



**MIDDLEBURG TOWN COUNCIL  
REGULAR WORK SESSION  
MEETING MINUTES**



**April 24, 2014**

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

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

**ABSENT:** Councilmember Trowbridge Littleton

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, April 24, 2014 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

**Annual Report** – Wellhead Protection Advisory Committee

Lisa Patterson, Chair of the Wellhead Protection Advisory Committee, appeared before Council to present their annual report and noted that the Committee has been working on wellhead protection for about two years. She advised that their report highlighted what the Committee was actively working on, including a status report on the action items in the Wellhead Protection Plan. Ms. Patterson reported that the Committee was currently working to identify the locations of Wellhead Protection Zones 1 & 2. She noted that Zone 2 was not located within the Town limits; therefore, it would be more difficult to implement that zone. Ms. Patterson advised that the Committee was working on how to establish the zone and work with the County on this item. She expressed hope to get the County support's to not allow certain business types/development within that Zone. Ms. Patterson reported that the Committee was working on a draft zoning ordinance for Zone 1. She reminded Council that the Town's ground water could very easily be contaminated; therefore, it was critical to protection it. Ms. Patterson noted that most of the Town was already developed; therefore, the Committee was working after the fact to make decisions on what the Town would not want to see in that zone in the future. She noted that the Town's zoning ordinance was already strong and did not allow many of the types of operations that could contaminate ground water.

Ms. Patterson reported that the Committee was also working aggressively with regard to heating oil tanks in order to identify the location of tanks, particularly abandoned ones. She noted that oil tanks were a bigger concern than propane as propane tanks were kept current if they were actively being used.

Councilmember Murdock inquired as to how a property owner could determine the location of a buried oil tank. Ms. Patterson explained that, unless removed, the tank would have a fill and vent pipe, usually located within six inches of each other. She opined that there were quite a few oil tanks in town that have been abandoned in place and have not been properly dealt with.

Vice Mayor Kirk noted that her neighbor had an oil tank that she would like to remove. She questioned who she would contact. Ms. Patterson reported that the Committee was working on a pamphlet that would include that type of information. She noted that it would also identify how to determine if a tank was leaking; and, if so, what to do. Ms. Patterson further noted that it would also include information on how to maintain a tank, how to get rid of one and contact information for DEQ. She noted that DEQ had money to help citizens with contamination if their tank leaked as they could not leave it in the ground once discovered. Ms. Patterson advised that the Committee would request money to copy and mail the brochure. She reiterated that they hoped to develop a list of who had tanks; however, this would be difficult to develop.

Councilmember Shea questioned whether the oil companies would have records that may be of assistance. Councilmember Snyder noted that many of the oil tanks were installed years ago. Ms. Patterson noted that the oil companies have not been that helpful.

Councilmember Shea inquired as to the potential for above ground oil tank leaks. She noted the empty tank behind the Town Office. Ms. Patterson noted the huge potential for contamination from that tank and suggested it had probably already contaminated the ground. She advised that this was the type of thing the Committee would like cleaned up.

Vice Mayor Kirk suggested that tank be addressed. Town Administrator Semmes advised Council that the Town Clerk would contact the property owner.

Ms. Patterson reminded Council that the Wellhead Protection Plan has been updated. She noted that the Committee was also educators and would bring forward items to the Council and citizens on what could be done. Ms. Patterson opined that a lot of people did not understand how groundwater worked and how easy it was to contaminate it. She noted that if the Town lost a well or an aquifer, it would get uncomfortable very quickly.

Councilmember Shea questioned whether the County had a comparable group to the Wellhead Protection Advisory Committee. Town Administrator Semmes confirmed they had water resource engineers. She noted that they helped the Town with its participation in the Northern Virginia Regional Water Supply Plan.

Councilmember Shea questioned whether this would be a good connection. Ms. Patterson confirmed it would. She noted that Loudoun County's source water was predominantly surface water; however, they were seeing more development utilizing ground water as its source.

Councilmember Snyder reported that Middleburg was unique in that it had a plan with action items and a committee that was active. Ms. Patterson noted that TetraTech has commented on how active and organized the Committee was; and, noted that they have not found a lot of other communities that were working on this.

Mayor Davis questioned whether the Town had a pamphlet that talked about putting chemicals on lawns and how this was not healthy for ground water. She further questioned whether the pamphlet included a list of alternatives to chemical products. Ms. Patterson reminded the Council that the Committee developed an initial pamphlet that identified this; however, it did not include a list of alternatives.

Councilmember Shea noted that Go Green has done some of that research. She opined that this would be a great joint project and suggested Ms. Brunett spearhead it since she served on both committees. Ms. Shea noted that vinegar could be used to kill weeds and was non-toxic.

Town Clerk North advised Council that the staff has developed an on-going column in the Town's newsletter on source water protection tips. She noted that the tip on using vinegar was one that was included in that column in the past.

Councilmember Shea suggested that Go Green coordinate with the Wellhead Protection Committee and the Town Clerk to get facts out over time.

Councilmember Murdock suggested the tips be simple ones. She further suggested that the Town remind people now of the vinegar alternative since it was weed season.

Councilmember Shea noted that cutting lawns at a higher length also kept weeds from growing.

Councilmember Murdock inquired as to what the Committee needed from the Council. Ms. Patterson advised that while the Committee did not have a specific number, it would like to make a budget request. She reported that the Committee was working to develop a signage project that would identify areas where the Town's ground water was located and to alert people that they were entering a water shed. Ms. Patterson noted that they were also working on medallions for the storm water inlets. She advised that they were not talking about a lot of signs.

Councilmember Shea suggested that one be put on each entry road into Middleburg.

Town Administrator Semmes noted that the Girl Scouts did a storm water inlet medallion project in Purcellville. She suggested a Boy Scout Troop may want to do this in Middleburg.

Ms. Patterson explained that the medallions would remind people that when they dumped items down the storm drain, it was a path to the Town's water supply.

Mayor Davis thanked the Committee for their hard work. She asked that they let the Council know if they needed anything.

**Addition of Item to the Agenda**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council add item 5(A) (Council Approval – Salary Range for Town Planner/Zoning Administrator) to the agenda.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

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**Council Approval** – Marshall/Madison Street Pedestrian Improvement Project

Town Administrator Semmes advised Council that this agenda item was not ready as VDOT had not released the plans. She noted that it would be moved to the next meeting.

**Council Approval** – Resolution of Appreciation – Town Planner Beniamino

*Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council adopt a resolution extending its appreciation to David M. Beniamino for his service to the Town from April 4, 2006 through April 30, 2014 as the Town Planner/Zoning Administrator.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

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Mayor Davis read the resolution aloud.

Town Planner Beniamino thanked the Council and noted that it had been a pleasure working for the Town. He further noted the article in the *Middleburg Eccentric*, which was very nice, about his departure.

Mayor Davis presented a signed copy of the resolution and a Middleburg paperweight to Mr. Beniamino.

At the Council’s urging, Town Planner Beniamino read the editorial in the *Middleburg Eccentric* aloud. Mayor Davis agreed with it and noted that Mr. Beniamino would be missed.

**Council Approval** – Contract – Refuse & Recycling Collection Services

Mayor Davis noted that CSI was quite a bit lower than the other bidder.

Councilmember Murdock opined that there was a lot of information in the contract that the residents needed to know, such as the type of recyclable materials that could be set out for collection.

Town Administrator Semmes noted that it was included in the New Resident Packet.

Councilmember Shea noted that the Town Administrator sent something to her regarding this. She reported that Go Green would look at increasing recycling.

Councilmember Murdock opined that the information in the contract was good information and suggested the long-term residents needed to know it as well. She noted that the contract talked about lids; however, the Town distributed recycling bins without lids, which resulted in trash being strewn around town.

Councilmember Shea reminded Council that, under the contract, CSI was required to pick up any trash within a certain radius of the cans. She opined that this was not happening and suggested they needed to work on it. Ms. Shea reminded Council that the ordinance stated that the materials must be secured.

Councilmember Murdock reiterated her concern regarding the distribution of recycling containers that did not have lids. She noted that she purchased one with a lid and advised that CSI removed it on collection day and left it on the ground.

Councilmember Shea noted that the contract required that CSI put the lids back on the container. She reminded Council that citizens could also purchase a roller. Ms. Shea suggested the need to look into this further.

Town Administrator Semmes noted that Purcellville implemented a pilot program in which people were asked to use a toter for recycling, which they found to be successful. She further noted that there was an extra charge for this service.

Councilmember Hazard inquired as to where the recycling went. Town Administrator Semmes reported that recyclable materials were taken to CSI's MRF, where they were separated.

Councilmember Murdock inquired as to what the "special collections" entailed and noted that she was not familiar with this program. She suggested the need to inform the public of this service. Town Administrator Semmes reported that this was for items such as furniture and appliances. She noted that residents must call CSI at least twenty-four hours prior to collection day when they wanted to put out a large item. Ms. Semmes agreed it would be good to remind people of the regulations.

Councilmember Shea noted that Go Green distributed a flyer a few years ago on recycling.

Town Administrator Semmes advised Council that the staff needed to deal with the solid waste ordinance. She noted that it was not specific with regard to commercial versus residential collections. Ms. Semmes reminded Council that the Town collected from commercial businesses that did not need a dumpster; however, it was up to the business to decide when they needed one. She noted that there have been some problems, with one property having replaced its dumpster with twelve refuse cans, which prompted complaints from the neighbors. Ms. Semmes reported that there were some areas where CSI would like to use a rear-load dumpster. She opined that some restaurants should have collections more often.

Councilmember Snyder suggested the need to impose a maximum number of cans that would be collected by the Town. Town Administrator Semmes advised Council that a discussion regarding amendments to the ordinance has been scheduled for May. She noted that one of the amendments would limit the number of cans. Ms. Semmes reported that the County Health Department could require restaurants to have more frequent collections and suggested the Town should as well. She noted that the Town has experienced problems with rodents due to excess trash, which was not healthy. Ms. Semmes further noted that the odor could also be bad.

Councilmember Shea noted the need to look at the recycling requirements for commercial businesses. She noted that currently, businesses with large bins simply put everything into them.

*Councilmember Snyder moved, seconded by Councilmember Murdock, that Council authorize the Mayor to sign a contract for refuse and recycling collection services with Con-Serv Industries, Inc. included in the Request for Proposals, said contract to be for an initial four-year term of service beginning July 21, 2014.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

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**Council Approval** – Salary Range for Town Planner/Zoning Administrator

Town Administrator Semmes advised Council that while she had the authority to tell candidates what the salary would be based on what was appropriated, she would like to be able to tell candidates what the salary range would be for this position since the Council has been talking about establishing ranges. She reported that it was currently being advertised through the Virginia Municipal League, in the Loudoun Times Mirror, through the Virginia Planning and Zoning Associations and on the Town’s website. Ms. Semmes reported that she has received two calls thus far; however, both callers did not have any zoning experience. She noted that the ad just ran this week in the newspaper.

Councilmember Murdock questioned who would handle these duties when Mr. Beniamino left. Town Administrator Semmes confirmed she would. She noted that she and Mr. Beniamino were scheduled to meet with the Town’s engineers next week to review the current projects and the two of them would meet on Tuesday to review the planning/zoning records. Ms. Semmes advised that she would do her best to make sure nothing was dropped.

Vice Mayor Kirk questioned whether the Council needed to appoint Ms. Semmes to this position. Town Administrator Semmes reminded Council that they adopted a resolution appointing her as the Acting Zoning Administrator in his absence. She noted that as to the planning related items, the Town Planner did not have any official authority; therefore, she could simply do that job.

The Council held some discussion regarding the staff’s recommended salary range. They also discussed their desire to implement a salary scale system. The Council agreed to advertise a starting salary not to exceed \$65,000.

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council approve a salary for the Town Planner/Zoning Administrator position, with a starting salary not to exceed \$65,000 depending on qualifications.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

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**Council Discussion** – Request to Settle Water Bill – Michael Pappas

Mayor Davis summarized that Mr. Pappas was asking to pay the Town a lump sum of \$2,800 when he received his tax refund to settle his water bill. She noted that if approved, this would mean he would pay a total of \$4,000 to settle the \$5,800 bill.

Town Administrator Semmes reminded Council that this bill was the result of a water leak.

Council held some discussion regarding this request. They suggested the proposition should not be dependent on Mr. Pappas receiving his refund but rather should be based on a lump sum due by a given time; and, suggested this should be no later than June 15<sup>th</sup>. The Council noted the future value of this money compared with the value of receiving payments of \$100/month. They discussed the need for a contract. It was noted that the Town was sending out notices regarding under billed accounts and suggested the Town did not want to set a precedent. The Council asked that the Town Attorney review this request and offer her advice on the terms of a contract.

**Council Discussion** – Continuation of health insurance benefits to Council members

Town Clerk North reminded Council that last April, they adopted changes to the Employee Handbook to allow the Mayor and Members of Council to participate in the Town's health insurance program if they desired. She noted that, at that time, they asked that this issue be revisited in a year.

Councilmember Shea noted that the budget identified the expected cost for health insurance for Council members at \$7,000. She further noted that she was not sure where that figure came from and reported that she was paying \$250/month for her coverage, with the Town paying the other \$250/month. Ms. Shea advised Council that she has been donating money to the Town, with the result being that the Town was only paying \$600 for her health insurance coverage.

Town Administrator Semmes advised Council that the cost for individual coverage was \$7,140 per year, with the Town paying half for members of Council.

After some discussion, the Council agreed they had no problem allowing this benefit to continue.

Councilmember Shea suggested the need to look at the figure included in the budget as only one member of Council was participating in the program.

Councilmember Murdock noted that the Town elections were about to be held. She suggested that someone else may want coverage in the future.

Councilmember Shea explained that this was one of the reasons she wanted to note donations that were received as this looked like a bigger expense to the Town than it actually was.

**Council Discussion** – FY '15 Budget

Town Administrator Semmes reminded Council that she gave them a revised summary of the General Fund, as well as information regarding the Town's liability insurance coverage. She noted that the Town's premiums did increase. Ms. Semmes advised that by the time she put the amendments in the budget, there was \$100 more in the Contingency Reserve.

Town Administrator Semmes reported that there was a substantial increase in Police costs for insurance, mostly due to the Line of Duty Act coverage which the Town was required to provide. She advised that the cost increased from \$234 to \$457 per officer. Ms. Semmes reported that the Workers Comp costs for the Police Department and Maintenance Supervisor went up; however, they went down for the remainder of the staff. She opined that the increases were industry based as the Town has not had any Workers Comp claims.

Town Administrator Semmes reported that VDOT only allocated half of what the Town requested in the grant for street lights and sidewalk repairs. She noted that the crosswalk construction project would take more than one season to finish and advised that the Town could submit another grant application next year. Ms. Semmes noted that the Town would only have to provide half of what it thought it would for the grant match (\$26,000). She noted that Jim Bishoff, of J2 Engineers, believed the Town may have money left from the Marshall/Madison Street Pedestrian Project; and, advised that often VDOT would let a jurisdiction change the money to another project. Ms. Semmes reminded Council of the need to refine the costs of the street lights. She reported that she received an email Laura Greenleaf, of the Virginia Dark Sky Association, who offered her assistance with this project. Ms. Semmes noted the need to let the Piedmont Community Foundation know the Town had an active project and ask that it seek donations for dark sky initiatives.

Councilmember Snyder noted the importance of getting the business district done; however, he opined that it would be nice to change the street lights in the Ridgeview Subdivision and other areas to something that was dark sky friendly. Town Administrator Semmes suggested this would be a good project for the future.

Vice Mayor Kirk questioned the status of the Asbury Church. Town Administrator Semmes reported that the staff met with Councilmember Hazard and the Town's engineer on the site. She further reported that a plumber has been working to identify the sewer lateral location and the Town Planner has talked to Bowman Consulting about surveying the property. Ms. Semmes noted that they have also held a conversation with the property owner who was willing to give the Town the property. She explained that this was the reason she put money in the budget for it.

Councilmember Hazard opined that it was critical to address the sewer. He reported that the plumber was trying to locate the connection at the main and would then work his way backward. Mr. Hazard advised Council that he took pictures of the property and sent them to a group that specialized in this type of thing and knew how to secure grants. He noted that they would help the Town develop a plan to move forward.

Mayor Davis noted that the Council agreed to advertise a real estate tax rate of nineteen cents. She questioned when the decision on the tax rate needed to be made. Town Administrator Semmes reminded Council that the public hearing on the tax rate would be held on May 22<sup>nd</sup>. She noted that the budget, including the tax rate, needed to be adopted by the end of June.

Councilmember Snyder advised Council that before the Council made a decision on the tax rate, he wanted to know what items the increased budget depended upon. He explained that before considering an equalized tax rate, he wanted to know what would have to be cut from the budget.

Town Administrator Semmes opined that it would be nice to decide whether the staff could advertise the overall budget for public hearing during the next meeting. She suggested that at that time, she provide the Council with a list of what items would need to be cut if the tax rate was set at both seventeen and eighteen cents.

Councilmember Shea opined that this would be valuable information to present during the public hearing.

Councilmember Snyder opined that it was important for the Council to understand what services would be provided at the equalized tax rate. He noted that this was not clear to him at this point.

Town Administrator Semmes reported that the cost for the Asbury Church improvements equated to almost two cents on the real estate tax rate.

Mayor Davis questioned whether the Town could delay those improvements for a year. Councilmember Hazard advised that some needed to be done now. He explained that the roof has shifted so there was a stabilization issue. Mr. Hazard opined that if it got worse, the cost would go way up.

Mayor Davis suggested the members of Council go through the budget and make notes.

Councilmember Hazard noted that two years ago, the budget was \$1.5 million less and questioned the cost to get the extra \$1million.



Councilmember Shea noted the wisdom of being careful about raising taxes; however, she opined that the Town was at the point where it could not not go to nineteen cents as the Town's needs have increased. She noted the need to address the Town's infrastructure.

Councilmember Hazard noted that within the last year, the Council has given money every time something came up. He opined that it was getting to the point where it could not do so.

Councilmember Snyder inquired as to what a penny on the tax rate would provide in revenue. Town Administrator Semmes reported that it would provide an additional \$28,643.

Town Administrator Semmes noted that the largest value change for the real estate assessments was in the commercial/industrial category and advised that this was based on new construction. She reported that Salamander's assessment change was \$43 million; therefore, they would feel the larger hit with regard to real estate taxes from one year to the next than anyone in town. Ms. Semmes noted that the typical household only saw a little change in their assessed value, with the value of condominiums decreasing slightly.

Mayor Davis questioned whether the proposed General Fund revenues included the new items. Town Administrator Semmes confirmed it included everything, with the exception of \$12,500 in revenue due to the tax relief for the elderly program.

Mayor Davis questioned whether the Town was receiving the proper real estate taxes from Salamander. Town Administrator Semmes confirmed it was. She noted that the property was previously assessed at \$22 million and was now assessed at \$65 million.

Councilmember Hazard questioned the current real estate tax rate. Town Administrator Semmes confirmed it was twenty cents.

Councilmember Hazard noted that Salamander's real estate taxes would go up no matter what the tax rate was. He further noted that the commercial assessments went up.

Mayor Davis opined that the Salamander Resort's tax bill would be \$123,500. She further opined that the Town's real estate tax revenue should be higher given the Salamander tax bill. Ms. Davis suggested it should be \$80,000 more; however, the proposed budget was only showing an additional \$70,000.

Town Administrator Semmes advised that the increase for the average single-family home would be \$71/year at a nineteen cent tax rate. She noted that the County equalized their tax rate. Ms. Semmes reminded Council that the real estate assessments were set on January 1 so the Town knew what it would get in tax revenue. She noted that the Town did have some delinquent accounts; however, it received most of the tax revenue.

Mayor Davis questioned whether last year was the first year that the Town received tax revenue from Salamander. Town Administrator Semmes confirmed their previous payments were based upon the \$19 million assessed value.

### **Town Council Reports**

Town Administrator Semmes reported that the Route 50 Traffic Calming Committee was continuing to work on the project in Middleburg. She noted that the engineering was underway, with the engineers trying to address the storm water issue at the Liberty Street intersection. Ms. Semmes reported that they have proposed a rain garden at that intersection; however, VDOT may not accept this. She advised Council that the engineers were getting down to the final details.

Mayor Davis reported that the Town did receive money from the County for the additional crosswalks.

Town Administrator Semmes noted that she removed that money from the Town's budget as she did not know whether it would come through the Town and opined that there was no reason for it to as this was a VDOT project. She noted that if she had included it, it would have inflated the Town's budget.

Councilmember Murdock reported that there has been a series of complaints regarding the Police Department and the ticketing of motorists on Facebook. She opined that they were uncalled for and suggested the members of Council talk to the Chief. Ms. Murdock noted that some of the comments suggested that those commenting not blame the police but rather should blame the Council as it has set quotas. She advised that she did not respond to the comments; however, the Mayor was going to talk to the person who made that particular comment. Ms. Murdock advised that in her estimation, Chief Panebianco was correct in what he did.

Councilmember Shea urged caution regarding electronic responses. She noted a recent news article about the New York Police Department's use of Twitter to change its image in the community which back fired. She opined that while it was important to call these comments to the Council's attention, it could not monitor the electronic world. Ms. Shea noted that people tended to accept what they read electronically as fact.

Mayor Davis opined that it did not hurt for the members to look at the comments to see what was being said. She suggested that if the members knew the individual who was commenting, they could go to them and explain what happened and that there were no quotas. Ms. Davis noted that there have also been comments regarding the Town being desperate for money because of the parking meters; however, she noted that the meters were a tool to turn over the parking spaces.

Vice Mayor Kirk reported that she has witnessed cars parked facing the wrong direction on Pendleton Street.

Councilmember Hazard noted that the delivery trucks for Safeway were parking on Pendleton Street in the three parking spaces.

Councilmember Snyder inquired as to when he should expect to hear from the Town Administrator regarding the utilities budget. Town Administrator Semmes advised that she would get with him on April 28<sup>th</sup>. She suggested the need to move forward with the information that was available. Ms. Semmes advised that she was confident the budget could be based on the revenue from the revised billings without the need to advertise a rate increase. She reported that if the Council wanted to advertise a rate increase, it must be done soon. Ms. Semmes advised Council that she would present a utility fund budget for discussion during their next meeting.

Councilmember Snyder asked that if the members of Council wanted to advertise a rate increase that they let the Town Administrator know this evening. He noted that it would equate to approximately a 2.4% increase in utility costs.

Town Administrator Semmes opined that based upon the additional revenue due to the correction in billing errors that there would be enough additional revenue. She suggested that if this was not the case, the Council could always adjust the rate mid-year.

Councilmember Snyder asked that Ms. Semmes put the new billing information into and adjust the rate model. He opined that the Town could do without the rate increase; however, he advised that he wanted to see when the Utility Fund would start building back up.

Town Administrator Semmes advised Council that she may not have an updated rate model right away; however, she was confident that she could prepare a utilities budget for this fiscal year.

Councilmember Snyder agreed. He suggested that MFSG address the Town's requests before next year's budget cycle.

Councilmember Shea noted that the Council was given information that a tremendous amount of money was due to the Town, which impacted the decision of the Council. She further noted that it was important for information that was presented to the Council to be factual as it was the basis on which they made their decisions.

Town Administrator Semmes reminded Council that, during the meeting, she pointed out that she was going to be very careful to look at every account before a corrected bill was sent out as she wanted to make sure she could defend and explain those bills. She noted that the change in what was billed over the information presented to the Council was not substantial. Ms. Semmes advised that she felt comfortable regarding what the Town was billing.

Mayor Davis questioned whether different members of the staff stuffed the utility bills in the envelopes when they were sent. She further questioned whether the bills were being reviewed prior to being mailed. Ms. Davis opined that some of these billing errors, such as the \$5,000 bill, should have been caught during a review.

Town Clerk North reported that the Town Treasurer reviewed each bill after she printed them. She further reported that she then gave the bills to herself and the Economic Development Coordinator for stuffing and mailing. Ms. North advised that now that the bills were done bi-monthly, they were folded and stuffed through an automated system. She noted that when the Town Treasurer identified a high bill that appeared to be through a leak, the staff would attach a notice to the bill indicating that the meter had been re-read and suggesting the customer check their system for a possible leak.

Mayor Davis expressed concern that the bills were being sent out without being questioned. She further expressed concern that some accounts were under billed without being caught.

After some discussion, Council agreed the best way to address this would be through the billing software.

Councilmember Shea advised Council that itinerant vendors were coming into town to sell their products and opined that they were not paying taxes. She asked that an item be placed on a future agenda to discuss this and opined that the Town owed it to the businesses to make sure they were paid. Ms. Shea reported that during a recent book selling event, a publisher came in and sold books. She opined that the taxes were not paid to the Town.

Town Clerk North reminded Council that itinerant vendors were supposed to get a temporary business license, which cost \$500.

Council held some discussion regarding the collection of taxes in cases involving 501(C)(3) organizations.

Town Clerk North noted that in the cases of churches and 501(C)(3) organizations who had events, such as craft shows, there was a different temporary license that cost \$10/day. She reminded Council that as to sales taxes, these were collected by the State and the Town had no authority with regard to those. She noted that once collected by the State, the State then remitted a portion of those funds back to the County, who then distributed them to localities based upon a funding formula.

Councilmember Shea noted that she was talking about the fairness to the business community who was located here versus a business who came into town temporarily.

Mayor Davis noted that the minimum charge for a regular business license was only twenty dollars/year. She suggested itinerant vendors should have to pay this amount. Town Clerk North confirmed that some itinerant vendors have simply purchased a regular business license as it was much cheaper than the temporary business license.

Vice Mayor Kirk suggested people be reminded of the need to secure temporary business licenses when appropriate.

Mayor Davis asked that this matter be placed on a future agenda. She noted that the Town may need to charge more for the minimum fee for the regular business license.

### **Discussion**

Vice Mayor Kirk reported that the Salamander Resort offered a three month report to its employees for the months of January through March. She further reported that at that time, the Economic Development Coordinator and Punkin Lee, of the Middleburg Business and Professional Association, spoke to the first group of employees about the Town and what was available. Ms. Kirk advised that the Resort's Manager mentioned a few items that she wanted to bring to the Council's attention. She reported that he mentioned that the resort was planning to construct a full size regulation basketball court by the tennis courts, which would be completed in six weeks. Ms. Kirk advised Council that she would tell the Manager that he needed to talk to the Town staff before making these announcements as she wanted to make sure they were doing the right thing. She further reported that they were planning to construct an ice skating rink by the tennis court and an apiary.

Vice Mayor Kirk advised Council that Salamander Touch was closing. She noted that there must be some retail in that space and advised that it would be occupied by the film festival store and houses would be sold out of it.

Town Administrator Semmes advised Council that the staff was not sure there was enough of a retail component to meet the Town Code requirements. She reported that the Town Planner has provided Salamander with information on obtaining a special use permit for an office use at that location. Ms. Semmes noted that if this was the case, the Council would look at the application.

Vice Mayor Kirk reported that the resort was offering carriage tours. She requested that the staff work on developing an ordinance to require that horses be bagged when they were involved in a commercial endeavor. She noted the need to address their droppings.

Mayor Davis suggested that the other option was to require that the operator clean up the debris.

Councilmember Snyder advised that in his experience, people who did this type of operation usually took care of the debris. He agreed that Salamander may not be doing so.

Vice Mayor Kirk noted that the carriage tours were throughout the entire town. She further noted that she did not want the Town staff to have to clean up after them.

Councilmember Murdock suggested the staff determine what was allowed to be constructed and what permits were needed with regard to the ice skating rink and basketball court.

Vice Mayor Kirk advised Council that the Town Planner indicated the resort was maxed out on what it was allowed to do.

Town Administrator Semmes confirmed the Town Planner was researching whether Salamander needed to amend their special use permit or their rezoning approval. She noted that the permit for the zip line has been issued. Ms. Semmes advised that the structure had to be lowered to get it within the thirty-five foot height requirement.

Councilmember Shea expressed an understanding that an exercise facility was locating at the corner of Liberty/Washington Streets on the first floor in the former Magic Wardrobe building. She noted that the Town Planner has visited the site. Ms. Shea expressed concern about what was happening to the retail spaces on the main street. She asked that the staff address this issue.

There being no further business, a motion was made and voted upon to adjourn the meeting at 7:45 p.m.

APPROVED:

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Betsy A. Davis, Mayor

ATTEST:

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Rhonda S. North, MMC, Town Clerk