



## MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



Thursday, April 14, 2016

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk  
Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Erik J. Scheps  
Councilmember Mark T. Snyder

**STAFF:** Martha Mason Semmes, Town Administrator  
Angela K. Plowman, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
A. J. Panebianco, Chief of Police  
William M. Moore, Town Planner  
Ashley M. Bott, Town Treasurer

**ABSENT:** Councilmember Kathy Jo Shea  
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, April 14, 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.

### **Public Comment**

Sam Rodgers, 118 West Washington Street, appeared before Council representing the Red Horse Tavern. He expressed concern regarding the Route 50 Project and advised that many of the businesses were suffering a loss of revenue due to the construction. Mr. Rodgers explained that the idea behind his appearance before the Council was to get them behind him with regard to his ideas to reduce the losses. He reminded Council that Middleburg thrived on foot traffic. Mr. Rodgers expressed an understanding that VDOT was managing the project; however, he questioned what the Town was doing to protect the businesses; who was available to make sure the businesses were not unduly harmed; and, what could be done to reopen his business' delivery access. He reported that construction materials were blocking access to his delivery door. Mr. Rodgers noted that he owned one of the only two businesses that had street side patios. He asked whether it was possible to relocate the project zone during the high revenue season in order to protect those seasonal revenues. Mr. Rodgers further asked whether there was any money available to compensate the businesses for the loss of revenues due to the project. He questioned what could be done about the dirt and dust from the construction. Mr. Rodgers noted that he addressed this concern with the project manager, who told him he would get water trucks in for the dust; however, he had not seen one. He questioned whether something could be done to alert traffic of the alternate parking or to set up off-site parking areas and to shuttle people into town.

### **Public Hearing**

#### **Ordinance Pertaining to Animals**

No one spoke and the public hearing was closed.

**Action Item related to Public Hearing**

Ordinance Pertaining to Animals

*Councilmember Scheps moved, seconded by Councilmember Murdock, that Council adopt an ordinance to adopt Town Code Chapter 30.2 pertaining to animals.*

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Scheps and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Hazard and Shea

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

---

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the March 10, 2016 Regular Meeting and March 24, 2016 Work Session Meeting Minutes as amended.*

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Scheps and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Hazard and Shea

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

---

**Staff Reports**

Councilmember Murdock noted that the utility report mentioned a water leak in front of the White Elephant. She further noted that similar problems have been experienced at the Post Office and Community Center. Ms. Murdock questioned, because they were in the same area, whether this was because of the installation of the new water main. **Stuart Will, of IES**, confirmed they were unrelated.

Councilmember Snyder explained that they were due to the delayed maintenance that has occurred for years. He noted that the lines were now starting to break.

Mr. Will reported that the pipe at the White Elephant was a galvanized pipe that was rusted through. He reported that the Post Office’s break was on their service lateral and noted that he was unsure what they found. Mr. Will advised Council that the White Elephant’s break was also on their service lateral.

Mayor Davis questioned who would repair the road. Mr. Will confirmed the building owner would have to pay for that. He noted that the road must be professionally repaved. Mr. Will reported that the building owner contracted with Snider Plumbing, who subcontracted with A&M Concrete to do the road repair work.

Mayor Davis noted that they put some gravel down; however, they did not put it completely across the cut. Mr. Will reported that it was smooth initially; however, the gravel had become compacted.

Councilmember Murdock questioned what happened at the Community Center. She noted that someone repaired it but it was not the Center. Mr. Will advised that something happened that may have caused a pipe to come apart, flooding the basement. He noted that it happened the same night their lateral was connected to the system and reported that the contractor went above and beyond to fix the break.

Councilmember Snyder reported that the Utility Committee has been discussing this issue. He noted the need to get ahead of the needed repairs before the Town experienced heavy damage.

Mayor Davis expressed condolences to Town Administrator Semmes on the loss of her mother. Town Administrator Semmes thanked the staff for their support during this time.

**Town Administrator Semmes** reported that progress was being made on the West End Pump Station Project, which was the Town's third bond funded project. She advised that the staff was coordinating the design work with Salamander Development as the sewer lines for their residential development would tie into the pump station. Ms. Semmes noted that the award of the engineering contract was on the Council agenda for approval.

Town Administrator Semmes reported that work on a new Town website was also moving forward. She reported that the review committee met earlier this week to review the proposals that were submitted and have narrowed them down to a short list. Ms. Semmes advised that they would move forward with presentations by those firms and would then make a recommendation to the Council.

Town Administrator Semmes reported that she, the Police Chief and the Facilities & Maintenance Supervisor met with representatives from FEMA and the Department of Emergency Management earlier in the day regarding the Town's disaster relief application. She reminded Council that the Town could potentially recover seventy-five percent of the costs for the blizzard for a two day period.

Town Administrator Semmes advised Council that the staff has been very involved in the Route 50 Streetscape Project, even though the Town did not administer the project nor did it have any powers associated with it, including the power to make changes. She reported that the staff has been working with the project team to try to get them to address the businesses' concerns. Ms. Semmes noted that she was on the street today and reported that she saw the storm drain materials on Pickering Street that Mr. Rodgers mentioned. She opined that she should be able to address that with the contractor. Ms. Semmes asked Mr. Rodgers for a copy of his questions so she could try to get answers to them.

Town Administrator Semmes advised that in terms of business assistance, Senator Vogel was trying to work with VDOT to see if there were business assistance funds available. She advised that if the Town could help with that, she would be happy to do so.

Mr. Rodgers reported that VDOT had a loss of revenue compensation program that was built into their construction projects. He presented a copy of the information he had on the program to Ms. Semmes.

Town Administrator Semmes reported that the Town Office staff ate at the Red Horse Tavern earlier in the day. She noted that they were trying to help out during the construction period and show their concern and support. Ms. Semmes noted that the Police Chief would talk more about what the Town was doing.

Town Administrator Semmes noted the "sidewalk closed" signs and advised that her initial concern was that pedestrians did not realize they could still get to the businesses. She reminded Council that the contractor was required to keep pedestrian access to the businesses open. Ms. Semmes advised that the staff has been working the last few weeks, as the construction ramped up, to make sure the contractor delineated where it was safe for pedestrians to walk. She noted that the staff also secured "businesses are open" signs. Ms. Semmes advised that she was not sure there was such a sign on Pickering Street; however, she would make sure one was placed there.

Councilmember Murdock noted that the Town also installed new parking signs. Town Administrator Semmes confirmed it did. She opined that Mr. Rodgers' idea related to off-site parking was an interesting one and noted that it was one that the Council floated at one point. Ms. Semmes suggested the Town

could pay someone on the weekends to do valet parking for the space at the National Sporting Library. She reminded Council that they offered the use of their parking lot. Ms. Semmes noted that this was good for them as visitors would see them as well. She suggested this was something the Council could discuss later. Ms. Semmes opined that saying parking was available at a location and getting people to understand that were two different things. She suggested the Town may have to offer a shuttle.

Vice Mayor Kirk suggested the Town hire valets to park the cars. Town Administrator Semmes noted that this may be an insurance problem. She suggested it would be better to hire a limo service, as they would already have insurance and drivers and were set up to do this form of transportation.

Vice Mayor Kirk opined that the businesses were hurting and suggested the Town needed to do something. She noted that she came to the Town Office this week after she could not get into the bank and post office due to the contractors' trucks. Ms. Kirk reminded Council that these were two important businesses and suggested the contractor needed to free up as much parking as possible.

Councilmember Murdock advised Council that it worried her that people were so upset with this portion of the project. She reminded them that the next phase would involve two intersections, including the main traffic light. Ms. Murdock opined that it would really affect businesses. She expressed sorrow about the Red Horse Tavern and the businesses in that area; however, she opined that the next section would be worse. Ms. Murdock advised that she was not sure the Town had gotten to the point yet where it has helped the shoppers and visitors.

Town Administrator Semmes advised that she was surprised to see how open the sidewalks were. She suggested the need to get people to the parking. Ms. Semmes reported that A&M Concrete has been cooperative and advised that they have worked with Southern States in order to get their delivery trucks in.

Mr. Rodgers reported that he only had a three foot area to bring in his supplies. He noted that the contractor also dumped bricks in that area, which were being scattered.

Councilmember Murdock opined that this could be addressed. She reiterated her concerns that the issues would only get worse and suggested the Town needed to figure out what to do. Ms. Murdock expressed concern that there could be a tight turn radius at the intersection with The Plains Road. She noted that she mentioned this to the contractor, who agreed the turn was going to be tight for trailers. Ms. Murdock advised that he provided her with measurements and said "it would be the tightest". She proposed that before the contractor got too far down the road, the Town do a trial turn using a trailer, coming from the west, to see if modifications needed to be done before it was too late.

Councilmember Scheps questioned whether people were saying that a trailer could not make the turn. Councilmember Murdock confirmed they were. She noted that a trailer could go up on the curb; however, this was not good for horses in horse trailers.

Councilmember Snyder noted that VDOT used the ASHTO model to design the intersection; however, he opined that it did not address horse trailers.

Town Planner Moore reminded Council that the contractors were implementing a plan prepared by an engineer. He advised that often times, the project manager was not a traffic engineer who understood geometry.

Councilmember Murdock reiterated her suggestion that the Town needed to get onto this at this intersection before the contractor reached the others.

Town Administrator Semmes suggested she could ask the traffic engineers to talk with the Council about their concerns.

Vice Mayor Kirk agreed with the need to have a test to determine that the radius would work.

Councilmember Murdock reiterated that she did not want there to be a problem with trailers that could be repeated throughout the town. She advised that she could get someone who knew how to drive a horse trailer to conduct a test. Ms. Murdock reiterated that it was important to perform this test. Vice Mayor Kirk agreed and noted that it could help to calm people's nerves.

Town Administrator Semmes advised Council that she would talk to VDOT about doing a test.

Vice Mayor Kirk inquired as to when the contractor would get to the corner of Pendleton Street. Town Administrator Semmes reported that they would do half of Pendleton Street. She noted that the project manager indicated that they may do the Pickering Street intersection next before finishing that corner in order to accommodate the Garden Tour and Spring Races. Ms. Semmes advised that she did not yet have an updated construction schedule; however, she would share it with the Council as soon as it was received.

Vice Mayor Kirk questioned whether The Plains Road would be re-opened before the contractor started the next phase. Town Administrator Semmes opined that the plan was to do one side of the road and then the other, within that block of the construction zone, with the crews then moving down further. She advised that the contractor was trying to be as accommodating as possible and was trying to open The Plains Road for the Garden Tour weekend; however, there were no guarantees this could be done.

Vice Mayor Kirk noted that it would be helpful to have direct access to the National Sporting Library's parking lot.

Mayor Davis acknowledged that this was Councilmember Scheps' last meeting. She thanked him for his dedication and hard work on the Council and noted that he has been an asset. Ms. Davis advised that he would be missed. She noted that the plan was to hold a reception for the outgoing members of Council in June and expressed hope that Mr. Scheps would attend.

Councilmember Scheps noted that he would still be around and advised that his plan was to fill the citizen seat on the Health Center Advisory Board. He noted that he would also continue to serve on the Fire Department Board.

**Town Treasurer Bott** reported that the numbers have been entered into the system and advised that it was now just a matter of doing the reconciliation. She reported that she planned to present her recommendation regarding the acquisition of new software during the work session.

Councilmember Snyder noted that the utility software and billing software contained private information that the Town was required to keep. He advised that he would like to make sure that the presentation included information on how that would be protected. Mr. Snyder offered to review the recommendation and provide comments.

Mayor Davis noted that she signed checks prior to the meeting. She advised Ms. Bott that she liked how she outlined the accounts that each bill was being charged to and noted that it was nice to have more information.

**Chief of Police Panebianco** reported that the Police Department received approximately thirty-eight visitors during their Open House. He announced that Drug Take Back Day would be held on April 30<sup>th</sup>, at the Middleburg Town Office. Chief Panebianco noted that Go Green was supposed to have a box

available to dispose of used batteries that day as well. He advised that he was only accepting the drugs; and, noted that if Go Green was not present, there would be no collection of used batteries. Chief Panebianco noted that collections would occur between 10:00 a.m. and 2:00 p.m. and would occur in the parking lot using a drive-in window approach.

Chief Panebianco reported that he has been posting messages on Facebook about the Route 50 Construction Project, including that Middleburg was open for business and that free parking was available. He noted that as of the date of his written report, that message had been viewed one thousand seven hundred fifty times. Chief Panebianco reported that he also posted a message on the traffic light, as well as a general “pardon our dust” message. He opined that the Town was getting the message out that it was open for business. Chief Panebianco advised that in addition to posting this on the Police Department’s Facebook page, he also shared it with the Middleburg Uncensored and Middleburg Pages, which received a lot of views. He confirmed the Town was reaching out to folks to let them know Middleburg was open for business; and, advised that he wanted the public and businesses to know that the staff was trying to help as much as it could. Chief Panebianco asked that people contact him if they had an issue. He advised Council that he was trying to quell fires as quickly as possible and noted that he spoke with a lady earlier in the day who said “she could not live through the construction for another three years”. Chief Panebianco noted that he explained that the construction would end in October or the contractor would have to pay penalties to VDOT. He reiterated that he was trying to get as much accurate information out as possible.

Chief Panebianco opined that the biggest thing the Town must do was to try to keep people coming into town and noted that the Town did not want them to get into the habit of not coming here as it would then be difficult to get them to come back. He displayed a photograph of the signs the staff placed on the sidewalks that stated “businesses are open”. Chief Panebianco advised that he recently attended the Bizz Buzz meeting and discussed the construction. He noted that Senator Vogel was also present and indicated that she was working with VDOT. Chief Panebianco advised that she reassured those present that efforts were being made to help the businesses. He reiterated that the staff has been addressing what comments it could; however, he reminded Council that sometimes, it could not.

Chief Panebianco reported that he was able to get five parking spaces on the current construction block opened, although some were taken back earlier in the day. He noted that the staff was doing this where it could on a daily basis as it made a difference. Chief Panebianco reiterated that the staff was doing what it could to promote the town and make sure some parking was available. He noted that signs have been printed to identify the free parking areas and bags have been placed on those meters.

Chief Panebianco noted that he heard about issues related to speeding and reckless driving on the back streets. He reported that the police officers have performed sixty-five special assignments, in addition to their normal patrols, on the back streets. Chief Panebianco further reported that they have gotten some speeders; however, there have not been as many of those as there have been stop sign violators. He advised Council that the officers have written fourteen speeding tickets and twenty-four stop sign violations. Chief Panebianco noted that as to the speeders, they were finding that motorists would make the turn, accelerate and then level out at thirty mph. He opined that because the roads were narrow, it looked like they were flying when, in fact, they were only going five mph over the speed limit.

Vice Mayor Kirk opined that the problem was not speeding, but rather was tail gating. Chief Panebianco noted that the officers have also written a ticket based upon how a motorist was driving, as well as for five charges other than stop sign violations. He cited an example of a motorist who began to run the stop light one day and noted that he offered her some “education”. Chief Panebianco assured the public and Council that all of the members of the Town staff were doing what they could to quell fears. He advised that they could not give everyone the business they were losing; however, they could help promote the town.

Mayor Davis noted that earlier in the day, there was a barrier with a sign that stated that the sidewalk was closed. Chief Panebianco noted that he saw that as well and spoke with the Town Administrator about it. He opined that when the contractor did this, they needed a path of cones and tape to show the route that pedestrians could use.

Mayor Davis noted that the people who were coming into her shop were locals who knew they could walk around the barricades. She opined that visitors were simply turning around.

Councilmember Murdock reminded Council that the contractor promised that there would be access to every business. Mayor Davis confirmed there was. Councilmember Snyder opined that the issue was that the temporary travel path was not obvious for those who did not live here.

Chief Panebianco agreed with the need to stay on top of this and advised that he would use Town cones if necessary.

Mayor Davis suggested that the Town could provide all the parking it wanted, however, if the visitors did not think they could get into the businesses, it would do no good.

Chief Panebianco noted that he and other members of the Town staff walked down there and told the contractor that the sign must change. He advised that they had some fabric "sidewalk closed" signs up; however, he threw them away when he found them up more than once.

Vice Mayor Kirk confirmed there was a path to the post office; however, visually, all of the construction threw her off. She opined that this was an issue for anyone who had vision problems.

Chief Panebianco opined that the contractor was doing the best he could to provide a path given the circumstances.

Mayor Davis opined that the contractor was working on the worst part as this was a mid-block cross walk. She noted that there were no others like it. Ms. Davis advised that she was not saying there was no traffic in the other sections of the project; however, she noted that this one contained the bank and post office, which had constant pedestrian traffic.

Chief Panebianco reported that the contractor stated that this section would take five to six weeks to complete; however, he believed it would probably be five, as long as there were no more changes. He noted that they were getting ready to move to the other side of the street. Chief Panebianco opined that the first test of the trailers would occur next Saturday. Councilmember Murdock suggested the test wait until both bump outs were complete.

Councilmember Snyder inquired as to how well the staff was posting the construction schedule. Town Administrator Semmes reported that the Economic Development Coordinator put out a weekly update, which was available on the Town's website and Facebook page. Chief Panebianco noted that it was also available on VDOT's website. He advised that when he knew something was coming, he also put out comments on his Facebook Page.

Mayor Davis noted that there have been e-mails about how this "beautification project" was killing business. She acknowledged that the project would beautify the town; however, she reminded Council that this was a pedestrian safety project, as well as a project to improve the Town's water lines. Ms. Davis noted that it would also involve moving the overhead electric lines underground. She advised that these were all things that people wanted. Ms. Davis opined that the bump outs would make it safer to cross the street. She stressed that the project was not being done to make the town pretty. Ms. Davis suggested the Town needed to get the word out that while there would be an inconvenience, the project was being done to address things that needed to be corrected.

Councilmember Snyder noted that the Town was addressing all of the issues in one project and suggested it was important that people to know that.

Chief Panebianco reiterated that if anyone needed anything, he was accessible. Councilmember Murdock noted that the Police Department has gone above and beyond with regard to this project and opined that it was a comfort for the public. Vice Mayor Kirk noted that all of the Town staff, especially the Police Department, was bending over backward to help people.

**Reports of Town Committees/Council Liaisons**

Councilmember Snyder reported that he and the Town Administrator planned to pull in the Utility Committee in order to give the Council a better idea of what projects the Town could fund outside of the bond funded ones. He expressed hope to have more information at a work session.

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

**Council Approval** – Sidewalk/Trail Easement – 209 East Washington Street

Town Planner Moore reminded Council that this item was related to the site plan waiver they approved in the fall for the vacant lot that served as ingress/egress to the current Middleburg Country Inn property. He further reminded them that the wavier contained a condition that there must be a pedestrian connection between the Federal Street Office Building property to the south and the Washington Street sidewalk. Mr. Moore reported that the Planning Commission approved the site plan. He noted the need for the Council to accept this access easement, as the sidewalk would be located on private property.

Councilmember Murdock questioned whether there would be sidewalk on the other side of this one. Town Planner Moore confirmed it was just installed.

*Councilmember Snyder moved, seconded by Councilmember Murdock, that the Council accept a deed of easement from Catawba Associates Middleburg, LLC for the construction of a sidewalk/trail on a vacant parcel of land located adjacent to 209 East Washington Street. Councilmember Snyder further moved, seconded by Councilmember Murdock , that the Mayor be authorized to sign the easement on the Town's behalf.*

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Scheps and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Hazard and Shea

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

-----  
**Council Approval** – Special Event Donations – Economic Development Advisory Committee

Mayor Davis reminded Council that she served on EDAC. She noted that these were events the Committee was asked to review. Ms. Davis reported that EDAC recommended funding in the amount of \$2,500 for the National Sporting Library's Open Late Program and \$15,000 for the Film Festival.

Councilmember Snyder questioned whether these would be recurring expenditures that would be subject to Council approval in each budget. Mayor Davis confirmed they would. She noted that EDAC was asked to review the special events. Ms. Davis reminded Council that each applicant must complete an application.



Councilmember Snyder noted that the recommendation would be split over two fiscal years, with the \$2,500 coming out of the current budget and the \$15,000 being proposed in the FY '17 budget. Town Administrator Semmes noted that the \$15,000 was already included in the draft budget.

*Councilmember Snyder moved, seconded by Councilmember Scheps, that Council approve \$2,500 in special event funding for the National Sporting Library & Museum for their Open Late program, said funding to come from the FY '16 Budget. Councilmember Snyder further moved, seconded by Councilmember Scheps, that the staff be directed to include \$15,000 in special event funding for the Middleburg Film Festival in the proposed FY '17 Budget.*

Councilmember Murdock noted that she served on the Board of Directors for the National Sporting Library. She questioned whether she should abstain from the vote. Town Attorney Plowman suggested that in order to avoid the appearance of impropriety, she should abstain from voting if she did not need to.

Vote: Yes – Councilmembers Kirk, Littleton, Scheps and Snyder

No – N/A

Abstain: Councilmember Murdock

Absent: Councilmembers Hazard and Shea

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

---

Council Approval – Contract – West End Pump Station Design Engineering Services

Councilmember Snyder reminded Council that this was an engineering contract to replace the existing West End Pump Station, which pumped waste to the wastewater treatment plant on the east side of town. He noted that the existing pump station was very old and that the Town has experienced DEQ violations over the years due to its age and condition. Mr. Snyder explained that all this action did was to fund the engineering study. He noted that the Utility Committee looked at six to eight proposals and interviewed the two companies that were most familiar with Middleburg. Mr. Snyder reported that they were recommending the contract be awarded to MWH Americas and noted that their lead staff member was Bob Krallinger, who was very familiar with the Town's projects.

*Councilmember Snyder moved, seconded by Councilmember Murdock, that Council approve a contract with MWH Americas, Inc. for Professional Engineering Services to replace the West End Sewage Pumping Station, said contract to be in the amount of \$149,808.*

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Scheps and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Hazard and Shea

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

---

Discussion Items

FY '17 Budget

Town Administrator Semmes advised Council that the draft budget now included year-to-date numbers; however, there was no drastic change from the previous version. She reported that when the staff changed the Utility Fund Budget, it came up with more of a cushion than it originally thought possible. Ms. Semmes advised that, currently, there was a contingency reserve of \$221,000 proposed for the General Fund and a little less than \$93,000 proposed for the Utility Fund. She noted that the General Fund Budget was based on the assumption of no change in the existing seventeen cent real estate tax rate,

with the remainder of the Town's fees to remain the same. Ms. Semmes reminded Council that the equalized real estate tax rate would be sixteen cents. She explained that the penny increase would amount to \$31,000 in revenue. Ms. Semmes reiterated that the current draft budget included a seventeen cent tax rate and explained that this was because there were some unknowns at this time, such as the Town's insurance rates. She advised that she was not opposed to equalizing the tax rate; however, she recommended for purposes of the public hearing that the higher rate be advertised. Ms. Semmes noted that the Council could always reduce it; however, it could not increase it without holding a public hearing.

Councilmember Snyder noted that he wanted a sixteen cent tax rate; however, he was fine advertising a rate of seventeen cents.

Vice Mayor Kirk advised Council that she had a problem with the proposal to sell the Town shop property. She noted that the Police Department wanted to put their office at this location; therefore, based on a conversation she had with the Police Chief, she did not want the property to be sold. Ms. Kirk advised Council that the Police Chief stated that he could get a building built for \$250,000.

Councilmember Snyder suggested the Police Chief address this during a work session.

Town Administrator Semmes noted that the sale of this property was not reflected in the budget. She further noted that it was only shown as an option.

Mayor Davis opined that this would not be a good location for the Police Department.

Vice Mayor Kirk noted that the Town was always begging for additional parking. She suggested it be turned into a parking lot. Mayor Davis questioned how the pedestrians would then get up the hill. Town Administrator Semmes agreed there were accessibility issues.

Vice Mayor Kirk opined that there were uses for that property. She asked that a sale not slide through.

Town Administrator Semmes reminded Council that they could not sell Town property without first holding a public hearing.

Vice Mayor Kirk advised Council that the Police Chief was about talking constructing a pre-fabricated building on the site.

Mayor Davis questioned why the occupancy tax revenues were proposed to be lower. Town Administrator Semmes explained that this was because the Town did not have year-to-date numbers. She noted that she also took the loss of the Middleburg Country Inn into consideration when projecting the revenues. Ms. Semmes noted that the projected revenues could be increased and advised that she would make a note to keep an eye on them as they came in.

Mayor Davis questioned whether the application proffer line item was proposed as it was because the staff did not envision the Town would have many applications. Town Administrator Semmes opined that the Town received the bulk of the money in the current fiscal year for the review of the final plat and construction plans for Salamander. Town Planner Moore confirmed the majority of the fees were for the construction plan review. He opined that the projected revenue for the coming fiscal year should definitely not be higher.

Mayor Davis noted that there were several categories, such as Vehicle Allowance and Administrator Attorney on Page 12, where the percentage of the increase should be zero. Town Administrator Semmes confirmed they should.

Mayor Davis opined that the line items for Town Committee Support and Go Green should be in the Economic Development budget.

Town Administrator Semmes reminded Council that they had a discussion regarding this during the last meeting, at which time, Councilmember Shea suggested that rather than having separate line items, there only be one for Town Committee Support. She explained that this support was for committees that did not perform economic development activities, but rather provided general Town support. Town Clerk North noted that this would be for committees such as Go Green and the Streetscape Committee.

Mayor Davis noted the line item for Organizational Support to help the MBPA fund part-time staff. Town Administrator Semmes reminded Council that this was a carryover from the current budget when the Council decided to give the MBPA money to encourage them to hire some help. She expressed a belief that some of the money has been used to work on their website even though the Town had not received a bill.

Mayor Davis noted that the Christmas in Middleburg line item was proposed at \$25,000 as opposed to \$17,000. She further noted that this was shown as being for lights and decorations. Ms. Davis opined that the Town already paid for those. Councilmember Snyder opined that this was for upgrades to the shuttle service and for the purchase of roping for crowd control. Town Administrator Semmes advised Council that she would check on this with the Economic Development Coordinator.

Councilmember Snyder questioned whether the members of Council had any questions related to the Utility Fund Budget. He noted that he reviewed it with the Town Administrator a couple of times.

Town Administrator Semmes advised Council that the Town was on track with the rate model for no increase in the water rates this year. She reminded them of the proposal for one last five percent increase in sewer rates, which would provide for an overall increase in the utility bill of two and a half percent.

Councilmember Snyder opined that after this fiscal year, there would only be one percent overall rate increases.

Town Administrator Semmes noted that the overall budget was reduced by nine percent and reminded Council that this was due to major progress on two of the three bond funded projects. She opined that the customers affected by those projects were pleased.

Councilmember Snyder noted that the Washington Street water line was now mostly a twelve inch line. He reminded Council that this line replaced old two, four and six inch line and noted that the water quality has improved as a result.

Town Administrator Semmes noted that the projects also addressed the water main valves. Councilmember Snyder advised that when he joined the Council, there were no valves; therefore, whenever there was a water line break, the entire town had to be shut off.

Town Administrator Semmes noted that she recently received an old news article that indicated that the Town's water lines were being installed in 1937 and that it was getting ready to install sewer lines.

Vice Mayor Kirk noted that no funding was proposed for elections. She reminded Council that there would be a special election in November. Town Clerk North reported that the Registrar told her there would be no cost to the Town for the special election since it would be held in conjunction with the National and State elections.

Town Administrator Semmes reminded Council that one of the reasons the Town should stay on target with the rate model was so it could continue to chip away at the capital projects that were deferred for so long. She noted that the staff would know more about the West End Pump Station costs when it received the design and advised that the \$450,000 included in the budget was an educated guess at this point. Ms. Semmes advised that the draft budget also included \$100,000 to start the water line improvements in the Ridgeview Subdivision and \$50,000 for sewer line improvements. She noted that the Town has been dealing with rock in the sewer lines that needed to be addressed. Ms. Semmes advised Council that the Town could do some of this work this fiscal year; however, it would still need to do more. She noted that there would be an item on a work session agenda to discuss capital improvements so the Council understood the options. Ms. Semmes reminded Council of the need to make some decisions, such as did they wish to borrow money and do the entire project at once.

Councilmember Murdock reminded Council of the lateral issues in the Ridgeview Subdivision. She suggested the need to do a study of where there were shared laterals that went through other properties. Ms. Murdock opined that there were a lot of them.

Town Administrator Semmes advised Council that as the lines were replaced in the Ridgeview Subdivision, the staff would have to figure those out.

Councilmember Murdock cited the example of a house on Locus Street that had to install its own line, at great expense, as the house was on a shared lateral. She suggested the need to eliminate those.

Councilmember Snyder reminded Council that the Town could not mandate the replacement of private sewer laterals and noted that it was incumbent on the property owners to do so. He opined that the Town could identify the locations where this occurred when possible so the property owners could address them.

Town Administrator Semmes reminded Council that there were some blocks in the Ridgeview Subdivision where there were no sewer mains. She advised that the property owners simply extended their laterals as houses were built.

Town Administrator Semmes reminded Council that there was a schedule for adopting the budget in her memorandum. She noted the need to advertise the utility, real estate tax rate and budget for public hearing during the May 12<sup>th</sup> meeting, with adoption of the budget occurring on May 26<sup>th</sup>. Ms. Semmes reminded Council that this would leave two meetings after that if needed. The Council agreed to advertise the budget as proposed.

Town Administrator Semmes inquired as to Council's thoughts on replacing the remaining street lights on Washington Street. She reminded them that six would remain. The Council agreed it made sense to do this replacement as a part of the Washington Street Project.

Town Administrator Semmes noted that the last one that would currently be done as a part of the project was by the Episcopal Church. She reiterated that there were six more in this area. Ms. Semmes advised that the last of the six would be located on the southeast corner of Jay and East Washington Streets.

Councilmember Snyder noted that these lights would be dark sky friendly, unlike the street lights in the Ridgeview Subdivision.

Town Administrator Semmes advised Council that Dominion Power was considering a new schedule and asking local governments whether they were interested in replacing those street lights. Councilmember Snyder advised that he would be interested in installing LED lights in the residential neighborhoods.

Mayor Davis questioned whether this was something the Town must pay for. Town Administrator Semmes confirmed it was. She noted that Purcellville installed LED lights as part of a demonstration project. Ms. Semmes opined that they were very bright, although she acknowledged that they did save energy and money.

Councilmember Snyder expressed a desire to save energy; however, he advised that he would like to tone down the brightness. He noted that the light near his house was very bright unless it was flickering.

Vice Mayor Kirk advised Council that the Police Department asked to have street lights in the middle of the blocks as some areas were dark. She noted that they expressed concern about not being able to see during patrols.

Councilmember Snyder suggested this would only work if the brightness of the lights was toned down. He advised that he did not want lights that were bright. He further advised that he wanted LED lights that were dark sky friendly. Mr. Snyder suggested they did not need to send out large amounts of light.

Vice Mayor Kirk suggested the need to discuss houses whose lights were too bright. Councilmember Snyder suggested the Council address the Town's street lights before it address private property owners'.

Town Administrator Semmes questioned whether the Council wished to put \$45,000 in the budget for the six street lights. The Council agreed it did.

### **Information Items**

Councilmember Murdock noted the Lyme Disease information that was placed at each Councilmember's desk. Town Clerk North noted that she had some of the pamphlets as well and would put them on the front counter for anyone interesting in taking one.

Town Administrator Semmes noted that it was not just Lyme Disease that people needed to be concerned about. She further noted that the Zika Virus has spread to Virginia.

### **Closed Session** – Personnel

*Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Murdock, that these matters be limited to a discussion of the resignation of Councilmember Scheps. Vice Mayor Kirk further moved, seconded by Councilmember Murdock, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes, Angela Plowman and Rhonda North. Vice Mayor Kirk further moved, seconded by Councilmember Murdock, that the Council thereafter reconvene in open session for action as appropriate.*

Vote: Yes – Councilmembers Kirk, Littleton, Murdock and Scheps

No – N/A

Abstain: Councilmember Snyder

Absent: Councilmembers Hazard and Shea

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

---

Councilmember Snyder noted that he abstained from the vote as he was not convinced a closed session was required.

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 7:42 p.m.

APPROVED:

\_\_\_\_\_  
Betsy A. Davis, MAYOR

ATTEST:

\_\_\_\_\_  
Rhonda S. North, MMC, Town Clerk