



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, September 25, 2014

PRESENT: Mayor Betsy A. Davis
Councilmember Kevin Hazard
Councilmember Catherine “Bundles” Murdock
Councilmember Erik J. Scheps
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Cindy C. Pearson, Economic Development Coordinator
Debbie J. Wheeler, Town Treasurer
William M. Moore, Town Planner

ABSENT: Vice Mayor C. Darlene Kirk
Councilmember Trowbridge Littleton

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, September 25, 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 – Streetscape Committee

Chair Punkin Lee, Committee Member Susan McCaskey and Committee Member Pat McIlvaine appeared before Council representing the Streetscape Committee. Chair Lee reminded Council that the Committee also included landscapers and two arborists. She reported that the past year has been quiet, with the largest review being the Treptow office building landscape plan. Ms. Lee noted that they also did another review of the Fire Department’s landscape plan. She reported that the Committee revised the Town’s tree inventory, which was done every three years. Ms. Lee advised that there were some deletions to the list as some trees were lost.

Chair Lee reminded Council that the money raised by the Middleburg Beautification Committee was funneled to the Streetscape Committee’s tree maintenance program. She reported that their next project was to start a tree foundation.

Committee Member McIlvaine reminded Council that the Streetscape Committee worked on the Arbor Day Celebration. She advised that it consisted of a poster contest, with the entrants coming from The Hill School and the Middleburg Charter School. Ms. McIlvaine advised that three winners were selected from each grade. She noted that in the past, the celebration location altered between The Hill School and the Elementary School; however, this year it was held at the Middleburg Library. Ms. McIlvaine opined that this may become one of their permanent sites, as it worked well. She noted that some years, vendors have been added to the celebration.

Councilmember Murdock suggested the celebration for this coming year be scheduled for the Middleburg Charter School since this was their first year. Chair Lee reported that this year’s celebration was scheduled to be held at the Fire Department. Committee McIlvaine explained that the celebration was moved from year to year. Chair Lee noted that they tried to move it around town and plant trees in each location.

Councilmember Murdock questioned whether there has been any discussion about preserving or labeling older, heritage trees. Chair Lee noted that the old elm tree on the corner of Pendleton/Marshall Streets was given an annual injection to preserve it.

Councilmember Murdock noted that she had an old tree on her property, which she was also injecting. She advised that had she known at the time she constructed her house of the need to be careful of a tree's root system, she would have avoided putting heavy construction vehicles on its roots. Ms. Murdock noted that she has been lucky that she has been able to save it. She suggested the need to identify heritage trees so future land owners would know not to put heavy construction trucks on their roots.

Chair Lee noted that when the Courtyard at Middleburg was constructed, there were issues with the old elm tree as the construction vehicles kept getting close to it.

Councilmember Murdock suggested the need for an identification program ordinance that would prohibit the parking of vehicles within a certain number of feet of a heritage tree.

Councilmember Shea questioned whether this was required as a part of the Tree City USA designation. Committee Member McIlvaine confirmed it was not.

Councilmember Hazard noted that if the project involved a site plan, trees were required to be protected through the installation of a construction fence. Chair Lee advised that, in practice, she has found that the fences were knocked down within days of their installation. Councilmember Murdock noted that this was not required for her residential construction project. She stressed the need to protect the heritage trees in town.

Town Administrator Semmes advised Council that some communities had heritage tree programs, with participation being voluntary. She explained that this program was more of an education one for homeowners. Ms. Semmes advised that she did not know that the Town could regulate the cutting of trees on private property except through a site plan process. She suggested the Town could implement a voluntary program.

Mayor Davis and Councilmembers Murdock and Snyder noted that they have observed some larger caliper trees being cut down in their neighborhoods. Town Administrator Semmes reiterated that individuals were allowed to cut trees on private property.

Chair Lee suggested the need to educate property owners in order to make them think before cutting a tree. Committee Member McIlvaine suggested the Committee research what other communities have done.

Mayor Davis asked whether there was anything the Committee needed of the Council. Chair Lee confirmed there was not. She noted that they were at the Town Planner's disposal for site plan reviews to ensure that new construction did not all use the same types of trees.

Councilmember Shea questioned whether the Committee encouraged the use of native trees. Chair Lee confirmed they were the only trees on the list.

Town Administrator Semmes noted that the list was provided to the Route 50 traffic calming people so they could select trees that were appropriate for that project. She advised that they were not planning to install a large number of trees; however, she would send the information on the project to the Streetscape Committee.

Mayor Davis expressed appreciation for the Committee's work on behalf of the Town.

Council Approval – Issuance of 2014 General Obligation Bond

Town Administrator Semmes introduced Chris Kulp, of Hunton Williams, the bond counsel for this issuance. She noted that he could answer any questions regarding the process.

Mayor Davis questioned whether the Council was going to go with a higher bond amount. Councilmember Hazard reminded Council that they asked for the opportunity to discuss what a \$1.5 million bond would do to the Town. Councilmember Snyder reminded Council that if it wanted to pursue a larger amount, another public hearing would need to be held.

Town Administrator Semmes advised Council that they have been provided with the information they previously requested. She noted that the bank was willing to finance up to \$2.5 million; however, she opined that there was no appetite on the part of Council to go that high. Ms. Semmes advised that she provided information on a \$1 million and a \$1.5 million bond. She further advised that Davenport provided the debt service schedule for a twenty and a twenty-five year \$1.5 million bond. Ms. Semmes reported that once the interest was paid for the first year, the annual cost of a twenty-five year \$1.5 million bond would be \$80,000+.

Councilmember Hazard questioned the annual cost for a \$1 million bond. Town Administrator Semmes confirmed it would be \$50,000+. She noted that the water/sewer financial model table showed the cash flow available to do other capital projects. Ms. Semmes advised that even with a \$1 million bond, there was still money available to do cash funded capital projects and noted that the project that was included was the Ridgeview water line replacement. She advised that in looking at the table for the \$1.5 million bond, this money was no longer shown and explained that this was because that project would be funded with the additional bond money.

Councilmember Hazard opined that the cash surplus was eventually more under the \$1.5 million bond. Town Administrator Semmes advised Council that this was misleading if one looked only at the balance in FY '23. She explained that some of the existing payments increased after 2023. Ms. Semmes reminded Council that this was for the bond that was restructured when the Utility Fund was not in good shape.

Mr. Kulp explained that some of the debt service was pushed out in order to give the Town relief in the early years. He noted that this was prior to the opening of the Salamander Resort.

Town Administrator Semmes reported that because of the need to replace the water lines in the Ridgeview Subdivision, she put the additional \$500,000 in debt into the water side of the rate model. She reminded Council that the sewer rates were still showing a negative balance at the end of each year; however, the water side did well no matter what. Ms. Semmes noted that there would still be some surplus in the Water Fund.

Councilmember Hazard noted that the model chart showed that in 2016, the numbers were only a couple of thousand dollars apart; however, in 2017, there was \$117,000 more of a surplus under the \$1.5 million bond. He further noted that the surpluses continued until 2020, when they started to drop off.

Town Administrator Semmes explained that the reason for this was that the bulk of the cash funded capital projects under the \$1 million bond would occur between 2016 and 2020. She further explained that this was smoothed out under the \$1.5 million bond by financing those projects. Ms. Semmes noted that this was subject to change as the Council could decide not to do those projects. She explained that the models were based on scenarios and advised that what the Council could take away from this was that under either bond amount, the Utility Fund would run a cash surplus.

Councilmember Hazard noted that it would be larger if the Town invested the \$260,000. He questioned what would be done with it and whether it would be reinvested. Town Administrator Semmes advised that the assumption was that it would be spent.

Councilmember Snyder noted that the information only projected out to 2023. He further noted that the new bond debt would continue beyond that as it was for twenty-five years.

Councilmember Hazard noted that the Town could pick up \$260,000 in four years. He questioned how it would be used. Mr. Hazard further questioned whether this changed the model.

Town Administrator Semmes explained that the surplus would start to go down in 2023.

Councilmember Hazard noted that the Town would still have \$200,000 in cash. He acknowledged Councilmember Snyder's point that the debt service would last twenty-five years. Mr. Hazard questioned whether the Town would go into the negative range by increasing the amount of its bond debt.

Councilmember Snyder suggested the Town borrow what it needed and pay cash for what it could. He advised that he was comfortable borrowing \$1 million. Mr. Snyder noted that a \$1.5 million bond issuance was based on the scenario that Salamander would be a great customer for twenty-five years. He expressed concern that it may not be.

Councilmember Shea questioned whether getting the water lines replaced would save the Town money in the long run.

Councilmember Snyder opined that the Town could continue to replace lines regardless of whether they were paid for with borrowed money or on a pay-as-you-go basis.

Councilmember Murdock questioned whether the Town would have enough money in the future to replace the lines that need to be replaced.

Councilmember Hazard opined that there would not be enough money unless the Town borrowed it. He noted that the \$1 million bond would be used for other projects; and advised that there was no money included for replacing water lines in the Ridgeview Subdivision.

Councilmember Snyder reiterated that, in that case, the Ridgeview water lines would be replaced on a pay-as-you-go basis. He explained that if the money was borrowed, the project would only be done faster.

Councilmember Murdock questioned whether the money would be available if it was not borrowed. Councilmember Snyder reminded Council that the Town was building its reserves to fund capital improvements. He reiterated that borrowing the money only allowed the work to be done sooner.

Councilmember Hazard opined that it would be with cheaper dollars. Councilmember Snyder confirmed it would potentially be; however, he noted the risk if the revenues decreased.

Councilmember Scheps opined that this would be a line of credit and suggested the Town could take the \$1.5 million but not use it. Mr. Kulp explained that from a tax exempt bond standpoint, the IRS wanted the Town to have a reasonable expectation when it closed on the bond that it would spend the money within three years and advised that the Town must have a project expenditure schedule for spending it within that time. He noted that the bond was subject to

prepayment at any time without penalty; therefore, it was possible that the Town could decide it would not spend all of the money in a year and pay it back. Mr. Kulp advised that this would not be the best scenario if the IRS looked at the Town. He reiterated that the Town had the option to change its mind. Mr. Kulp confirmed this was not a true line of credit.

Councilmember Hazard suggested that if the Town borrowed \$1.5 million, it could do work using 2014 dollars at an amazing interest rate. He opined that this interest rate would not be available in two or three years.

Councilmember Snyder expressed concern about the debt the Town already had. He opined that the Town was already spending a reasonable amount of revenue to pay off its existing debt.

Town Administrator Semmes noted that the Town's existing debt service varied from year to year. She reminded Council that it just refunded the 2010 bond; therefore, it had twenty-eight years left on it.

Councilmember Murdock inquired as to how much money the Town currently owed. Town Administrator Semmes reported that the Town had two existing bonds – the 2010 bond with a total due of \$2.855 million and the 2013 bond with a total due of \$1.6 million, for a total bond debt of \$4.5 million.

Councilmember Snyder reiterated that the Town already had a significant amount of debt, which was the reason he was hesitant to take on more. He reminded Council of the difficulty in paying for the utility operations when Salamander was not yet on line.

Councilmember Hazard noted that this was an enticing rate. He further noted that the work needed to be done. Mr. Hazard advised that he could vote for either amount. He reiterated that the interest rates would only increase. Councilmember Murdock noted that the cost of the project would also increase.

Councilmember Hazard advised that it would cost an additional \$30,000 annually to borrow an additional \$500,000. He noted that the revenues were projected to be flat over the next five years.

Mayor Davis questioned whether the Ridgeview water line replacement project was in the plan for a specific time frame if the Council opted to borrow \$1 million. Town Administrator Semmes advised Council that this work was not totally in the plan and explained that the staff did not have a good handle on the cost of replacing the utility system's capital assets. She reported that the Utility Committee was working to update this information to ensure that sufficient replacement reserve funds were being set aside. Ms. Semmes advised Council that the CIP contained items that should be done. She advised that she would feel more comfortable borrowing more money if the CIP contained accurate cost information so the staff knew what needed to be set aside for capital replacements. Ms. Semmes expressed an understanding of the argument regarding borrowing more due to the low interest rate and the cost savings.

Councilmember Snyder noted that everything was predicated on money coming from the resort. He inquired as to what they were typically bringing in per month in gross water revenue. Town Administrator Semmes advised that the resort was paying approximately \$60,000 every two months.

Councilmember Hazard noted that the model was projecting the revenues to be flat. He further noted that the project on The Plains Road and the Treptow project were not reflected in the revenues. Councilmember Snyder noted that nothing was added to the model unless the staff knew what it involved.

Town Administrator Semmes reported that the numbers did include a few additional houses. Councilmember Hazard noted that the revenue for those homes was projected to occur in 2021. He reiterated that the revenue was projected to be flat for five years and opined that the estimates were conservative.

Councilmember Shea noted that over the last six years, she watched lines break and leaks occur. She opined that if the Town could get the Ridgeview Subdivision lines replaced, it would save money. Ms. Shea advised that she did not want to repeat the history that has occurred over the last several years.

Councilmember Snyder noted that the Town had an engineering study, which needed to be updated, and advised that it had finally started to act on it. He noted that the Town also had a rate model that allowed the staff to project items and forecast repairs. Mr. Snyder opined that the Town was now managing the utility system in a more mature fashion, which was how it would avoid repeating the past. He advised that how much money was borrowed would determine how fast the capital improvements were done. Mr. Snyder noted the need to manage the Town's debt and advised that he was more comfortable managing a lower amount.

Councilmember Hazard questioned whether the Town had a study to indicate that the water lines in the Ridgeview Subdivision could be replaced for \$500,000. Town Administrator Semmes reported that the Town had a cost estimate of \$675,000 from Whitman Requardt to fix all of the lines. She opined that \$500,000 would go a long way toward replacing them.

Councilmember Hazard questioned whether it would be relatively easy to develop a plan for this work. Councilmember Snyder confirmed it would and explained that there were two issues in the Ridgeview Subdivision – water lines that needed to be replaced and that not all of the homes were connected to the public sewer system. He noted that a forced main would be required to connect those homes.

Councilmember Murdock inquired as to what would happen with the utility rates. Councilmember Snyder reported that the model built a five percent increase into the sewer rates for the coming two fiscal years, at which point it dropped to one percent. He advised that there would be no increase in the water rates.

Mayor Davis noted that after this year, the revenues would level off. She expressed an understanding that this was being conservative. Ms. Davis questioned whether the \$103,000 in cell tower revenue was a good number.

Town Administrator Semmes advised Council that it was based on the revenue received. She noted that it was projected to be less in the future as one of the tower leases was lost. Ms. Semmes advised Council that the projected fee revenues did not include the two new office building projects.

Mayor Davis inquired as to the amount of revenue projected from those and noted that both were good sized projects. Town Administrator Semmes reminded Council that some of the buildings would be filled with tenants from existing buildings. She opined that the revenue would be approximately \$1,000 per month.

Councilmember Murdock inquired as to how the new houses would be served. Town Administrator Semmes advised Council that the system for the new houses has not yet been engineered; therefore, the staff did not know where the water would come from to serve them.

Councilmember Murdock expressed concern that if the new houses were served by the older system, the new customers could be unhappy. Town Administrator Semmes advised Council that they were on the side of the system that was built by Salamander. Councilmember Hazard noted that they were on the larger side of the line.

Mayor Davis questioned whether the Council should vote on this item. Town Administrator Semmes advised Council that if they wanted to pursue a \$1.5 million bond, they must hold another public hearing; therefore, they could not vote on it this evening. Mr. Kulp reported that he only prepared an ordinance and resolution for the \$1 million bond, which was the subject of the public hearing held during the last meeting.

Councilmember Murdock questioned whether there was a time issue associated with the bond closing. Mr. Kulp reported that Middleburg Bank agreed to hold the rate through the end of October. Town Administrator Semmes reported that if the Council wished to pursue a \$1.5 million bond, a public hearing would be advertised for the October 23rd work session, as there was not enough time to advertise it for the October 9th meeting.

Councilmember Murdock questioned whether there would be enough time to go to closing before the deadline. Mr. Kulp confirmed there would. He advised that he would prepare the paperwork so it could be signed following the meeting.

Mayor Davis questioned whether the Council could have the paperwork available for both the \$1 million and \$1.5 million bonds that evening, if the Council agreed to hold a public hearing, so it could vote on whichever one it wished to pursue. Mr. Kulp confirmed it could. He noted that the Council did not have to approve the \$1.5 million bond issuance and explained that if it held the public hearing on it, it would have the option of deciding which amount to go with on October 23rd.

Town Administrator Semmes advised Council that if they would like additional information, the staff could provide it. She suggested that MFSG could run the rate model out for the full twenty-five years. Councilmember Snyder opined that this would not be appropriate as it would mean extrapolating beyond the point of reason in a rate model.

Councilmember Hazard suggested it would give an accurate look at the bond costs. Councilmember Snyder noted that the Council already had those costs. He advised that seeing the bond inside the rate model would not be useful as the rest of the model information would not be accurate.

Town Administrator Semmes suggested the staff put together the existing debt service schedule combined with the proposed debt service schedule.

Mayor Davis asked that the revenue also be increased to account for the two new office buildings. Councilmember Shea noted that one of the difficulties of doing so was that the Town did not know what the occupancy rate would be.

Councilmember Scheps noted that the stock market dropped two hundred points today and opined that there were still a lot of financial problems in the country. He advised that he did not want to count on the revenue from new houses until he saw them under construction.

Mayor Davis summarized that the Council would hold a public hearing on the \$1.5 million bond issuance.

Mr. Kulp noted that the Council has already had a public hearing on issuing \$1 million in bond debt. He advised that it only needed to advertise a public hearing for the additional \$500,000; however, he suggested that from a public relations standpoint, the Council may want to advertise the public hearing for \$1.5 million.

Councilmember Snyder asked whether the Council would vote on the bond issuance following the public hearing on October 23rd. Councilmember Hazard confirmed it would.

Mayor Davis questioned whether the Council wanted to advertise the public hearing for \$1.5 million or the other \$500,000. Council agreed to advertise it for the entire \$1.5 million amount.

Mr. Kulp requested clarification on the length of the term. Council agreed it wished to pursue a twenty-five year bond.

Council Approval – Bid – Marshall/Madison Pedestrian Improvement Project

Town Administrator Semmes advised Council that the Town has received the clearance to allow it to award the bid. She reported that FUOG/Interbuild was a local company from Purcellville. Ms. Semmes advised that they believed the project could be completed in sixty days. She reported that because the Middleburg Charter School was on a year round program, it would be closed for two weeks in October and expressed hope that some of the work could be completed during that time.

Mayor Davis reported that while they were out of session, approximately twenty percent of the students would still be in attendance.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council authorize the Mayor to sign the construction contract with FUOG/Interbuild for the Marshall/Madison Street Pedestrian Improvement Project. Councilmember Snyder further moved, seconded by Councilmember Shea, that Council authorize the Town Administrator to negotiate any necessary change orders to the contract required to complete the project as authorized by VDOT.

Vote: Yes – Councilmembers Hazard, Murdock, Scheps, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Littleton

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

Mayor Davis questioned whether a start date has been identified. She noted that there was talk of starting it after the Fall Races. Town Administrator Semmes advised that this would be negotiated; however, she confirmed the project would not start before the Fall Races. She noted the desire to complete the project prior to the Christmas parade and advised that if it was not, the work site would be covered.

Council Discussion – Materials for Route 50 Streetscape Improvement Project

Town Administrator Semmes advised Council that she provided them with some alternatives for materials, with the provision that the staff did not have complete and accurate cost information. She reported that VDOT was working on getting that information. Ms. Semmes suggested she review what was available so the Council could get a sense of what was occurring.

Town Administrator Semmes reported that during the planning process, VDOT was very accommodating about adding items to the project, such as street furniture, work on Pickering Street, and the addition of brick sidewalk on Washington Street by the McMahon building. She opined that due to the State's budget problems, VDOT was suddenly back peddling. Ms. Semmes advised Council that while VDOT initially said it would pay for the entire water line, it was now requiring the Town to pay \$280,000 of the cost.

Town Administrator Semmes advised Council that there were some alternatives for the materials. She explained that she would like Council's preference on what would be appropriate for Middleburg, knowing that VDOT was now telling the Town it may have to pay the difference in the cost. Ms. Semmes advised that she could not give them the cost differences; however, she could give them orders of magnitude.

Mayor Davis reported that the Route 50 Traffic Calming Committee looked at the samples for the bricks. She reported that it was unanimous to go with a granite curb and brick gutter.

Councilmember Shea questioned the point of putting brick in front of the granite curb. Town Planner Moore explained that it would serve as the gutter pan. He noted that there was no engineering need for a gutter pan in the areas of the bump outs to address storm water management. Mr. Moore advised that the thought was to look at repaving operations in the future. He explained that having a brick gutter would prevent the milling machine from getting right next to the granite curb and would prevent the asphalt from getting splashed on it. Mr. Moore advised that VDOT's engineer has suggested the installation of some type of gutter for maintenance purposes.

Councilmember Shea advised that, from a pedestrian standpoint, having an additional material was sometimes a problem for those who had difficulty walking.

Mayor Davis acknowledged this issue; however, she noted that pedestrians were supposed to cross the street where there was a crosswalk. She further noted that there were no gutter pans at the crosswalks.

Councilmember Shea asked how the water would be controlled without a gutter pan throughout the entire project. Mayor Davis questioned whether there was a gutter pan throughout the entire bump out. Town Administrator Semmes confirmed there could or there could not be; and, noted that this was part of what the Town needed to decide. She advised Council that VDOT's engineer has stated that from a storm water management standpoint, the water would run around the bump outs. Ms. Semmes explained that the issue was the block between the bump outs where the storm water management was needed.

Councilmember Hazard noted that ninety percent of the Town's curb and gutter was concrete and questioned the cost of leaving it concrete. He noted that this would be the only location where there would be granite.

Town Administrator Semmes advised Council that there has been talk of doing granite from Liberty to Pendleton Street, if the Town could afford it through the TAP grant.

Town Planner Moore advised Council that VDOT has said the cost of the granite curb without a gutter pan could be as high as \$93 per linear foot. He further advised that this compared to \$10-12 or \$30 for concrete.

Councilmember Shea noted that this was the installation costs only, not the maintenance costs.

Mayor Davis advised Council that the Town has asked VDOT for the cost and the difference in the maintenance costs.

Councilmember Snyder inquired as to how often the concrete curbs were being replaced. He opined that their maintenance was not an issue.

Town Administrator Semmes advised that the problem was that VDOT was looking at going with aggregate concrete curbs like it used in Aldie, which were already chipping.

Councilmember Hazard suggested the Town go with regular concrete curb and gutter. He advised that he has used a lot of granite on projects in Washington, DC and noted that when it was redone, the granite had to be replaced. Mr. Hazard advised that concrete would last one hundred years.

Mayor Davis advised that when she stated that the Committee's choice was unanimous that she was not referring to the granite curb and explained that she was only talking about the brick. She advised that they did not make a decision on the granite. Ms. Davis agreed the granite would be nice; however, she advised that she would be okay with a concrete curb and gutter.

Councilmember Snyder opined that the Mayor was saying that everyone was in agreement with the need for an autumn blend brick crosswalk. Mayor Davis confirmed this was correct.

Town Planner Moore advised Council that the Town has been told that it would have to cover the cost difference between the concrete pavers that were in the original plan and the brick pavers. Town Administrator Semmes opined that this would cost an additional \$22,000. She advised that she has asked VDOT to provide her with a list of items from the streetscape plan that they thought they could originally afford but now could not, such as the street furniture. Ms. Semmes advised that it would be nice to get curb on Pickering Street; and, opined that this was part of the traffic calming/pedestrian improvement project.

Mayor Davis noted that VDOT was originally proposing a slim width of concrete on either side of the crosswalk, with a painted line next to it. She suggested the concrete be the width of the entire area, with no painting.

Town Planner Moore reported that the crosswalks in Upperville were like this. He explained that they contained a concrete strip along each side of the crosswalk, which was designed to be a cradle, with a narrow painted stripe beside it.

Town Administrator Semmes reported that the crosswalks in downtown Herndon utilized regular concrete curb and gutter. She opined that it looked suburban. Ms. Semmes advised that it cracked and there were places where it was already patched. She advised that the concrete strips across the crosswalks were not a single long strip, but were laid in sections.

Councilmember Scheps questioned whether someone on the Council asked for granite. He further questioned whether VDOT was trying to force it on the Town so it would have to pay for it. Town Administrator Semmes reported that Scott Kasprovicz, a CTB member, suggested it as he wanted Middleburg to have durable materials.

Councilmember Hazard suggested the Council get price estimates before making a decision and noted that the cost could get high at \$80/foot.

Town Administrator Semmes reported that VDOT has already provided a rough estimate of the difference between aggregate concrete and granite. She advised that the difference was \$160,000 for the area between The Plains Road and Jay Street.

Mayor Davis asked whether Council liked the brick for the crosswalks. The members agreed they did.

Councilmember Shea noted that the utility pole disappeared in the before and after photos. She questioned whether Dominion Power was going to remove it. Town Administrator Semmes confirmed it would and noted that the pole only fed the streetlights.

Mayor Davis questioned whether the electric lines were being buried underground. She opined that all of the poles were being removed. Town Administrator Semmes confirmed the electric lines along Washington Street were being buried underground. She noted that there may still be some poles that served the side streets; however, the poles serving the street lights would be removed. Ms. Semmes noted that the HDRC has selected a lantern style fixture as the replacement street light. She explained that they wanted to try an LED light and advised that she has selected four fixtures that appeared to have LED lights that were a warmer color. Ms. Semmes advised that she has given those fixtures to the designer who was working with Jim Bishoff and noted that they were supposed to secure some sample fixtures from the lighting consultants. She reported that the light fixtures would be lower than the existing ones; however, they would not be too low due to the size of the Christmas signs. She advised that based on the advice of a lighting consultant, the Town would probably need a twenty foot tall pole unless it changed the Christmas signs. Ms. Semmes noted that the largest Christmas sign was three and a half feet tall.

Councilmember Shea suggested the signs be hung from something different and reported that Go Green looked at some street lights that had an extension above them that could be used for signs.

Mayor Davis opined that there was a discussion about having a pole sleeve in the sidewalk into which a tall pole could be inserted when needed to hang the Christmas signs.

Councilmember Shea explained that the reason for dropping the lights was to make pedestrians more obvious to drivers.

Councilmember Snyder advised that he would like to see this approach used in the Ridgeview Subdivision as well.

Town Administrator Semmes advised Council that the Town would work with the lighting designer so they could look at light patterns and noted that they could look at the light disbursement for each fixture. She further noted that the light disbursement could also be controlled so some was on the sidewalk and some was on the street. Ms. Semmes advised that while this was being worked on, it was not being worked on in earnest as the Town has not yet received the TAP grant for this work.

Councilmember Murdock opined that there was no money for the street furniture. Town Administrator Semmes advised Council that there may be. She explained that it may cost an extra \$23,000 for the bricks as opposed to the concrete pavers. Ms. Semmes opined that if the street furniture cost \$15,000, this may be an area where the Town could do a trade-off and install the street furniture over time or people could raise money for it.

Councilmember Murdock advised that she wanted to look at the type of bench as well. She suggested the Middleburg Beautification Committee could raise money for them or individuals could donate a bench to the Town. Ms. Murdock suggested the HDRC develop a design for a bench and the proposed locations.

Town Administrator Semmes advised that she liked the existing wooden benches with the fox carved in the back.

Councilmember Shea suggested the Town look at the materials. She further suggested the Facilities and Maintenance Supervisor talk with the Council about the maintenance issues, including costs, associated with each type. Ms. Shea recommended the Town use a similar design to the existing benches, but a more modern material.

Councilmember Hazard suggested it use a different type of wood. Councilmember Snyder noted that the right wood would last many decades.

Town Administrator Semmes summarized that the Council's preference was to give VDOT the approval to go with brick pavers. She further summarized that concrete was fine as a strip on either side of the crosswalks. Ms. Semmes suggested the Council wanted to see the costs for the granite curb. The members of Council concurred with this summary.

Councilmember Hazard opined that the Town would have to pay for the granite if it was selected. Town Administrator Semmes advised that the only way it would be affordable would be to not install a gutter pan.

Councilmember Hazard noted that this would result in a maintenance issue when the street was milled. Town Planner Moore opined that it may not and advised that one of the consultants noted that construction techniques improved over time. He reminded Council that it would be twenty years before the street would need to be milled and paved. Mr. Moore suggested VDOT could write a special provision into the milling and paving contract that the granite must be protected.

Councilmember Snyder opined that the biggest issue associated with the granite installation was the need for a good foundation.

Town Administrator Semmes reported that she and Town Planner Moore met with John Ralph, of Quail Run Signs, and one of the designers from LPDA on the wayfinding signs. She advised that they received some revised concepts for those signs that would be taken through the HDRC and Streetscape Committees. Ms. Semmes noted that she would also bring them to the Council.

Council Discussion – Request to Waive High Water Bill – Windy Hill Foundation

Councilmember Snyder opined that the waiver program was predicated on the customer proving that they repaired the water leak. He questioned whether Windy Hill did so.

Town Administrator Semmes explained that that requirement only applied in cases of a high water bill due to a leak. She asked the Town Treasurer whether she required proof of the repairs within a certain number of days.

Town Treasurer Wheeler confirmed she did; however, she reminded Council that at the time of this particular high water bill, there were no provisions requiring that the proof be submitted within a certain time frame.

Councilmember Shea questioned whether Windy Hill or the tenant provided the proof that the leak had been repaired. Town Treasurer Wheeler confirmed they did not. She reported that the tenant told her that Windy Hill's personnel came by to fix it. Ms. Wheeler further reported that Windy Hill's staff told her that it was only a leaking toilet and that there was no way it was leaking enough to use 53,500 gallons of water.

Councilmember Snyder opined that the Windy Hill Foundation got stuck by a tenant who skipped out while owing a large water bill and they were now seeking relief from the Town. He noted that this was not what the waiver policy was intended to address.

Town Administrator Semmes advised Council that the staff was disconcerted when Kim Hart appeared before them as he implied that there was no communication, or that it needed to be improved, between the Town and Windy Hill. She reported that the Town Treasurer communicated with their manager. Ms. Semmes noted that a sample of the notice that was put into bills was included in the agenda materials. She advised that when the Treasurer knew a tenant in Windy Hill had a problem, she would also contact the management staff to alert them.

Town Treasurer Wheeler reported that she had email communications going back to 2009 between herself and the Windy Hill staff regarding issues.

Councilmember Scheps opined that this was an issue between Windy Hill's tenant and their manager, not the Town.

Councilmember Murdock inquired as to the cause of the high water bill. She questioned whether it was a leaking toilet. Town Treasurer Wheeler advised Council that she was told they fixed one.

Mayor Davis questioned whether this involved one high water bill. Town Treasurer Wheeler confirmed it did.

Councilmember Hazard questioned whether the bill returned to normal following this one. Town Treasurer Wheeler confirmed it did.

Mayor Davis questioned whether any portion of the bill was paid. Town Treasurer Wheeler reported that the tenant paid \$700 toward the bill. She advised that if they had given her proof that the repairs had been made, she could have given them a credit on the sewer portion of the bill.

The Council held some discussion regarding this request and the process for granting relief from a high water bill. They agreed to waive the late fees, in the amount of \$546.76, as Windy Hill was a 501(C)(3) organization. The Council further agreed to allow Windy Hill to pay the balance in payments. They opined that it was too late to waive the sewer portion of the bill.

Councilmember Shea suggested the staff provide Mr. Hart with the email communications that occurred between the Town and Windy Hill's management staff. Town Administrator Semmes confirmed that he had the email information prior to the August Council meeting. She explained that she and the Town Treasurer met with Mr. Hart and Peter Nicoll, Windy Hill's Treasurer, during which time they gave them copies of the email communications.

Councilmember Hazard advised that he interpreted Mr. Hart's comments as being that Windy Hill did not have good internal communications.

Councilmember Snyder advised that he has met with Mr. Hart on several occasions to explain that the Town could not give his organization a free ride on utilities, as it would force the costs onto the other rate payers. He opined that Mr. Hart understood this.

Councilmember Murdock noted that with the waiver of the late fees, Windy Hill would be responsible for \$1,871.70 of the bill and advised that she had no problem with this.

Councilmember Shea asked the Town Treasurer to add a line to the high water bill notice to ask residents to notify the Town when repairs were made so they would know the process.

Councilmember Hazard suggested the late fees be waived for Windy Hill if the bill was paid within a certain time frame. The Council agreed the late fees would be waived only if the bill was paid within ninety days.

Councilmember Murdock questioned whether the Town Treasurer noted each phone call received regarding water bill complaints. Town Treasurer Wheeler confirmed she did. She noted that she had a notebook full of notations.

Council Discussion – Update to Capital Improvement Plan (CIP)

Town Administrator Semmes reminded Council that the Town has a CIP that has been floating around, but not officially adopted. She advised that she wanted to give the Council a list of projects that have been in the works for a long time, in both the General and Utilities Funds, and projects that have been recently identified. Ms. Semmes reviewed the list. She advised that she did not expect the Council to make any decisions during this meeting and noted that she could answer any questions they may have.

Councilmember Murdock inquired as to the status of the Asbury Church. Councilmember Hazard reported that it was sent to an architect, who returned with a high number. Town Administrator Semmes reported that she discussed the project with Maral Kalbian, the architectural historian who did the Town's historic survey. She advised that Ms. Kalbian gave her the name of someone who worked on old churches.

Councilmember Hazard opined that the Town needed a structural engineer to identify what was needed to stabilize the building. He suggested this did not require someone who had historic credentials. Mr. Hazard advised that the first step would be to procure the building, which was in the works. He noted that once stabilized, the Town needed to decide whether it wanted to renovate the building itself, possibly through a public/private partnership, or find another user.

Town Administrator Semmes reminded Council that the only decision they have made was to procure the building so it could be stabilized. She advised that the next decision would be to determine what to do with it.

Councilmember Hazard reported that the rear wall was bowed. He advised that it needed to be stabilized or the building would be lost. Mr. Hazard noted that he went to someone; however, their fees were too high. He advised that if he were doing this as a personal project, he would advertise an RFP to stabilize the church.

After some discussion, the Council agreed to authorize the staff and Councilmember Hazard to solicit bids, with the Council reviewing them once received. Councilmember Hazard confirmed they would do so.

Councilmember Snyder noted that the Utility Committee was still gathering data on the utility projects. He advised that the screens at the wastewater treatment plant were expensive and noted that they wanted to get a better handle on them.

Councilmember Shea advised that she was not concerned about reviewing the utility projects as there was a committee working on those. She further advised that she wanted to look at the other projects, including the church. Ms. Shea noted that the Town went through mold remediation in the Town Office and questioned whether all of the recommendations were implemented, such as lining the crawl space under the building. She reminded Council that if the Town did not implement the recommendations from the mold remediation company, it would negate the warranty on their work.

Town Administrator Semmes advised Council that the area under the building has been checked and found to be dry.

Councilmember Shea questioned what was being done with the Police Department. Town Administrator Semmes reminded Council that the Administration Budget included funds for a future staffing plan, including where they should be located.

Councilmember Shea suggested the location needed to be addressed and opined that their offices were crowded and unsafe. Councilmember Murdock advised that there was no interview room or space when other people were present, nor was it easily accessible for the public.

Mayor Davis opined that their existing space had pluses and minuses. She noted that the officers could pull to the rear of the building to bring people into their office. Ms. Davis further noted that if they had the entire downstairs space, they would have more room.

Councilmember Shea noted that there were other Town buildings that also needed to be addressed, such as the maintenance shop.

Council discussed the history of the Police Department's staffing and their needs. They questioned the amount of square footage needed for the Department. Town Administrator Semmes explained that this was the reason behind doing a space needs study. After some discussion, the Council agreed to delay this conversation until Chief Panebianco could be present.

Town Administrator Semmes noted that this was a project the Town wanted to address. She opined that the Town had more property than it needed and suggested some of it could be sold.

Councilmember Shea advised that she did not mind waiting; however, she wanted the project to be on the CIP. Town Administrator Semmes confirmed it was. She advised that it was shown as "Town Government Building/Salamander Civic Lot". Ms. Semmes noted the question of whether all of the offices should be located together had not been answered; however, the need for government offices was on the list.

Councilmember Snyder suggested it would be helpful for the Council to split the issue into separate pieces.

Town Administrator Semmes opined that police departments liked to be off on their own; however, managers always wanted to pull them back into the fold, with the understanding that they needed to have their own separate entrance. She opined that the Department did not need to have their own separate building and noted that she was being fiscally conservative.

Councilmember Murdock opined that if the Town Office building had been placed so it could be expanded, she would agree; however, it could not.

Town Administrator Semmes noted that the Town Office building could be sold and opined that there were options. She noted that Purcellville rented office space and advised that there was plenty of office space available for rent in town.

Councilmember Shea opined that the Town needed to address the maintenance shop. She noted that last year during the heavy snows, the Facilities and Maintenance Supervisor slept in his vehicle and had to find a restroom to use.

Town Administrator Semmes advised Council that she has talked to Mr. Simms; however, he did not want to move nor did he want a bathroom installed in the maintenance shop. She reiterated that she has talked to him about moving and noted that there was office space available at Well 4. She reminded Council that the treatment plant included a garage bay, a kitchen and a restroom. Ms. Semmes advised Council that the Police Department has put their trailers in the vehicle space; however, they could be moved.

Councilmember Murdock questioned whether it was possible to put a cot there for Mr. Simms. Town Administrator Semmes confirmed it was. She reiterated that he did not want to move.

Councilmember Shea asked whether the Council was meeting its requirements to offer these amenities. Town Administrator Semmes noted that Mr. Simms' office was mainly in his vehicle. Mayor Davis suggested the Town clear out whatever was not supposed to be at Well 4 and put a cot in the building for him.

Town Administrator Semmes noted that she needed to clear this with IES; however, she opined that this space was set up for this type of use.

Councilmember Murdock suggested that if this space was set up with a cot, the Police Department could also use it if needed.

Councilmember Shea suggested the need to look at how the Town provided for its entire staff.

Councilmember Shea reported that the hand railing on the front of the Town Office was wobbly. Town Administrator Semmes reported that the Facilities and Maintenance Supervisor had already met with someone about making the repairs.

Closed Session – Evaluation of Town Administrator

Mayor Davis advised Council that due to her vacation, she was not able to compile the Town Administrator's evaluation; therefore, that item has been removed from the agenda.

Town Council Reports

Councilmember Hazard reported that the Christmas in Middleburg Steering Committee would like to talk about food trucks again. He explained that they would like to work them through the restaurants; however, if they would not do so, they would like to park them at the Community Center. Mr. Hazard noted the need for additional food locations. He reminded Council that the last time they discussed this item, it was said that they needed to be operated in conjunction with the restaurants; however, they did not want to do so. Mr. Hazard advised that they would ask the restaurants to do so again, but if they would not, the Committee would like to allow them at the Community Center. He noted that this was about providing food for the attendees.

Mayor Davis opined that they talked about not allowing food trucks on the weekends unless they were linked with a restaurant; however, they wanted them for the Christmas in Middleburg event.

Councilmember Shea reminded Council that the Council had additional discussion. She noted that the former Town Planner talked about allowing food vendors in the Safeway parking lot.

Councilmember Hazard questioned whether the Council had a problem exploring this concept. The Council agreed it did not.

Councilmember Shea noted that she would also like to allow this for other special events.

Economic Development Coordinator Pearson noted that the Film Festival was also looking to work with the restaurants. She suggested the need to look at all of the special events.

Councilmember Hazard noted the need to be careful doing so and opined that the other events were not overwhelming the restaurants. The Council agreed with the need to look at the wording for such an activity.

Councilmember Hazard advised that they would talk with the Business & Professional Association to have them contact the restaurants and would then move on from there.

Middleburg Museum

Councilmember Shea reported that the Museum Committee was working toward getting a building in the Town limits. She advised that there was no provision in the zoning ordinance to allow for a museum within the Historic District. Ms. Shea asked that the Council direct the Planning Commission to look at this.

Councilmember Hazard reported that the Town Planner was already working on it. He advised that the zoning ordinance allowed for libraries and noted that many jurisdictions listed this category as “libraries/museums”. Mr. Hazard reiterated that the Town Planner was working to bring this change to the Planning Commission. He noted that a public hearing was required as it would involve a zoning text amendment.

There being no further business, a motion was made and voted upon to adjourn the meeting at 7:58 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk