who worked on the weekend, it would not be fair.

Mayor Davis suggested they should be compensated for braving the weather.

Councilmember Snyder advised that he would like to open Saturday and Sunday. Chief Panebianco reported that he would be happy to go along with that.

Councilmember Littleton expressed an understanding of the Chief's position; however, he noted that the Chief was only looking at the side of the situation that benefited the police officers. He reminded him of the staff side of the equation. Mr. Littleton noted that some agencies of the federal government were open every day and had to deal with it as the federal government may close government offices during the week, but did not do so on the weekend. He advised that he would do some research to determine how they handled it.

Mayor Davis noted that the Town of Leesburg expected its officers to work during inclement weather. She further noted that there were times when her husband had to spend the night in a hotel in order to make it to work the next day and advised that, not only did he not get extra pay but Leesburg did not even pay for the hotel room.

Councilmember Snyder advised that he would like to open the weekend and treat the officers the same way the Town staff was Monday through Friday. He opined that this would make it equitable for all.

Councilmember Littleton opined that what Councilmember Snyder was saying was that the Mayor and Town Administrator would make the same judgement call on weekends when there was inclement weather as during the weekday; and, if in their judgement, they would have closed the office on Saturday or Sunday, this is the judgement that would apply to the officers. He opined that this made total sense. Chief Panebianco opined that the officers would be fine with that.

Councilmember Daly questioned whether the proposed policy needed to be re-worded. Town Administrator Semmes advised that it did not. She opined that the staff had an understanding of how the Council wanted the system to work. Ms. Semmes noted that the clause referred to by the Chief only applied for those employees who were scheduled to work.

Councilmember Snyder noted that the same would apply to a holiday.

Mayor Davis questioned whether the Council wanted to wait until next month to vote on this issue. Town Administrator Semmes suggested the policy be brought back to the Council with the revisions to the Employee Handbook but that Council vote on the part that allowed her to close the office in the event of inclement weather. After some discussion, the Council agreed to address only the part of the policy that would allow the Town Administrator to close the office during inclement weather.

Councilmember Snyder moved, seconded by Councilmember Littleton, that Council authorize the Town Administrator to declare emergency leave in consultation with the Mayor.

Councilmember Snyder noted that the Town still needed to address the issue of the police officers. Chief Panebianco opined that the Council could go with what was proposed and the Police Department would trust that the Town Administrator could close the office on Saturdays.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk and Councilmember Hazard

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

Council Approval – Amendment to Town Code Section 113-5 Pertaining to Water Connections

Councilmember Snyder advised that he was in favor of this; however, he wanted to make sure that there was a section that required the business or residence to be within the town limits. He explained that he did not want the Town Administrator to be able to administratively approve a five-eighths inch tap to a business or residence that was not located within the town limits.

Town Administrator Semmes reported that this could only occur on the line to Well 2 as any other location would require the extension of a main, which the Council would have to approve.

Mayor Davis noted that by another ordinance, water did not extend out of the town limits. Councilmember Snyder acknowledged that this would only apply to the water line to Well 2. He advised that he just wanted to make sure the Council was not allowing administrative approval of 5/8-inch taps and not gating it by saying that the property served must be within the town limits. Mr. Snyder noted that he could make a motion to approve the ordinance as presented, with the staff researching this issue.

Councilmember Miller questioned whether there was another piece to the ordinance. Mayor Davis explained that the Town did not extend water lines outside of the town limits. She noted that there were two lines (Landmark School Road) that extended to Well 2 that have been in existence for many years.

Councilmember Snyder explained that the Town gave those property owners connections as it wanted to extend a main across their properties. He noted that this occurred a long time ago.

Councilmember Snyder moved, seconded by Councilmember Daly, that Council adopt an ordinance to amend Town Code Section 113-5 pertaining to water connections.

Councilmember Snyder asked that the Town Administrator and staff research this to make certain there was a provision in the Town Code to limit connections to in-town properties.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk and Councilmember Hazard

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

Council Approval – Agreement – Middleburg Volunteer Fire Dept/Loudoun County

Mayor Davis reminded Council that the Middleburg Volunteer Fire Company was in the process of dissolving. She advised that the paid personnel have been serving the community for the last couple of years; therefore, nothing had changed. Ms. Davis reported that in the process of dissolving, the Fire Company decided to give the property to Loudoun County, with the stipulation that if they ever cease to provide fire and rescue services in the town, the property would be deeded back to the Town.

Councilmember Snyder suggested Tim Dimos recommended that clause to the Fire Department and opined that it was an excellent idea. He noted that the facility was located in the town and advised that the County has always operated it. Mr. Snyder advised that the County would take over ownership and, as long as the property was used as a fire and rescue facility, was welcome to keep and run it. He noted that if they stopped that use, the ownership would revert to the Town. He opined that this was well done and thanked Mr. Dimos for doing it.

Mayor Davis advised that the facility had been run by volunteers for eighty years. She noted that the County donated money to it; however, it was an independent volunteer organization. Ms. Davis advised that she was a volunteer for approximately forty years and Snooks Swain was a volunteer for sixty. She further advised that there were many dedicated volunteers who ran the department. Ms. Davis opined that this change was a sign of the times and noted that people could no longer run calls like they used to. She advised that it was difficult to find people to run day calls. Ms. Davis noted that while it was possible to find them for the night calls, it was getting harder to do so when they commuted to work. She opined that the County had done an excellent job of supporting the operation and noted that they built the new building. Ms. Davis advised that this was sad; however, a good group of people were now running the calls. She expressed happiness to have them.

Councilmember Snyder opined that the volunteers had assistance from the Town of Middleburg when they first started the service. He further opined that the Town made accommodations of some sort. Mr. Snyder opined that it was nice that if the facility ceased to be used for that purpose, it would revert to the Town.

Mayor Davis noted that the Board of Directors wanted that to happen and included that as a stipulation. She reminded Council that the Volunteer Fire Department raised the money and bought the property. Ms. Davis noted that it was a lot of work to run calls and raise money. She advised that the Board felt strongly about having the property revert back to the Town. Ms. Davis noted that she and Mr. Dimos felt it was important that the Town be made aware of this clause; and, expressed hope that the Council would accept it.

Councilmember Daly moved, seconded by Councilmember Snyder, that Council approve of the provision in the Deed of Gift between the Middleburg Volunteer Fire Department and the Loudoun County Board of Supervisors related to the transfer of the fire station property to the Town should the County cease to use the property for a fire and rescue facility, conditioned upon the Town Attorney's approval of the wording.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk and Councilmember Hazard

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

Discussion Items

Draft Ordinance Pertaining to the Storage of Substances with MCLs in Drinking Water & Reporting of Spills

Councilmember Snyder reported that the Wellhead Protection Advisory Committee had finalized the ordinance and addressed all of the concerns that were returned to them. He further reported that they were sending it back to the Council. Mr. Snyder advised that the Committee would like the Council to make any final comments to the staff so the ordinance could be put on the December meeting agenda for a vote. He noted that it contained additions and deletions and reiterated that the Committee was on board with the ordinance.

Mayor Davis questioned what was needed from the Council. Councilmember Snyder advised that the Council needed to agree to put this item on their agenda for consideration, to which the Council agreed.

Councilmember Snyder noted the pages in the agenda packet that identified the types of items addressed. He opined that it was informative.

Mayor Davis noted that the ordinance basically said the Town would have the information (on the MCL list) and questioned whether that was because the list changed periodically. Councilmember Snyder confirmed that the Environmental Protection Agency maintained a website with this information, which state and local governments usually referenced. He advised that the Town could address individual concerns about whether an item was on the list and how it could be treated. Mr. Snyder explained that what the Committee wanted was for residents to protect the items they had, and if there was a spill, to report it to the Town so it could make sure it was remediated.

Town Attorney Plowman noted that the Council looked at this in July and reported that she met with the Wellhead Protection Committee in August. She advised that one of the items discussed was how the average person would know what was on the list of MCLs. Ms. Plowman explained that they discussed what was being talked about; therefore, a reference was included in the ordinance.

Councilmember Snyder noted that the Committee developed a pamphlet for consumers. He advised that it would be a brochure that would be printed on a semi-regular basis for distribution to residents and businesses.

Town Attorney Plowman opined that if the goal was to know what a contaminant was and to report it when a spill occurred that the users needed to know what those were. She noted that putting that information out on regular basis would help.

Councilmember Snyder suggested that one revision to consider for the information pamphlet was who to ask. He recommended this be IES staff and opined that they were equipped to advise the consumer on an informal basis.

Councilmember Miller questioned whether this had been discussed with IES. Councilmember Snyder advised that it had not yet been discussed and opined that once it was, those questions would be addressed.

Mayor Davis noted that the ordinance indicated the information would be on the Town's website. She further noted that the list of contaminants could change; therefore, having it on the website would make it easier to change.

Town Attorney Plowman opined that most of the contaminants were something the average resident or business would find on the storage container.

Councilmember Snyder agreed that whatever was purchased would have a warning label. He noted that if it had a warning label, the Town wanted the owner to handle it carefully so it did not enter the Town's water supply.

Town Attorney Plowman reported that the ordinance had been revised to focus on that. She opined that originally, her comment was that it had no teeth; therefore, the ordinance did not do anything. Ms. Plowman advised that this concern was still there; however, the hope was the public would follow the regulations and, if there was a spill, notify the Town. She noted that if it was a larger spill, the Town could contact the appropriate authorities.

Council agreed to move this item to an agenda for approval.

Draft Ordinance to Amend Parking Ordinance

Chief Panebianco reviewed some items that he picked up on reading the draft that needed to be considered before the Council could approve it. He noted that some of it was just verbiage and some would cause issues as written. Chief Panebianco advised that the reference to the appeals process should be the General District Court, not the Circuit Court. He opined that the phrase "suspension of DMV privileges" was not correct and suggested it was

related to renewing the tags for that particular vehicle as he understood it. Chief Panebianco noted that the Town Clerk was still working with the DMV on this program; however, he opined that the Town did not have the authority to suspend DMV privileges.

Chief Panebianco advised that Section 89-1(8) talked about parking on or within twenty feet of a pedestrian crosswalk at an intersection and noted that a fifteen minute parking space was only fourteen feet away from the intersection of Pendleton Street. He advised that another was only sixteen feet away at the intersection of Washington/Liberty Streets. Chief Panebianco noted that Section 89-1(9) stated that motorists could not park within thirty feet of a flashing beacon, traffic sign or traffic light and reported that the new fifteen minute parking space in front of the Red Fox Inn was only twenty feet away. He suggested the easy fix for these would be to add language to the effect that “unless otherwise marked in a designated parking space”. Chief Panebianco opined that these spaces were typically signed as a fifteen minute zone. He suggested the Town did not want to prohibit parking, with the Town having created the spaces. Councilmember Snyder opined that the Council could amend the language as suggested.

Chief Panebianco advised that Section 89-1(15) prohibited parking in a handicapped zone. He suggested it be amended to include the phrase “without an approved DMV permit”.

Chief Panebianco noted Section 89-12, which discussed reasonable costs. He explained that, as written, this put everything on the Town and opined that if a tow truck towed a vehicle, the owner paid them. Chief Panebianco advised that if they did not, this would be a civil action between the towing company and the owner. He opined that the ordinance could not say “all reasonable costs” as this was a private entity. Chief Panebianco advised that towing was governed by some regulations of the State. He suggested that because the Town did not have the authority to tell a towing company what was reasonable, this terminology should be removed. Chief Panebianco noted that this section also addressed what happened if the owner did not pick up the vehicle and suggested that unless the Town wanted to start towing and storing vehicles, this language should also be removed. He opined that if the owner did not typically pay the tow fees, the towing company would attach a lien to the vehicle, secure a new title and sell it. Chief Panebianco advised that this was a civil action that the towing company would take; and, suggested the Town should not get involved.

Councilmember Snyder questioned whether Chief Panebianco was referencing the sentence that started with “Should the owner fail or refuse...” He opined that he was talking about removing the last sentence from this section and suggested this was reasonable. Mr. Snyder noted that if someone’s car was towed, the owner must pay something.

Chief Panebianco advised that if the vehicle was towed incorrectly or should not have been towed, the owner would have a civil action against the Town. He opined that this should not be included in the ordinance. Chief Panebianco further opined that this was a towing company/owner issue and suggested that if the owner thought the Town did something wrong, he could always take the Town to court.

Mayor Davis questioned whether the Chief was suggesting the removal of all of this language. Chief Panebianco confirmed he was.

Town Administrator Semmes opined that the entire paragraph was out of date and noted that it was existing language. Chief Panebianco noted that he and the Town Clerk talked about changing this section to state the “tow company”; however, he opined that this did not go far enough.

Mayor Davis questioned whether he was also proposing to remove the language related to the sale. Chief Panebianco advised he was proposing that paragraph B be removed completely.

Town Administrator Semmes questioned whether the language related to paying the towing company should be removed. She further questioned whether this was regulated by someone else. Chief Panebianco opined that it was. Councilmember Snyder opined that the Town did not care whether the owner paid the towing company. He noted that if they wanted their car back, they would pay. Mr. Snyder opined that this was a towing company issue.

Town Attorney Plowman noted that they would have a ticket as well. Chief Panebianco opined that they would have been arrested for a DUI and would have parked the vehicle in an area that was unsafe, with the Town having towed the vehicle. He opined that they may also be on public property causing a traffic hazard, with the officers being unable to locate the owner. Chief Panebianco suggested the officer would issue them a ticket and have the vehicle towed. He advised that a third option was that someone parked their vehicle for an extended period of time, with the Town having towed their vehicle. Chief Panebianco opined that most of this was between the towing company and the owner and suggested the ordinance needed to stop where the Town action stopped.

Town Attorney Plowman opined that towing was a separate issue that should be addressed between the towing company and the vehicle owner. She suggested it needed to be clear that they would have another ticket that needed to be paid to the Town.

Mayor Davis questioned whether the Town Code needed to include language that stated that this was between the towing company and the owner. Chief Panebianco advised that he had never seen that in an ordinance. He noted that this was referencing a parking situation; however, he suggested it could involve a DUI. Chief Panebianco suggested that if a car was towed, it was a civil contract that the owner must live up to or fight in court with the towing company.

Councilmember Snyder likened this situation to a situation in which a fire department had the power cut off in an emergency situation. He suggested the restoration of the power was between the property owner/lessee and the power company.

Chief Panebianco advised that he would send his suggestions to the Town Attorney for her review.

Chief Panebianco noted that he and the Town Clerk discussed the procedures she proposed in the draft of Section 89-13.1 for appealing tickets. He advised that he was in favor of keeping a system like was currently in place and formalizing it. Chief Panebianco opined that it appeared that the Town wanted every appeal to be in writing. He advised that often, someone came in and said “I don’t believe I was parked illegally” and he considered the situation. Chief Panebianco opined that it could often be resolved at the staff level. He suggested the formal process in writing should be that if the Town could not make the violator happy, then they would be given the formal process, which would be the written process. Chief Panebianco reiterated that the process would be through the General District Court as opposed to the Circuit Court.

Councilmember Snyder opined that this language would not preclude the Chief from amicably resolving this situation on the spot.

Councilmember Littleton noted that it would require them to submit their request in writing. Chief Panebianco suggested that an individual should be able to come see him if there was a problem. He opined that the situation could be resolved within a couple of minutes. Chief Panebianco noted that they may not be happy; however, it would be resolved without going to court. He reiterated that often they could be resolved and noted that this happened frequently during the construction.

Mayor Davis questioned whether the Chief was proposing that the language be amended to substitute “in person” for “in writing”. Chief Panebianco suggested they be referred to the Chief of Police and then, if it could not be resolved, they would have the rest of the process. He opined that the remainder of the appeal process was fine as long as they had the opportunity to deal with this on a face-to-face basis.

Town Attorney Plowman noted that this needed to be the General District Court. She suggested the language was convoluted. Ms. Plowman noted that she would work with the Town Clerk and opined that there were a lot of steps required. She advised that, as proposed, she would just pay the ticket.

Chief Panebianco opined that in Section 89-14.1, every reference to DMV privileges should reflect that was the process of suspending their ability to renew the license plate for that particular vehicle. He further opined that the Town would not be suspending their DMV privileges.

Councilmember Snyder noted Section 89-15(B) and questioned whether the reference to the west side of Federal Street made sense. He further questioned whether this should be north or south. Chief Panebianco opined that this entire section could be reduced. He noted that he had a question as to Federal Street as a whole. Chief Panebianco suggested the language was referencing the entire length of Federal Street and advised that the west end, above Madison Street, would be eight hour parking. He noted that the Town was saying for the “main street” there would be three hour parking on Washington Street. Chief Panebianco reminded Council that there were businesses on Federal Street and questioned whether all of that parking should be eight hours. He advised that the businesses would not have the benefit of someone being able to move in three hours, with just workers parking in front of the businesses.

Mayor Davis noted that the only parking that was currently marked was by Madison Street. She advised that the spaces in front of the auto shop were just dirt spaces. Chief Panebianco noted that the spaces across the street were currently marked, untimed parking spaces. He opined that the Town should be fair to all businesses and suggested the spaces be three hour ones.

Councilmember Snyder opined that the only recognized parking on Federal Street was between Madison and Pendleton Streets. Chief Panebianco confirmed there was parking just outside of the parking lot and at Madison Street, in front of Journeymen and downward. Mayor Davis noted that there were also parking spaces in front of the Methodist Church parking lot. Chief Panebianco advised that there were parking spaces in front of the Police Department’s office, as well as on the other side of the street.

Councilmember Snyder opined that there were none once one reached the Post Office. Mayor Davis confirmed there were parking spaces behind the bank. Chief Panebianco noted that there were two behind the Post Office.

Chief Panebianco explained that the reason he suggested Federal Street be three hour parking was because of the businesses and potential businesses that may be coming. He noted that this was up to the Council. Councilmember Snyder opined that this was reasonable.

Chief Panebianco noted that he did not know whether the language could be reduced down to “these are our parking zones unless otherwise signed”.

Councilmember Snyder opined that three hour parking on Federal Street sounded reasonable; however, he noted that the Town had the issue of where it wanted shop owners and employees to park. He questioned whether Federal Street should be part of the area where shop owners/employees were sent or whether they should only be sent to the parking lots. Mr. Snyder noted that he did not know the answer, as he did not know how many parking spaces this would entail. He suggested the need to send people who worked in town to appropriate parking and questioned where they would be sent.

Chief Panebianco noted that there was currently untimed parking and advised that there would be new parking on Pickering Street. He advised that there was considerable parking toward the Exxon, as well as parking in the two parking lots. Chief Panebianco opined that there were considerable spaces that were available. He advised that what he was talking about on Federal Street involved twenty spaces at most. Chief Panebianco noted that this was up to the Council; however, he believed he needed to give his input to ensure the back street benefited the same as the front street.

Councilmember Snyder opined that the Council did; however, he noted the need to make sure there were enough parking spaces for the shop owners and employees that parked for eight hours. He questioned whether this was an issue. Chief Panebianco confirmed it was. He suggested that part of the issue, as he saw it, was the people did not want to walk from the parking lots and preferred to park in front of someone else’s business. Chief Panebianco opined that the parking lots were half empty, except when Seven Loaves was open, in which case it was completely full. He suggested that the majority of the time the lots were unused as the shop owners/employees did not want to walk.

Councilmember Snyder advised that they would soon have to start paying parking fines. He explained that when this happened, he wanted to make sure there was a place to send them to park. Mr. Snyder opined that they would come into the Town Office irate when they received a fifty dollar ticket and advised that he wanted the staff to be able to advise them of locations where they could park. He suggested the need to make sure those spaces were actually available.

Councilmember Littleton opined that the Chief was talking about parking during the weekdays. He suggested that most of the businesses on the back street were professional businesses, which were closed on the weekends. Mr. Littleton questioned whether this was actually an issue during the week when the Town did not have as many tourists.

Chief Panebianco advised that he did not know whether it necessarily was an issue. He noted that he was basing his recommendation on conversations with Aleco Bravo-Greenberg. Chief Panebianco questioned whether the Council wanted to set the parking up so it would be in place when the back street developed with more businesses.

Mayor Davis noted that there were more stores closer to Madison Street. She opined that there were vehicles that parked there the entire day; however, she noted that they may belong to those businesses.

Chief Panebianco noted that the spaces on Federal Street were currently either timed with eight hour meters or were untimed.

Councilmember Snyder suggested the Council designate this small section as three hour parking. He further suggested this should be for a tight area where the retail businesses were located.

Councilmember Littleton suggested that if the majority of the businesses were retail in nature, the parking should have a three hour time limit. He further suggested it be eight hours for professional businesses that did not have retail customers.

Councilmember Miller questioned how far the three hour parking would extend from a retail business. Councilmember Littleton suggested it be directly in front of the business. Councilmember Snyder suggested the need to look at the preponderance of the businesses in that block. He further suggested this be considered on each side of the street. Mr. Snyder recommended the Council err on the side of making sure there was eight hour parking for the shop owners/employees so they could not come to the Council often and say “there is no eight hour parking”.

Mayor Davis noted that, based on the map, the area between Hamilton and Jay Streets was eight hour parking. She questioned whether this should become three hour parking or left as eight. Ms. Davis opined that this area was mostly offices.

Town Administrator Semmes noted that the meters in that area had already been removed.

Councilmember Snyder suggested those spaces be left as eight hour parking spaces. He further suggested that if the businesses changed, the Town would change where it had three hour parking.

Councilmember Miller inquired as to the number of three hour and eight hour parking spaces. Chief Panebianco noted that he did not have that information with him. He opined that there were two hundred eight marked parking spaces. Chief Panebianco suggested that, realistically, between Liberty and Hamilton Streets, the Town could put three hour spaces all the way down to the handicapped spot on the Duchessa side of the street, with everything else on the block being eight hours.

Mayor Davis opined that a lot of people who would park from the church down to Hamilton Street would be customers. She noted that a lot of people parked there and advised that on weekends, it was packed. Ms. Davis suggested the spaces up to Hamilton Street be three hour parking so the occupants could go shopping.

Councilmember Miller questioned whether this was a weekday or weekend issue. Chief Panebianco opined that it was a seven day a week issue. He noted the size of the sign needed otherwise.

Councilmember Miller opined that this was not an option. Councilmember Littleton suggested the parking be for eight hours during the week and three hours on weekends.

Chief Panebianco suggested the signs say “xx hour parking unless otherwise signed”. Councilmember Littleton reiterated his suggestion that those spaces be eight hour spaces during the week and three hour spaces on the weekends.

Councilmember Miller noted that he had witnessed people who were parked past the Community Center on weekends. He suggested the weekend parking was a problem no matter what. Mr. Miller opined that opening those spaces to eight hour parking on the weekend would be a problem.

Chief Panebianco reported that there were eighty-two parking spaces on Washington Street, three of which were handicapped and two of which were fifteen minute/loading zones. He further reported that Federal Street had twenty parking spaces and Pendleton Street had eight, three of which were fifteen minute spaces and one of which was a handicapped space. Chief Panebianco noted that he had recommended that two of the fifteen minute parking spaces be changed to eight hour spaces based upon his observations. He reported that Madison Street had twenty-three parking spaces, one handicapped space and a loading zone. Chief Panebianco opined that there had been discussion of removing the handicapped parking space.

Town Administrator Semmes noted that it was not a handicapped parking space as it was not handicapped accessible. She advised that the handicapped entrance for the Health Center was in the rear.

Councilmember Miller noted that the handicapped parking space was located in front of the Health Center. He further noted that the pharmacy parking space was a loading zone.

Town Administrator Semmes reiterated that the handicapped access for the Health Center was in the rear of the building as this was where the ramp and elevator were located. She advised that she was not aware of anyone who utilized this handicapped parking space.

Councilmember Miller questioned whether there was a handicapped parking space in the rear of the Health Center. Chief Panebianco confirmed there was; however, no one knew to go around back unless they were visiting the doctor’s office. He suggested the need for additional signage to direct people to the handicapped entrance.

Councilmember Miller questioned how people got into the building from the rear. Chief Panebianco confirmed there was a ramp and an elevator.

Chief Panebianco reported that Liberty Street had fourteen parking spaces, Hamilton Street had five and the Liberty Street Parking Lot had twenty-eight parking spaces, all of which were eight hour spaces and three of which were handicapped. He further reported that the Pendleton Street parking lot had twenty-six parking spaces, all of which were eight hours. Chief Panebianco summarized that there were a total of two hundred six parking spaces, including eight of which were handicapped and six of which were loading zones/short term parking.

Town Administrator Semmes reminded Council that ten of the parking spaces in the Liberty Street Parking Lot were permit parking spaces.

Mayor Davis questioned whether the parking spaces behind the Safeway on Marshall Street were utilized by commuters. Chief Panebianco opined that they may be. He noted that employees of the bakery parked there. Town Administrator Semmes noted that an employee of the deli did as well. Chief Panebianco opined that a lot of local people parked there; however, he could not say exactly who. He noted that these spaces were untimed.

Councilmember Snyder opined that this was more of a suspicion. He noted that he did not know for sure; however, he always suspected this was the case.

Chief Panebianco expressed fear that if the Town went to untimed parking, eventually people would discover that and the Town would no longer have parking available.

Mayor Davis questioned whether there should be a small sign that read “no commuter parking”. Councilmember Littleton noted that it would be difficult to enforce as people would say they were somewhere in town.

Mayor Davis suggested it would give the Town some teeth if it was able to prove that people were using it as commuter parking.

Chief Panebianco noted that some people would look at the sign and would not park there, as they would not risk having their car towed. He advised that it may not work with everyone and advised that it would be a bluff.

Councilmember Leonard-Morgan opined that only Safeway’s employees were allowed to park there. Chief Panebianco explained that the Council was talking about the on-street parking spaces behind the Safeway. He expressed hope that he gave the Council some information. Chief Panebianco reiterated the need to change the references from the Circuit Court to the General District Court and the references to DMV. He noted that he was not sure how that should be worded as the Town Clerk was working with the DMV on that program. Chief Panebianco opined that the Town would not be suspending their privileges.

Town Attorney Plowman noted Section 89-21.2. She questioned whether they could contest the ticket if they had not paid their fine within forty-five days. Chief Panebianco advised that if unpaid in forty-five days, the Town would take action as an unpaid parking ticket. He further advised that the Town now took action on unpaid parking tickets; however, that action was currently a letter. Chief Panebianco noted that he was not sure when that letter went out. He explained that the letter asked them to pay the ticket and stated that the Town may take them to court. Chief Panebianco opined that the intent of this section was that if the ticket had not been paid within forty-five days, the Town was saying “they were not going to pay it”. He noted that they always had the option of going to court.

Town Attorney Plowman noted that the violator had to go to the Chief of Police first. Chief Panebianco confirmed they would and explained that he must generate a summons in order to get them into court. Town Attorney Plowman suggested this language be re-worded.

Chief Panebianco explained the idea behind forty-five days was that someone may only get paid once a month; therefore, they would have an extra fifteen days to pay it. He opined that if someone was going to pay something that they would do so within forty-five days. Chief Panebianco further opined that if people were going to pay a ticket, they would do so quickly.

Councilmember Snyder questioned whether it was reasonable to assume the Council could have a draft ordinance and motion next month. He advised that he would like to see the Council put this into effect. Mr. Snyder noted that with the parking meters gone, he would like to empower the Police to administer and enforce the new parking regulations. He advised that he would like to have that in effect and able to do so by January when the Town no longer offered holiday parking. Mr. Snyder questioned whether this was reasonable.

Town Administrator Semmes noted that she could not answer as the Town Clerk was not present. Economic Development Coordinator Pearson reminded Council that this was a busy time of the year for the staff. She opined that they could not realistically get this to the Council by next month.

Town Administrator Semmes noted that the Town Attorney needed to work on some of the language. Town Attorney Plowman noted that she had comments, as did the Chief of Police. Chief Panebianco advised that he would email his comments to the Town Clerk.

Mayor Davis noted that the Chief recommended the two fifteen minute parking spaces by the Safeway be removed. Chief Panebianco opined that they have not been used as fifteen minute parking spaces. Mayor Davis and Vice Mayor Kirk opined that they have.

Chief Panebianco advised that he had not seen many people use them as fifteen minute spaces. He noted the business located across the street from the parking spaces and advised that everything they did took more than fifteen minutes. Chief Panebianco further noted that there was only one longer term space in this area. He advised that the bakery had a fifteen minute space and opined that there was an agreement from the Safeway that the bakery customers could use their parking lot. Chief Panebianco recommended those spaces be three hour spaces. He opined that it was used more for business parking. Chief Panebianco noted that the fifteen minute parking space sign was knocked down during the last snow. He advised that while the staff knew they were fifteen minute parking spaces, no one else did. Chief Panebianco noted that this was the Council's call.

Mayor Davis suggested that one of the spaces remain as fifteen minute parking. She noted that there were three parking spaces and suggested this be the first space closest to the bakery.

Town Administrator Semmes noted that there were four parking spaces in this location.

Mayor Davis reiterated her suggestion that one remain as fifteen minute parking. Councilmember Snyder agreed and reminded Council of the concern expressed by the bakery when signage changes were made. He further reminded them that the Council offered to put in some fifteen minute parking and advised that he would like to continue to offer that even though the demand was much reduced.

Mayor Davis opined that having one fifteen minute parking space would be a nice gesture. She noted that this would leave two other parking spaces. Ms. Davis advised Council that one of those spaces was being used for almost the entire day by one vehicle.

Chief Panebianco noted that he was offering suggestions based upon what he was asked to provide. He further noted that this was the Council's decision.

Mayor Davis questioned whether the Council was okay with keeping one fifteen minute parking space, with the remainder being three hour parking. The Council agreed it was.

Chief Panebianco questioned what the Council wanted to do on Federal Street. Council agreed it should be three hour parking, unless otherwise posted. They further agreed the southern side of the street where there were retail businesses and the three parking spaces behind the bank should be three hour parking.

Chief Panebianco asked the Town Attorney whether it was possible to simply say the Town had three and eight hour parking based on signage, as opposed to listing each road in the ordinance. Town Attorney Plowman opined that this may be better. She noted that the Chief had mentioned times based upon adjacent businesses and advised that the Town should not change signs based on the use of a property. Ms. Plowman opined that as a motorist trying to park, there needed to be signage and questioned how many signs the Town planned to install.

Councilmember Miller noted that this did not assume that some professional businesses may have customers during the day as well. Councilmember Snyder opined that those would not be a fifteen minute stop, nor would they be an eight hour one.

Chief Panebianco suggested the wording be amended to allow for eight and three hour parking as signed. He further suggested the Council not do parking zones and opined that it would be difficult to enforce.

Councilmember Snyder opined that the Council wanted three and eight hour parking, with a few exceptions. He suggested it be simple enough that there not be a complex sign system that must be constantly updated.

Chief Panebianco suggested going with the three and eight hour signs. Councilmember Snyder noted the need for fifteen minute signs.

Town Planner Moore opined that the Town did not need eight hour signs, nor did the Council need to talk about eight hour parking as the way the ordinance was written, the time limit was only enforced between 9:00 a.m. and 5:00 p.m. He suggested the need to identify where the three hour parking should be located.

Councilmember Snyder suggested the need to identify only those spaces that the Town wanted to turn over.

Town Planner Moore suggested eight hour parking would be untimed parking.

Town Administrator Semmes questioned whether this would encourage commuter parking. She suggested eight hour parking would prohibit that from occurring.

Town Planner Moore suggested the need to change the applicability if the Council wanted to have spaces that were limited to eight hour parking.

Councilmember Snyder suggested the Town start with three hour and fifteen minute parking. He further suggested that if commuter parking became a problem, the Council could address it at that time.

Councilmember Littleton agreed that the points the Chief raised made sense. He noted that some of the items required Council input; however, a lot of what the Chief proposed was cleaning up the ordinance. Mr. Littleton asked that, in the future, when the staff brought an ordinance to the Council that everything be incorporated into it. He advised that he expected the Council would be able to close this item out tonight as the cover memo mentioned that the attached draft ordinance included the Chief's recommendations.

Chief Panebianco opined that the Town Clerk was referring to his recommendations on the parking time limits.

Councilmember Littleton suggested that, especially for the hard items, the staff get together and go through the items first. He acknowledged that there may be items that the staff could not agree on or did not know where the Council wanted to be. Mr. Littleton suggested that most of the items raised could have been addressed by the staff. He noted that it would probably be January now before this ordinance could be adopted. Mr. Littleton advised that this would help move things along faster. Chief Panebianco agreed.

Councilmember Miller questioned whether the staff had received any confirmation that it was possible to implement incremental fines for multiple violations. Chief Panebianco opined that it could and noted that Culpeper did so. Town Attorney Plowman advised that the Council had broad discretion under the enabling authority for parking. She noted that the Council had agreed to consider the fees at a later time.

Town's Financial Policies

Councilmember Snyder opined that the ad-hoc committee had fleshed this out and suggested the proposed amendments were good as they would make the policies a little more professional. He advised that one of his concerns was that the Town had borrowed a lot of money for the utility assets; therefore, the Town had a lot of debt on the utility side. Mr. Snyder advised that he would like to have a goal of reducing that debt over time. He explained that he wanted to tighten the policies a little, even though he knew the Council could not make the two match entirely in terms of overall debt for the General and Utilities Funds. Mr. Snyder opined that a good long-term goal would be to make the two similar. He advised that he would like to see the Utility Fund get down to fifteen percent to match the General Fund. Mr. Snyder noted that this was not currently realistic; therefore, that was not included in the amendments.

Mayor Davis questioned whether the policies stated that this was the goal. Councilmember Snyder confirmed that these were the goals and were not required. He noted that currently, the policies stated that it should not exceed twenty-five percent, which was about where the Town was. Mr. Snyder advised that he wanted to include that a long-term goal was to get it down to fifteen percent.

Mayor Davis questioned whether the Council needed to adopt the policies and whether they should be placed on the next meeting agenda. Town Administrator Semmes confirmed they should if they were comfortable with what was proposed. She noted that the last policies were adopted in 2006.

The Council agreed to place this item on the December agenda for approval.

Information Items

Councilmember Littleton advised that following the ceremony for the Route 50 Project, he noticed that one of the lamp posts had been knocked over. He further advised that two other lamp posts contained bent flag poles as trucks have run into them. Mr. Littleton suggested the need for a plan to fix this.

Town Administrator Semmes reported that the plan was to secure new poles and to turn the poles inward toward the sidewalk so they would no longer be hit by trucks.

Councilmember Littleton questioned how the Christmas signs would be handled since the bottoms would be seven feet off the ground. He opined that they would be hit by six foot fathers who had a child on their shoulders.

Town Administrator Semmes advised that they would be at seven and a half feet, which was the clearance required by VDOT.

Councilmember Littleton questioned how this was a workable solution. Town Administrator Semmes reiterated that this was VDOT's requirement for anyone and noted that the Town would be meeting the standard for anything that was hanging over a sidewalk.

Councilmember Littleton noted that he was not worried about what was legal, but rather was worried about what was practical.

Councilmember Snyder suggested the Council not get too deep into the weeds and opined that there would be some mishaps. He suggested the Town was prepared to handle them.

Councilmember Littleton advised Council that he had heard a lot of people complain that the poles were too low. Councilmember Miller noted that he had as well. Councilmember Littleton advised that there was significant concern from the public that they would be hit, especially the Christmas signs. He expressed his opinion that the Town needed to think about this. Mr. Littleton acknowledged that they met regulations; however, he questioned whether the Council wanted to accept that.

Councilmember Snyder questioned whether the Council was prepared to rip the light poles out and replace them with poles that would ameliorate the concerns. He suggested that before making such a suggestion, Councilmember Littleton research the costs.

Councilmember Littleton noted the need to research the options.

Councilmember Snyder advised that the Council made a decision and installed new posts. He suggested that until the issue of signs arose, they were good. Mr. Snyder opined that the options were new posts for the signs or replacing the lamp posts. He advised that before he would be willing to entertain either option, he wanted to know the costs.

Councilmember Littleton advised that another option would be to elevate the lamp posts using a pedestal. He noted that some communities have put the poles on two-foot concrete risers, such as those at the Safeway. Mr. Littleton advised that he was not saying this was the solution and noted that he was only saying there were multiple options. He reported that there was significant concern, especially among The Hill School Alumni Association, about the damage that could happen to the signs. Mr. Littleton noted that the signs were very emotional for people and went back to a specific person.

Mayor Davis opined that even a one-foot pedestal would increase the height to eight and a half feet.

Councilmember Littleton noted that the concrete risers at the Safeway were two feet. He reiterated that he was not saying that was the answer. Mr. Littleton suggested a sleeve could be installed to make the poles higher. He advised that he worried that the Town did not have a good solution and noted that the signs were to be installed within the next two weeks.

Councilmember Snyder suggested prioritizing the signs the Council wanted to protect the most and putting them in the least vulnerable areas until the Town could protect all of the signs.

Councilmember Littleton questioned whether the staff planned to move the poles over the sidewalk in the next week or two. Town Administrator Semmes confirmed they would if possible.

Councilmember Littleton suggested this was not possible as the Town had installed flags on them. He advised that the poles could not be pulled through. Economic Development Coordinator Pearson noted that the flags would only be up through Veteran's Day. She advised that the Facilities & Maintenance Supervisor was not happy about installing them as he did not believe they looked right; however, he did so.

Councilmember Miller noted that he had also heard concerns about the low light and opined that coming east was dark. He further noted that he has also heard concerns about the light shining into motorists' eyes as they were driving down the street. Mr. Miller opined that it was not as bad if an individual was in an SUV; however, it was for motorists in sedans. He advised that people have said that in the morning, they could not see pedestrians in the crosswalks. Mr. Miller suggested a frosted glass would probably help defuse the light. Councilmember Littleton agreed.

Town Administrator Semmes noted that this could be done; however, you would not be able to see the glass globe on the inside. She advised that she noticed that it was not a bad glare going eastbound. Councilmember Littleton opined that the problem was coming into town.

Mayor Davis asked the staff to explore the cost of this as an option.

Councilmember Daly reminded the Council of the tree lighting ceremony on December 2nd and Christmas in Middleburg on December 3rd.

Mayor Davis reminded Council of the Holiday Luncheon scheduled for December 9th. Councilmember Littleton reported that he must go out of town that day. He advised that he was willing to coordinate it; however, he asked that the date be moved to earlier in the week. After some discussion, the Council agreed to check their schedules for another possible luncheon date.

Closed Session – Legal Advice by Counsel

Councilmember Daly moved, seconded by Councilmember Miller, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(3) and (7) pertaining to the discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and consultation with legal counsel retained by the public body regarding specific legal matters requiring legal advice by such counsel. Councilmember Daly further moved, seconded by Councilmember Miller, that these matters be limited to the lease of a portion of the Health Center property. Councilmember Daly further moved, seconded by Councilmember Miller, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes and Angie Plowman. Councilmember Daly further moved, seconded by Councilmember Miller, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Daly, Leonard-Morgan, Littleton and Miller

No – N/A

Abstain: Councilmember Snyder

Absent: Vice Mayor Kirk and Councilmember Hazard

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

Mayor Davis asked that Council certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

There being no further business, Mayor Davis declared the meeting adjourned at 9:29 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk