



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



Thursday, June 11, 2015

PRESENT: Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard (arrived late)
Councilmember Trowbridge Littleton
Councilmember Erik J. Scheps
Councilmember Mark T. Snyder
Councilmember Kathy Jo Shea

STAFF: Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner
Debbie J. Wheeler, Town Treasurer
A. J. Panebianco, Chief of Police
Cindy C. Pearson, Economic Development Coordinator

ABSENT: Mayor Betsy A. Davis
Councilmember Catherine “Bundles” Murdock

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, June 11, 2015 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Vice Mayor Kirk led Council and those attending in the Pledge of Allegiance to the flag.

Special Recognitions by Mayor and Council

Resolution of Appreciation – Boy Scout Troop 2950

Councilmember Scheps moved, seconded by Councilmember Snyder, that Council adopt a Resolution of Appreciation expressing appreciation to Boy Scout Troop 2950 for their work in helping to protect the Town’s drinking water by installing medallions on the Town’s storm drains.

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

No – N/A

Abstain: N/A

Absent: Mayor Davis and Councilmembers Murdock and Hazard

Vice Mayor Kirk read the resolution aloud. She presented signed copies to Paul Davies, Scout Master of Troop 2950. (Councilmember Hazard arrived at the meeting at 6:03 p.m.)

Resolutions of Appreciation – Lisa Patterson, Richard Engberg, Jilann Brunett, Patricia Zielinski, Wendy Roseberry, Suzi Molak and Amanda Scheps

Councilmember Snyder moved, seconded by Councilmember Shea, that Council adopt Resolutions of Appreciation to the following individuals expressing appreciation for their service on a Town committee: Lisa Patterson/Wellhead Protection Advisory Committee, Richard Engberg/Wellhead Protection Advisory Committee, Jilann Brunett/Go Green, Patricia Zielinski/Go Green, Wendy Roseberry/Middleburg Arts Council, Suzi Molak/Middleburg Arts Council and Amanda Scheps/Middleburg Arts Council.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Scheeps, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Murdock

Vice Mayor Kirk read the resolutions aloud. She presented signed copies to Ms. Scheeps, Ms. Patterson, Mr. Engberg, and Ms. Brunett and thanked them for their service to the Town.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the May 14, 2015 Regular Meeting and May 28, 2015 Work Session Minutes as amended.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Scheeps, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Murdock

Staff Reports

Councilmember Snyder inquired as to what a “bring curve” was. **Stuart Will, of IES**, noted this should have read “brine” curve and explained that it was a measure of the brine as it came through the softener.

Economic Development Coordinator Pearson reported that the 2015 Bluemont concert schedule was on Council’s desk. She noted that it may change as they may not be able to secure the Martinsburg Jazz Orchestra.

Councilmember Shea questioned whether there was a way for the report to reflect the period from the Council meeting forward rather than just having what’s happening in June. She opined that it would be more helpful to know what was coming the following month. Economic Development Coordinator Pearson explained that she usually stopped at the end of the month as she did not have all of the information for the next one; however, she advised that, in the future, she would provide whatever information she had at that time.

Town Planner Moore reported that the preliminary plat has been filed for the forty-nine residential lot subdivision at Salamander. He further reported that the Planning Commission’s public hearing was scheduled for June 22nd. Mr. Moore advised that the plat has been sent to agencies for their review. He noted that the Town Engineer has completed his review and submitted some minor comments. Mr. Moore reminded Council that this was just a conceptual layout. He reported that he has made the determination that the plat was in substantial conformance with the plan the Council recently adopted as part of the proffer revisions. Mr. Moore reiterated that the review was ongoing and noted that VDOT’s review was crucial. He advised that the staff was awaiting their comments.

Town Planner Moore reminded Council that his report included the Community Assistance Visit Report from the Department of Conservation & Recreation. He noted that Middleburg had little area that was in the flood hazard area. Mr. Moore reported that the State’s recommendations would be easy to comply with and noted that the ordinance update was already in progress. He advised that the State found no major findings.

Vice Mayor Kirk noted that the **Town Treasurer** mentioned that she did not always see the new businesses in town; however, the Economic Development Coordinator’s report always listed them. She suggested she get the information from her report.

Councilmember Shea noted that the Town Administrator indicated that there was a way to review a business’ tax returns. Town Treasurer Wheeler advised Council that she has talked to other towns about this and was told “it was a nightmare” especially if the business conducted business in other communities.

Councilmember Shea suggested the Council encourage the staff to pursue business license compliance in some way. Councilmember Snyder agreed. He suggested the Town could hold the audits as an alternate resource if needed.

Chief of Police Panebianco reminded Council that the Town was nearing the end of its test period for the “free” parking and suggested the bags on the meters could be pulled this weekend. He noted that he did not have a detailed report; however, he wanted to provide a quick overview on how the trial was received. Chief Panebianco reminded Council that during the trial, the officers issued warning tickets as the Town did not have two hour parking zones. He noted that this trial was conducted as more of an education for the Police Department and Council than to generate revenue. Chief Panebianco reported that the officers wrote fifty-nine warnings during the last month, some of which were to the same individuals. He advised that there were not a lot of repeat violators and advised that this occurred four or five times. Chief Panebianco advised that the feedback from the business owners was that they liked the idea that parking was free; however, some indicated that tourists have complained as they felt rushed to move their cars. He explained that the issue was that the parking spaces were full on the weekends and people did not want to move their car as they were concerned about the ability to find another spot. Chief Panebianco advised that he also heard some positive comments that people who tended to park their vehicles at the meters for the entire day were now starting to move them. He noted that he would provide Council with a written report eventually; however, he wanted to provide an overview and let them know the bags would be removed on Sunday, if this was acceptable to the Council. Chief Panebianco noted that Sunday would be the one month mark for the test.

Councilmember Shea questioned whether the Chief anticipated any problems shifting back to the metered parking. Chief Panebianco confirmed the officers would “take it easy” the first week in order to allow motorists to get used to the meters again.

Vice Mayor Kirk opined that the Town would get more feedback at that time. Chief Panebianco advised Council that he would get input from some business owners and shoppers; however, he would not name them in his report. He reiterated that he has heard a lot of positive comments about the trial. Chief Panebianco reported that the officers wrote an average of thirty-four tickets per month when they issued tickets and advised that they wrote fifty-nine warnings during the trial period. He noted that this was not a great deal more and opined that it was probably more because the officers were paying more attention. Chief Panebianco advised that they marked the tires twice a day. He reported that they could not do this consistently every day if the Council opted to go to this system and suggested the need to buy equipment. Chief Panebianco opined that marking the tires was not the way to go and suggested the two hour parking be enforced digitally. He advised Council that he would not provide a recommendation in his report as he believed that should come from the Council; however, he would provide an overall opinion as to whether the trial was successful.

Councilmember Littleton questioned whether an individual could see the mark on the tires. He noted that he heard comments about the officers checking the tires. Mr. Littleton suggested that if the enforcement was done digitally, the public would not know if the officers were checking. He noted that the Town was not trying to make money off violators and advised that it was only trying to move cars around.

Chief Panebianco noted that there were options for enforcement. He confirmed the officers could mark tires; however, he advised that it was difficult for them to carry a stick and write a ticket. Chief Panebianco expressed concern that someone would eventually claim the stick damaged their car.

Councilmember Shea questioned whether one month was an adequate test period. Chief Panebianco opined that it was and suggested an additional thirty days would not be beneficial as compliance on warning tickets would eventually dwindle.

Vice Mayor Kirk questioned whether the officers wrote tickets during the trial period. Chief Panebianco reported that they wrote tickets on other violations, such as expired inspection stickers and parking on a yellow line. He opined that overall, as far as the trial parking meter test was concerned, he had enough information to provide the Council with a report.

Councilmember Shea reported that the special events sub-committee met and drafted some re-writes on the initial material. She advised that they would meet again soon. After some discussion, it was agreed the Chief would send out some proposed dates for the next sub-committee meeting. Chief Panebianco reported that he would include the Town Planner in the meetings as event coordinators must go through him as well; therefore, he should be a part of the system that was developed.

Councilmember Shea reported that she has had near collisions with bicycles twice. She questioned whether the Police Department offered a bicycle safety program. Chief Panebianco confirmed they offered such a program during National Night Out. He reported that helmets have been given to most of the children in town; therefore, they would not offer free helmets again this year. Chief Panebianco opined that Officer Fadely did an excellent job with that program. He reported that there would be four hundred cyclists coming through Town in a short period of time on June 13th. Chief Panebianco noted that he was just told about this event, and the need for an officer to work traffic, earlier in the day. He reported that the event organizers have been told of the cost to provide an officer and he has found someone to work this detail.

Councilmember Shea questioned whether there was some requirement that if a juvenile was violating the law that they must get some special instruction. Chief Panebianco reported that cyclists must follow the same traffic rules as motorists, except that they could pass on the left or right and could ride two abreast. He noted that they must ride in the lane of traffic and stop for stop signs. Chief Panebianco advised that if an officer knew of a violation, he/she would tell the child what he needed to do and if he kept repeating the violation, the officer would seek out the parents. He reported that he has not seen much of this here; therefore, they have not done much enforcement.

Councilmember Shea reported that in both instances, there was a group of three cyclists on the right side of the road, with the middle cyclist making a left turn in front of her as she went around him. She expressed concern for the safety of the juveniles. Chief Panebianco advised Council that he would ask his staff to keep an eye out for this and would re-educate the children when they could. He advised that if the behavior continued, they would talk to the parents.

Reports of Town Committees/Council Liaisons

Councilmember Shea reported that Go Green was working to develop a five-year plan on issues they wanted to address. She opined that they were a very active group.

Action Items (non-public hearing related)

Council Appointments – Middleburg Arts Council

Councilmember Snyder moved, seconded by Councilmember Shea, that Council re-appoint Punkin Lee and Marci Nadler to the Middleburg Arts Council for two-year terms, said terms to expire June 14, 2017. Councilmember Snyder further moved, seconded by Councilmember Shea, that Council appoint Maribe Chandler-Gardiner and Ann-Charlotte Robinson to fill unexpired terms on the Arts Council, said terms to expire June 14, 2016.

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

No – N/A

Abstain: N/A

Absent: Mayor Davis and Councilmember Murdock

Council Appointment – Wellhead Protection Advisory Committee

Councilmember Snyder moved, seconded by Councilmember Littleton, that Council re-appoint Jilann Brunett to the Wellhead Protection Advisory Committee for a two-year term, said term to expire June 14, 2017.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Scheps, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Murdock

Discussion Items

EDAC Committee/Website

Councilmember Hazard reported that some people have approach him about EDAC’s proposal that the Town broaden its website. He explained that they were concerned that the material was already available on other websites and have suggested that before spending a lot of money developing a new website, consideration be given to merging the existing ones or establishing links so there would not be a duplication of the efforts that have already been done. Mr. Hazard asked that this be shared with the committee. He noted that there were people who were willing to help with this.

Councilmember Shea reminded Council that things that were discussed by committees then went out into the community and returned back to the Council as if something was being done. She opined that when this occurred, it was up to the members of Council to say “this was still at the committee level and must come to the Council for approval”. Ms. Shea noted that decisions of a committee were not final until the Council approved them.

Economic Development Coordinator Pearson noted that EDAC was an advisory committee only. She reported that they were going to suggest some things to the Council, which the Council must then decide whether to initiate. Ms. Pearson stressed that nothing would be decided at the committee level. She reiterated that the Council must decide whether the recommendations should be implemented and whether there was the staff to do so. Ms. Pearson noted that the committee members would not do the work themselves as they had careers.

Councilmember Shea noted that she heard Councilmember Hazard say “he was getting feedback” and suggested this was information for the committee. She reiterated that she wanted the Councilmembers to remind people that items were in discussion and that the Town wanted their input.

Councilmember Snyder agreed. He asked that Councilmembers emphasize that, with the exception of the Planning Commission and BZA, the Town’s committees were advisory.

There being no further business, Vice Mayor Kirk declared the meeting adjourned at 6:32 p.m.

APPROVED:

Darlene Kirk, VICE MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk