



**MIDDLEBURG TOWN COUNCIL  
REGULAR WORK SESSION  
MINUTES**



**February 27, 2014**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor C. Darlene Kirk  
Councilmember Kevin Hazard  
Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Kathy Jo Shea (arrived late)  
Councilmember Mark T. Snyder  
Councilmember David B. Stewart

**STAFF:** Martha Mason Semmes, Town Administrator  
Rhonda S. North, MMC, Town Clerk

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, February 27, 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** – Go Green Committee

Jilann Brunett, Co-Chair of the Go Green Committee, expressed hope that they could be a research arm for the Town. She reviewed the Committee's goals, which were to raise awareness of environmental issues through education and activities; to encourage residents and businesses to utilize environmentally sensitive practices; to provide research and review to the Council and other Town committees; to be available to continue to help with the Comprehensive Plan update; and, to support Middleburg's new Healthy Eating/Active Living Program.

Ms. Brunett reviewed the Committee's proposed activities, which included a "Greening Your Homes & Barnes" event on April 6<sup>th</sup>; participation in Keep Loudoun Beautiful's Spring Clean-Up on April 5<sup>th</sup>; participation in the Arbor Day event on April 26<sup>th</sup>; participation in the National Drug Take-Back Initiative, jointly with the Police Department and the Wellhead Protection Committee; and, having Mike McGrath serve as a speaker in the late summer or early fall. She expressed hope that the Committee could do two environmental seminars per year.

Ms. Brunett reviewed the Committee's current projects, which included researching heat island mitigation strategies as requested by the Planning Commission; the Green Business Challenge; the design of a Go Green page that could be linked to the Town's website; to provide citizens with information on VDOT's Adopt-A-Highway Program; and, to procure collapsible recycling bins which would be available for any event. She noted that ongoing research related to heat islands included: a bike rack; a car charging station; to develop a certified Green Business Program; and to assist the Town with strategies for promoting healthy eating and active living.

Ms. Brunett requested that the Council include them as a line item in the budget and noted that they also planned to do some fundraising. (Councilmember Shea arrived at the meeting at 6:04 p.m.) She explained that the money would be used to cover items such as printing costs for the educational seminars and the rental of venues.

Vice Mayor Kirk opined that the Committee was doing a great job.

Councilmember Murdock noted that she was approached by someone who had a problem with the disposal of dead batteries and reminded Council that they should not be thrown in the garbage. She advised that this individual was interested in developing a collection area for dead batteries. Ms. Murdock noted that she would provide his name and contact information to the Go Green Committee and asked that they work with him to develop a program. She suggested they approach Safeway and/or the Post Office as these were locations where most people went.

Mary Woodruff, of the Go Green Committee, reported that The Hill School collected dead batteries in a basket. She further reported that a facility member took them to a disposal location in Winchester once every two months.

The Council held some discussion as to possible locations to dispose of dead batteries.

Mayor Davis thanked the Committee for their hard work. She noted that the Council would discuss their funding request as a part of the budget process.

Councilmember Hazard advised the members of Go Green that he would provide them with the name of a contractor who would come to a site to collect construction debris and would guarantee all items were recycled. He opined that it was worth talking to him to see if he could do something on a Town-wide basis regarding batteries.

Town Administrator Semmes reminded the members that the County Solid Waste Department was also a good source of information as they regularly held hazardous waste events and would have a source for the disposal of batteries.

The Council expressed a desire to have multiple locations where residents could drop off their dead batteries. They discussed possible locations.

**Addition of Items to the Agenda**

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council add items 5A (Council Discussion – Billing for Town water/sewer usage) & 5B (Council Approval – Resolution of Appreciation – Steve Plescow) to the agenda.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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**Council Discussion** – Annual Reports of Town Committees

Town Clerk North reminded Council that it has been almost a year since they started to receive annual reports from the Town committees. She asked whether the Council wished to make any changes to the program before she began scheduling the next round of reports. Ms. North noted that during the last Council meeting, Vice Mayor Kirk questioned whether the Health Center Advisory Board should be offering a report.

Vice Mayor Kirk suggested that the only reason to receive an annual report from the Health Center Advisory Board was when they recommended who should receive donations.

Councilmember Shea suggested that it would be good for the Council to talk with the Health Center Advisory Board about how they chose who received a donation. She questioned whether they had up-to-date information. Ms. Shea advised that she was surprised to find out that Middleburg FISH no longer offered rides to citizens.

Vice Mayor Kirk reported that the Town Clerk tried to check each organization each year to update the contact information and to determine whether they were still helping people in this area.

Town Administrator Semmes noted that, some time ago, the Advisory Board used a form that they had people submit to them. She suggested the use of this form may be helpful.

After some discussion, the Council agreed to have the Board make an annual report to them in October.

Vice Mayor Kirk asked the staff to provide a copy of the form. She reported that she would schedule a meeting of the Advisory Board prior to their annual report to Council in October.

The Council reviewed the list of Town committees that currently provided annual reports. It was noted that the Middleburg Main Street Committee was previously removed from the list. The Council asked that the Farmers Market Committee also be removed for now.

Town Clerk North inquired as to whether the Council was okay with the snacks and beverages that were being served as a part of the Meet & Greet. The Council agreed they were okay with the snacks. They suggested that only water be served.

#### **Council Discussion** – Roles of Council and Staff on Town Committees

Councilmember Shea explained that she wanted to ask the Council to make sure that the staff and Council remained representatives on committees. She advised that to her this meant that if all of the committee members could meet but the staff or Council representative could not, that the committee not schedule its meetings around their schedule. Ms. Shea noted that when the Wellhead Protection Advisory Committee was trying to set a meeting date, the Chair and Vice Chair said they could not make it at the time when the meeting was set. She opined that the Committee was not respected.

Councilmember Snyder noted that this was the second time that particular meeting was rescheduled due to weather. He opined that there was some sense of urgency in rescheduling it. Mr. Snyder expressed surprise that the meeting was held when the Vice Chair said she could not make it. He expressed hope that this was an anomaly.

Town Clerk North advised Council that the Committee members were offered four possible meeting dates. She further advised that four members said they could attend one date, with Councilmember Snyder noting that this was during his work hours. Ms. North further advised that four members said they could attend a second date and two said they could come late on that date. She reported that this information was presented to the Chairman who ultimately selected the meeting date.

Councilmember Shea asked that Council make it a priority to support the volunteer committee members in a way that their needs came first.

Councilmember Murdock requested that the Middleburg Meandering Trail Committee be removed from the list of committees as they no longer existed. There was some discussion as to the Committee's status. It was agreed that it be removed from the monthly committee report list.

### **Council Discussion** – FY '15 Budget

Vice Mayor Kirk inquired as to when the Council would see the budget amendments for this year's budget. Town Administrator Semmes reported that the amendments were not over one percent; therefore, she did not believe there would be any. She noted that if the Town did not receive the insurance payment for the Well 4 repairs, there would need to be an amendment in the Utilities Fund.

Revenues - Councilmember Littleton questioned whether the Town has seen a large increase in revenues due to the opening of the resort. Town Administrator Semmes confirmed it has seen what she projected. She reported that it was a substantial amount of the Town's meals and lodging tax revenues. Ms. Semmes advised Council that the meals tax receipts were nine percent (9%) more than forecast; however, the lodging tax revenues were right on the budget projection.

Town Administrator Semmes reported that the real estate assessed values were finally rebounding. She noted that they had not returned to their highest point; however, they were up twenty-two percent (22%) this year. Ms. Semmes advised that this presented Council with a choice as to the tax rate. She explained that to equalize the revenue, the tax rate would have to be set at 16.7 cents. Ms. Semmes reminded Council that the tax rate was currently twenty cents. She advised that if they wanted to keep the tax rate at twenty cents, it would be an effective tax increase; therefore, it would need to be advertised as such. She noted that each penny on the tax rate provide the Town with \$28,600 in revenue.

There was some discussion as to what the tax rate should be and how the calculations were performed to determine the equalized tax rate. The Council agreed to reduce it to whatever the equalized tax rate would be.

Town Administrator Semmes reported that in FY '13, the Town received \$251,000 in meals tax revenues. She advised that the FY '14 Budget projected the receipts to be \$432,000, which was based upon half of what Salamander projected. Ms. Semmes noted that the Town had received \$291,000 to date, which meant the receipts should be close to or at the budget projection. She advised that what was projected in this year's budget from Salamander was not for the entire fiscal year as they did not open until September. Ms. Semmes reported that she increased what was projected for next year based upon the additional two months' worth of revenue.

Town Administrator Semmes reiterated that the occupancy tax revenues were on target to meet the budget projections. She noted that the numbers were preliminary and that she would continue to update the projected revenues as the Town received more updated numbers.

Town Administrator Semmes reported that she reduced the projected revenue from the Farmers Market as she expected the fee revenue to be less due to the new market that was being opened at Gilbert's Corner. She noted that the Economic Development Coordinator was attempting to obtain additional vendors. The Council held some discussion regarding the Farmer's Market.

Town Administrator Semmes reported that the cigarette tax revenues continued to decline. She advised that the Town's other revenues were also flat. Ms. Semmes noted the proposed increase in the zoning fees and advised that with the beginning of the Salamander subdivision process, the Zoning Administrator believed there would be an increase in these revenues. She advised that she was proposing to reduce the parking meter receipts as the Town was not receiving as much.

The Council held some discussion regarding the meters and their proposed replacement. Town Administrator Semmes noted that Leesburg was considering replacing their meters with pay stations and suggested it may be possible to tie the Town's meter replacement project to another locality's. She advised that the Police Chief would contact Leesburg to see if the Town could partner with them.

Town Administrator Semmes reported that the Town was fifty-eight percent (58%) of the way through the current fiscal year and was at fifty-eight percent (58%) of its projected revenues, with the BPOL tax still coming in and the bank franchise tax yet to be collected. She reported that with an equalized tax rate, there was not a lot of room for big initiatives. Ms. Semmes advised that there was some wiggle room as the General Fund was proposed to have \$110,000 in contingency reserve funds.

Mayor Davis noted that a five percent (5%) contingency reserve was the target; therefore, \$110,000 was good.

Town Administrator Semmes noted that the Town had a healthy General Fund balance; however, when it came to the Utility Fund, there were decisions that would need to be made. She reminded Council of the pressing need to make improvements to the utility system. Ms. Semmes suggested that decisions may be made that would affect the General Fund in terms of how the Town would make the improvements. She noted the need to make progress on the utility system rather than continuing to patch it. Ms. Semmes advised that the preliminary cost estimate for the Washington Street water line replacement was \$153,000, which did not include repaving the entire width of the road if required. She noted that sometimes VDOT would require that the entire width be repaved. Ms. Semmes reminded Council that the proposal was to replace the water line from The Plains Road to Jay Street, with the Town being required to pay for the portion between Madison and Jay Streets. She advised that she was projecting a cost to the Town of \$250,000; however, she would have more accurate numbers soon.

Town Administrator Semmes reiterated that the General Fund revenues were projected to be flat. She noted that she liked to be conservative on expenditures until the Town knew what the revenues would look like on a consistent basis. Ms. Semmes suggested the Council review the current budget unknowns and potential enhancements. She reminded them that the Town may receive grant money to do the Washington Street Streetscape Improvement Project, which would not have an impact on the overall budget; however, it must be reflected in it. Ms. Semmes reported that the Town would have to pay twenty percent (20%) of the costs; and, noted that it has asked for \$500,000. She reminded Council that the Town has asked the County and State to pay for the construction of the remainder of the crosswalks; and, noted that, if received, no match would be required. Ms. Semmes reported that the County was currently in its budget deliberations and advised that she would follow-up on the Town's request with the Governor's office.

Town Administrator Semmes advised Council that the other unknown was the Town's solid waste contract; and, noted that the RFP was posted earlier in the day on the State and Town websites. She further noted that it would be advertised in the newspaper next week and that she would send copies to the current vendor, as well as a vendor that has requested it.

Fireworks Display Contribution - Town Administrator Semmes reported that based upon a discussion between herself and the Mayor, she included \$10,000 as the Town's contribution for the Community Center's Fourth of July fireworks display. She reminded Council that in the past, the Community Center has raised the money privately for this event. Ms. Semmes opined that this was a community event and recommended the Town increase its contribution.

Vice Mayor Kirk inquired as to the cost for the fireworks display. Councilmember Murdock reported that the amount for this year's display was currently under discussion. Mayor Davis noted that Salamander wanted to increase it to \$15,000. She noted that part of the cost would be for music.

The Council held some discussion regarding the proposed changes to the event, the Community Center's fundraising efforts and the Town's proposed contribution. It was noted that the fireworks would continue to last for twenty minutes regardless of their size. Some concern was expressed regarding the increased noise that could occur as the result of increasing the size. It was further noted that the Town recently adopted a fireworks ordinance to address concerns about how the noise from aerial fireworks displays frightened children and animals. It was noted that fireworks displays that were sponsored by the Town were exempt from the ordinance. After some discussion, the Council agreed to put \$10,000 in the budget for this item.

Gator - Town Administrator Semmes reported that the Economic Development Coordinator and Maintenance Supervisor would like to purchase a Gator. She noted that the Town had a number of uses for one. Ms. Semmes advised Council that Chief Panebianco suggested the Town sell the old Explorer that was currently used to haul the Farmer's Market signs around to help fund this purchase. She noted that the Maintenance Supervisor would like to put a plow blade on it for snow removal. Ms. Semmes suggested it may be possible to purchase one for less than \$20,000.

The Council held some discussion regarding the purchase of a Gator. It was suggested that the Maintenance Supervisor's truck be used to haul around the Farmer's Market signs or that a used Gator be purchased. The Council agreed it would like to spend less than \$20,000 for this acquisition.

Town Office Improvements - Vice Mayor Kirk inquired as to why the staff was recommending replacing the carpet. Town Administrator Semmes noted that this was proposed due to its age and the complaint from the employees that it smelled moldy.

Councilmember Hazard suggested the Council dais be replaced at the same time if the carpet was replaced as it was placed on the carpet. He noted that otherwise, the carpet would have to be installed around it or the dais lifted during its installation.

Town Administrator Semmes reported that the electrical system needed to be upgraded in the Town Office. She noted that this was a safety issue.

Councilmember Shea questioned whether upgrades to the Council Chamber were needed and noted that it looked much better than it used to. She suggested the Town needed to address other items.

Town Clerk North advised Council that when the elections were held in the Council Chambers, she had to unplug everything she could because the election staff tripped the breakers due to all of the machines that they were now required to use. She noted that they were exploring whether they needed to move the elections to another location as the Town Office did not have the electrical system to support their needs.

Town Administrator Semmes advised Council that she would include funding for the electrical improvements in the budget. She suggested she determine the cost for replacing the carpet and the dais.

Councilmember Hazard questioned whether the staff was proposing to double the amps to the building. Councilmember Littleton opined that the building did not even have two hundred amps. Councilmember Hazard opined that the cost to improve the electrical service would be \$3,000-4,000. He noted the need to get a new electric panel box and to bring in a new service.

Police Budget - Chief Panebianco advised Council that his proposed budget was currently \$4,589 less than the current fiscal year's as there were some capital items that they did not need again. He opined that the largest line item that needed an explanation was the professional development one. Chief Panebianco reminded Council that Lt. Prince served as his assistant; however, he had not been afforded the opportunity to attend management school. He advised that the school he would like to send him to cost \$3,300. Chief Panebianco reported that Lt. Prince would have to attend the classes one week per month for a year. He advised that he has written a grant to pay for the majority of the costs, with \$1,000 proposed in the Town's budget. Chief Panebianco noted that if the Town did not receive the grant, he may approach the Council to seek an increase. He advised that he had not yet submitted the grant as he wanted to make sure the Council was willing to fund the schooling if the grant was less.

Councilmember Shea asked that \$1,500 be included in the proposed budget for this item.

Vice Mayor Kirk questioned whether the Chief planned to purchase new firearms. Chief Panebianco reminded Council that the plan from the current budget was to replace two firearms per year. He advised that the value of the pistols the Department would get rid of was the same as the cost to purchase new pistols, with there being a difference of \$900. Chief Panebianco reminded Council that the budget must reflect the entire cost of the purchase. He advised that all of the firearms would be replaced this year, with the Department only needing to purchase ammunition and safety items the following year. Chief Panebianco noted that the Department put off acquiring new weapons for a while; however, in his experience a weapon that was as heavy as the pistols they were carrying could be replaced cheaply if they were more than six years old, which some of the existing pistols were. He reminded Council that the pistols were not shot a lot; however, he did not want one to break when it was needed. Chief Panebianco noted that the general cycle of a pistol was six to eight years so the Town could say it used due diligence.

Vice Mayor Kirk questioned whether the line item for gasoline should be increased. Chief Panebianco confirmed the Department was currently within the budget. He advised that he calculated the cost at the higher rate and believed the figure was where it should be.

Vice Mayor Kirk suggested the amount in the special events line item be rounded up. Councilmember Shea noted that there would be at least one or two additional special events in the coming fiscal year, including the National Drug Take Back Event.

Chief Panebianco noted that he would operate the National Drug Take Back Event; therefore, there would be no additional cost to the Town.

Councilmember Shea noted that if the Chief was on leave, the Town would have to pay someone to man it. She suggested the need to include it in the budget. Ms. Shea noted that if the money was not used, this would be okay.

Chief Panebianco noted that the Drug Take Back only involved four hours, once a year. He advised that he included all of the special events from last year in the proposed budget. Chief Panebianco noted that they were shown as a separate line item so the Town could track the costs. He advised Council that he was proposing to hire part-time employees to help cover the hours. Chief Panebianco suggested he hire a part-time employee who would be used once a month so he would understand Middleburg. He noted that this person could also cover sick and vacation

periods so he would not have to move people around. Chief Panebianco also noted the Middleburg Film Festival and questioned who should pay for those costs. He reminded them that this event would occur during Halloween and advised that he would like to hire three part-time employees just to focus on getting people across the street and stopping cars.

Councilmember Hazard questioned whether it was possible to hire someone for just one week a month. Chief Panebianco confirmed there were sworn police officers who were looking to supplement their income or get their foot in the door in Middleburg. He opined that Middleburg's positions were highly sought after as the Department had a good reputation.

Chief Panebianco noted that he would also like to control things during the Christmas in Middleburg event, including the time of arrival of the officers. He reminded Council that the first parade almost did not get off the ground last year because the officers from an assisting agency only showed up five minutes before the parade. Chief Panebianco noted that it was not possible to hold horses and advised that the Town needed to have more control over this.

Councilmember Shea noted that she asked one of the officers to move people back before the hounds came down the street; however, he said "I don't know about that". Chief Panebianco noted that those officers did not answer to the Town nor did they wear a uniform that was appropriate for a parade. He reiterated that he would like to have more control over the officers who were working the event. Chief Panebianco noted that he would continue to use the two existing agencies; however, he would put the officers where he felt they were best suited. He suggested the Town hire up to ten officers to staff the parade.

Vice Mayor Kirk opined that the \$8,315 that was proposed for special events was not enough and suggested it be increased to \$10,000. The remainder of Council agreed.

Chief Panebianco noted that other than that, the only other thing he requested was \$1,000 for uniforms as the Town would have another officer.

Chief Panebianco reiterated that they were on line to participate in the National Drug Take Back Program. He advised that one concern was needles; however, Ms. Brunett was going to secure a sharps box. Chief Panebianco advised that this would be handled separately.

Councilmember Shea noted that she had some budget suggestions that she would share with the Town Administrator.

**Council Approval** – Resolution of Appreciation – Stephen Plescow

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, that the Council adopt a resolution extending its appreciation to Stephen Plescow for his service on the HDRC from December 9, 1999 through January 4, 2001 and on the Middleburg Planning Commission from December 14, 2000 through March 3, 2014.*

Councilmember Hazard asked that something be added to the resolution to indicate that Mr. Plescow served as Chairman of the Planning Commission. Town Clerk North confirmed she would research how long he served as Chair and would add it to the resolution.

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, to amend the resolution to include a reference to Mr. Plescow' time as Chairman of the Planning Commission.*



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

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Mayor Davis announced that prior to the next regular meeting, the Council would hold a reception for Mr. Plescow. She noted that everyone should have received an invitation.

**Council Discussion** – Billing for Town water/sewer usage

Councilmember Snyder asked that the Council agree to take money from the General Fund and put in into the Utility Fund to boost its budget due to the pressure it was facing. He noted that this would also reduce the pressure on the utility rates. Mr. Snyder reminded Council of the plan to address utility improvements through a capital improvement program; and, explained that instead of asking residents to pay higher rates for water, he would like to bring in a reasonably significant customer – that being the Town – to pay rates to the utility. He advised that he would like to include this in the upcoming budget.

Town Administrator Semmes reported that the Health Center and Pink Box buildings already paid for utilities. She noted that there were no utilities at the Town Shop. Ms. Semmes advised that this would mean the Town would be billing for utilities for the Town Office. She opined that this would only involve \$1,200-2,000 per year. Ms. Semmes advised that she could add a line item to the General Fund for this like the one that was included in the Health Center Fund budget.

Councilmember Snyder noted that this was a legal way to help the Utility Fund. The remainder of Council agreed they were okay with this proposal.

**Discussion**

Town Clerk North noted the vacancy on the Planning Commission with the resignation of Chairman Plescow. She further noted that the Town just recently accepted applications for the Planning Commission. Ms. North asked whether the Council wanted to make an appointment based upon the previous advertisement or whether it wanted this position to be advertised. After some discussion, the Council agreed to advertise the vacancy.

Councilmember Murdock noted the Council election in May. She questioned how the Council could get the word out to tell someone what they should do if they were interested in running for office.

Councilmember Snyder noted that the deadline for filing to be on the ballot was March 4<sup>th</sup>. Councilmember Hazard noted that individuals could still run as a write-in candidate.

The Council held some discussion regarding the need to get people to focus on the Town elections. Councilmember Shea suggested the Council discuss what they could do to get people involved during its next meeting.

Councilmember Shea noted that she and Jilann Brunett were looking for a place to live. She asked that the members let her know if they heard of any rentals that were available.

There being no further business, a motion was made and voted upon to adjourn the meeting at 7:29 p.m.

APPROVED:

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Betsy A. Davis, Mayor

ATTEST:

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Rhonda S. North, MMC, Town Clerk