



MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



Thursday, May 12, 2016

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton (left meeting early)
Councilmember Catherine “Bundles” Murdock
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
Mike Prince, Police Lieutenant
William M. Moore, Town Planner
Ashley M. Bott, Town Treasurer

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, May 12, 2016 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Public Comment

Punkin Lee, President of the Middleburg Business & Professional Association, advised that on behalf of their Board of Directors and members, she would like to thank Councilmembers Littleton, Murdock and Shea for their service to the Town. She noted that last week, they held a board meeting and discussed ideas about what they could do to keep business coming into town. Ms. Lee advised that knowing that there would be a merchant’s meeting next week with the Town, they thought it would be good to have a plan to present. She displayed some drawings, developed by DeeDee Hubbard, and suggested they be used to create signs that could be placed on either end of town. Ms. Lee noted that the designs depicted a dog in construction clothing, with a fox on the construction helmet. She suggested the dog logo be used on two by four foot signs, as well as on shopping bags and bumper stickers. Ms. Lee explained that they were trying to provide a welcoming message.

Ms. Lee noted that one of the designs contained the message “follow the signs to free parking”. She advised Council that the MBPA believed the parking should be free during the construction. Ms. Lee noted that earlier in the day, the meters were bagged on the entire main street. She advised Council that the existing signs indicated that they should be followed in order to find free parking; however, there were only two signs pointing to the parking lots - one on Liberty Street and one at the corner of Pendleton Street – so motorists were not following a succession of signs.

Ms. Lee suggested the dog theme be used for the duration of construction and, once complete, the dog lose his construction clothes so he could continue to be used.

Councilmember Shea questioned whether Ms. Lee was asking for free parking throughout the town. Ms. Lee confirmed she was.

Vivian Warren appeared before Council representing the Emmanuel Episcopal Church's Cemetery Association. She thanked the Town Administrator for getting her in touch with Marc Chretien, of Mount Defiance Cidery. Ms. Warren advised that he showed her a map of his proposed development and she could see where his property adjoined the cemetery. She reminded Council that the Cemetery Association had no paid staff and that she was the volunteer who cleaned the cemetery. Ms. Warren expressed concern that visitors from the cidery could walk through the cemetery and drop trash. She noted that she shared this concern with Mr. Chretien and asked that he post signs. Ms. Warren advised that he explained that some of the property that would not be developed would contain a walking path. She advised Council that if anyone had any questions related to the cemetery, she was the point of contact.

Mayor Davis closed the public comment period.

Councilmember Murdock noted that she spoke with Judith Plescow regarding complaints she had heard from shoppers who could not find a place to park. She advised that Ms. Plescow asked whether the parking could be free on the main street. Ms. Murdock noted that she told her that was a good idea; however, she explained the downside of doing so. She advised that they talked about how some merchants would park in front of their stores for the entire day. Ms. Murdock agreed the Town must do something; however, she did not want to do something that would hurt the businesses either.

Vice Mayor Kirk agreed. She noted that she had reservations about offering free parking as the business owners have abused this in the past.

Mayor Davis noted that this was why the Council agreed to offer free parking in the public parking lots. She expressed concern that if the Town offered free parking that the parking spaces that were available would have people parked there all day and would not turn over.

Ms. Lee noted that people currently parked in the spaces all day even with the meters.

Councilmember Shea opined that the argument that shop keepers would park in front of their stores held water when the Town was not under construction. She noted that everyone needed to park and advised that there were not enough spaces when entire blocks were marked off. Ms. Shea opined that the Council did not need to worry about this during construction and suggested the parking limits be enforced after the construction ended. She noted that she has heard suggestions that the merchants not park in the public parking lots; however, she questioned where they were supposed to park.

Councilmember Murdock noted that the patrons of Seven Loaves also needed parking.

Councilmember Shea noted that the Liberty Street Parking Lot was also full. She opined that there was not enough parking due to the construction.

Councilmember Snyder inquired as to how long VDOT would be working on the roads and closing sections of the town. Town Administrator Semmes reported that the estimated completion date was the end of October. She noted that at that point, liquidated damages were imposed on the contractor.

Councilmember Snyder advised that given that there was a defined period of time, he would encourage the Council to consider eliminating the parking fees as parking was hard to find and the stores were suffering. He agreed that some of the business owners would take advantage of it; however, he suggested the Town could make it difficult for them to do so once the construction was over. Mr. Snyder advised that he would like to address the pain the businesses were feeling.

Vice Mayor Kirk noted that the residents were finding it difficult to find parking when they did their daily errands, such as getting the mail. She opined that free parking would make it more difficult for them.

Councilmember Murdock noted that she has never gone to get her mail and found that she could not find a parking space. She further noted that people may have to walk a distance.

Vice Mayor Kirk noted that she was thinking of the older residents.

Councilmember Snyder opined that the Council needed to open the parking and help the residents and businesses. He reminded Council that this project needed to be done and advised that it would be well worth the pain once it was complete. Mr. Snyder suggested the Council help the businesses get through the construction.

Town Administrator Semmes advised Council that, weather permitting, the contractor hoped to finish the first phase next week. She noted that The Plains Road and Pickering Street would then reopen.

Councilmember Hazard noted that October was the drop dead date before penalties were imposed. He questioned whether the contractor was on schedule. Town Administrator Semmes advised that their schedule was "tight". She noted that they would have caught up had it not been for the rain. Ms. Semmes advised that they were working in the rain; however, there were only certain things they could do. She noted that she did not know how far behind they were.

Councilmember Hazard opined that if the contractor had lost two weeks due to rain, he would ask for an extension by that amount of time. Town Planner Moore advised Council that the contract did not allow for weather-related delays.

Councilmember Hazard inquired as to the amount of the penalties. Town Administrator Semmes advised that they were substantial. She noted that originally Jay Street was to be done as a fourth phase; however, it has now been consolidated into the third. Ms. Semmes inquired as to the Council's pleasure with regard to offering free parking.

Mayor Davis suggested this item be handled later in the meeting under discussion items.

Councilmember Littleton noted that he was under the impression that the cidery would have no commercial traffic traveling through the residential area; however, Ms. Warren mentioned that there would be a trail. He opined that this applied to even walking traffic and noted that this would be walking traffic to a location that was not in the town limits. Mr. Littleton questioned whether the Council wanted people to walk to businesses that were not in the town.

Councilmember Shea opined that this was a discussion item for the Council. She reminded the members that they have talked about enabling people to walk and suggested they must balance this with that goal.

Councilmember Snyder reminded Council that the Salamander property was open so that people could walk to it, as was the Hill School.

Vice Mayor Kirk noted Councilmember Littleton's point of whether the Council wanted a commercial activity outside of the town to take away business from the town. Councilmember Snyder questioned how it would take away business.

Mayor Davis suggested this item be moved to the discussion items.

Public Hearings

Ordinance Pertaining to Utility Rate Charges

No one spoke and the public hearing was closed.

Setting of FY '17 Real Estate Tax Rates

No one spoke and the public hearing was closed.

FY '17 Budget

No one spoke and the public hearing was closed.

Action Items related to Public Hearings

Ordinance Pertaining to Utility Rate Charges

Councilmember Snyder explained that the Town was raising the sewer portion of the bill by five percent (5%) and leaving the water rates flat, which averaged to just over a two and a half percent (2.5%) increase in the overall bill. He further explained that this was being done because the Town had a rate model, which allowed it to make sure it was covering the utility expenses with revenues. Mr. Snyder advised that the way the State set up enterprise funds, the utility fund was supposed to cover its own expenses. He noted that in a perfect world, it would also offset its operating costs; however, this never happened in Middleburg.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt an ordinance to amend the "Schedule of Water and Wastewater Charges" to revise the sewer user charges.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Setting of FY '17 Real Estate Tax Rates

Town Administrator Semmes reminded Council that the current tax rate was seventeen cents (\$0.17) per one hundred dollars assessed value. She noted that the County's tax rate was currently \$1.14; however, they were proposing to increase it to \$1.145. Ms. Semmes reported that according to Blue Ridge District Supervisor Tony Buffington, this would result in an average increase of twenty-five dollars for property owners in the Blue Ridge District. She reminded Council that the property assessments have been rising lately and this year increased by 5.83%. Ms. Semmes explained that as a result, in order to equalize the tax rate and keep the tax bills for the Town taxes the same, the Council would have to reduce the tax rate to sixteen cents. She reminded them that what was advertised for public hearing was seventeen cents so the Council would have some flexibility. Ms. Semmes reported that the difference in the revenue was approximately \$31,800. She advised that the Council had the choice of keeping the projected \$31,800 in the proposed budget by keeping the rate at seventeen cents or it could equalize the tax rate, in which case, the Council would need to reduce the budget by that amount. Ms. Semmes advised Council that the budget that was advertised for public hearing contained \$184,000 in the Contingency Reserve for the General Fund; therefore, they could reduce the Contingency Reserve by that amount.

Mayor Davis inquired as to the difference in the average tax bill. Councilmember Snyder opined that it would be one-hundredth of one percent, which would be a very small impact. He advised that he would like to see the Council continue to hold the line as best possible and to not take advantage of the rising assessments. Mr. Snyder further advised that he would like to slowly lower the rate. He noted that when he first joined the Council, the tax rate was ten cents and advised that he would like to get back to that. Mr. Snyder advised that he was willing to do so a half a cent at a time and offered to compromise at sixteen and a half cents.

Town Administrator Semmes reported that Middleburg had the lowest tax rate of any town in Loudoun County.

Councilmember Littleton and Mayor Davis advised that they could go along with sixteen and a half cents.

Councilmember Shea advised that she was divided on the issue. She noted that a lot of things have arisen in the last year. Ms. Shea advised that she did not think sixteen cents was the answer; however, she also did not know that seventeen cents was the answer either.

Councilmember Snyder noted that once added with the County tax rate, Middleburg residents were paying over \$1.30.

Town Administrator Semmes suggested she provide Council with two budget alternatives – one at sixteen and a half cents and one at seventeen cents. She noted that this would mean some things such as the construction of missing sidewalk segments could not be done. Ms. Semmes reminded Council that every time they shaved off the tax rate, they reduced the ability to pay for items.

Councilmember Murdock noted that the businesses have lost money and suggested it may be a goodwill gesture to go with a sixteen and a half cent rate this year.

Councilmember Snyder noted that this would still allow for an increase in tax revenues.

Councilmember Shea asked that the staff provide the Council with a list of projects that may be a place to use this money. She opined that what the staff dealt with on a daily basis was different than what the Council dealt with.

Town Administrator Semmes reminded Council that the current rate was seventeen cents. She opined that if the rate was reduced to sixteen and a half cents, there would be a reduction in revenues.

Councilmember Snyder noted that it would be a reduction in future revenue, not a reduction compared to last year's revenue.

Councilmember Littleton opined that the reduction would be the right mental attitude for businesses and homeowners. Councilmember Murdock agreed it would be a gesture of goodwill.

Town Administrator Semmes suggested that if the Council was comfortable with sixteen and a half cents that she could prepare a budget based upon that number.

Councilmember Shea reiterated her request that the Town Administrator provide the Council with a list of projects that she knew were needed. She opined that this would make it easier for the Council to make a decision. Ms. Shea noted that she was not saying the staff should come up with projects, only that it should identify the things that needed to be replaced.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council direct the staff to present a FY '17 Budget for their approval during the May 26th meeting that is based upon two presentations - a real property tax rate of \$0.17 and one at \$0.165 per \$100 assessed value.

Town Administrator Semmes advised Council that she would provide them with a budget based on a seventeen cent tax rate, as well as alternatives for cutting the budget.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Special Recognitions by Mayor and Council

Council Approval - Resolutions of Appreciation – Service on Town Committees

Vice Mayor Kirk moved, seconded by Councilmember Littleton, that Council adopt Resolutions of Appreciation to the following individuals expressing appreciation for their service on a Town committee: Amanda Scheps/Planning Commission; Andrew Gauldin/Go Green; and Nelina Loiselle/Go Green.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Town Clerk North noted that Ms. Scheps was supposed to attend the meeting to accept her resolution and Ms. Loiselle was scheduled to attend the work session to accept hers.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the April 14, 2016 Regular Meeting and April 28, 2016 Work Session Meeting Minutes as amended.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Staff Reports

Councilmember Littleton opined that the residents on the east end of town did not know what to do with all the water they had as a result of the water line replacement project. He noted that he had heard many positive comments.

Town Administrator Semmes questioned whether IES had heard any comments related to the Washington Street waterline project. **Stuart Will, of IES**, reported that he had not.

Vivian Warren reported that she now had so much pressure that she needed to replace her washers.

Councilmember Littleton expressed appreciation to the Town Administrator for visiting the businesses with a representative from VDOT to explain how they could help during the construction project. He opined that it was important to show concern for the businesses. **Town Administrator Semmes** reported that she would continue to do this.

Vice Mayor Kirk reported that the Town Administrator would provide Council with her evaluation during a work session before the sitting Council left office.

Mayor Davis thanked the Town Administrator for keeping up with everything. Town Administrator Semmes noted that the fiscal year was almost over. She advised that it made her feel good that the staff and Council were accomplishing things.

Town Planner Moore reported that Planning Commission training has been scheduled for June 17-18th. He reminded Council that the Commission would be reduced to five members with the departure of Amanda Scheps and Councilmember-Elect Bridge Littleton. Mr. Moore expressed an assumption that all six current members would attend the training and invited the members of Council to attend if they were interested. He noted that Councilmember-Elect Daly had already expressed an interest in doing so. Mr. Moore reported that the training would be held from 4:00-8:00 p.m. on Friday and 8:00-12:00 noon on Saturday.

Councilmember Shea asked that the other elected members be told about this training as well.

Councilmember Snyder asked that the information on Town Council training from VML be made available to them as well. Town Clerk North reported that two of the three members have agreed to attend. She noted that she was just waiting to hear from the third to get them registered.

Councilmember Murdock questioned the report related to the Fields of Athenry. Town Planner Moore reported that they were moving into the former Foxes Den Tavern space and hoped to open in June.

Town Administrator Semmes reported that the owners had a farm off of the Snickersville Turnpike. She advised that they have been selling their meats at farmers markets for years. Ms. Semmes advised that they would also sell organic wines.

Councilmember Murdock noted the newly installed stop sign at the intersection of Marshall/Madison Streets. She asked that the staff see what could be done to get a stop sign at the intersection of Marshall/Pendleton Streets.

Town Planner Moore advised Council that he would revisit this; however, he reminded them that VDOT previously denied this request as the warrants were not met for a stop sign condition. He noted that he could not use the same exception that was used for the Marshall/Madison intersection.

Councilmember Snyder noted that this intersection was seeing a higher traffic impact due to the construction detour.

Vice Mayor Kirk noted that the police officers have written an increased number of traffic tickets due to the detour.

Mayor Davis noted that one other time when the Town had a question, a representative from VDOT came and watched what occurred. She suggested they do so again.

Town Planner Moore advised that he would try this; however, he reiterated that VDOT reviewed this strictly by the traffic warrants and advised that they could not be met. He suggested he may be able to explore other avenues.

Town Treasurer Bott reported that she did some follow-up with the Town's IT consultant regarding Council's software security concerns. She further reported that he would present some different scenarios for discussion. Ms. Bott noted that the Town would require stronger passwords that were a minimum of eight characters. She reported that the Town's data and server could be encrypted without issues; however, the consultant advised that to separate the systems into two would not be user friendly and would be costly and difficult to support remotely. Ms. Bott reiterated that he would present all of the scenarios for discussion.

Councilmember Murdock noted that the Treasurer's report indicated that there were two businesses that have not paid their meals taxes. Town Treasurer Bott reported that one has paid and the deadline for the other was this week. She noted that she would discuss that one with the Town Attorney.

Lieutenant Mike Prince reported that the Drug Takeback Day was very successful and noted that Go Green collected a lot of batteries that day. He advised that over the past month, the officers have increased their patrols in the residential areas in order to try to tame the issues associated with the construction detour. Lt. Prince noted that the number of summonses have increased and opined that the number of violations was unreal.

Councilmember Snyder noted that he witnessed the officers out during all times of the day and expressed his appreciation.

Lt. Prince noted that they were trying to slow down the traffic; however, there continued to be violations. He opined that this was due to commuters who were trying to avoid the construction zone.

Councilmember Murdock opined that the window for the hours for the Drug Take-Back Day and battery collections was too small. She noted that she was out of town that day and did not get back in time to participate. Ms. Murdock advised that she still had her batteries. Councilmember Shea advised that she could still take them. Councilmember Murdock suggested the staff think about adding a fall collection date.

Lt. Prince noted that the Drug Take-Back Program was a national one that was normally held twice a year. He noted that Middleburg elected to only do it once, in the spring.

Mayor Davis questioned whether it was possible to accept the drugs until 3-4:00 p.m. Lt. Prince confirmed it was not as there was a set time by which the drugs had to be turned in; and, explained that by closing at 2:00 p.m., he only had one hour to get them to the DEA.

Councilmember Shea questioned whether it was possible to offer a fall collection as well. Lt. Prince confirmed it was and noted that they would look into that possibility.

Councilmember Murdock opined that the Town did not collect as many drugs this year. Lt. Prince confirmed they only collected one bag versus two and a half bags last year. He opined that this was a great program and agreed it should be done twice a year if possible.

Councilmember Snyder questioned whether the police officers carried Naloxone. Lt. Prince confirmed they did not. Mayor Davis noted that the rescue squad carried it.

Councilmember Snyder noted that he was not sure the Town had a problem; however, he would like to have as many public servants available to address the issue as possible. He suggested that if the Police Department saw a problem that it should let the Council know so they could make those arrangements.

Lt. Prince advised that he just went through training on this and reported that it was being reviewed. He advised that Middleburg did not have the issues that existed in other places.

Mayor Davis noted that this drug worked on other things and advised that she administered it when she worked the rescue squad. She advised that it was amazing how it worked.

Councilmember Snyder reiterated that if the officers needed it, they should let the Council know so they could react. Lt. Prince confirmed they would do so if they saw a need.

Mayor Davis noted that the rescue squad was located in the town and could respond quickly. Lt. Prince confirmed they had a great medic staff. He noted that the officers assigned to South Riding carried this drug in their vehicles and were a back-up to the rescue squad if needed. Lt. Prince opined that they could be here just as quickly as the police officer could get to his car to get it. He advised that he would talk with the Chief about this request.

Councilmember Snyder noted that he was not asking the department to find a problem – he was only asking that they let know the Council know if they started seeing one.

Reports of Town Committees/Council Liaisons

Vice Mayor Kirk noted that the Employee Handbook Committee began its review of the proposed updates. She reported that their work would continue next week. Ms. Kirk advised that she and the Town Administrator planned to meet with the Police Chief regarding his concerns. She reported that they would soon get the proposed updates to the full Council.

Councilmember Shea reported that Go Green would hold a mid-month meeting as an exit meeting with the outgoing chairs to make sure that the projects they were working on were at the point of completion or that the Committee knew what steps needed to be taken to complete them. She advised that she had the Town staff order another box for recycling batteries as she still had some in her car because she could only mail forty-three pounds worth in the boxes she had. Ms. Shea noted that Go Green was trying to find an entity to underwrite a continuous collection.

Councilmember Shea reported that she and the Town Clerk looked at the orientation packets for new members of the Council, which was different than the VML training. She advised that she wanted to introduce the staff to the new members and noted that she and the Town Clerk have talked about what should be covered during those meetings. Ms. Shea advised that she talked with the Mayor and Town Administrator about this and reiterated that the Town Clerk was tentatively setting up meetings for the new members so they could meet the staff. She suggested the sessions be broken into two meetings as there was too much information to share at once. Ms. Shea explained that the staff would go over items such as their roles and would cover issues, such as keys to the Town Office and insurance. She suggested that they also meet with the existing Council to discuss things that did not come up during the VML training and so the outgoing members of Council could offer their comments. Ms. Shea recommended this be done during the May or June work session. Councilmember Murdock suggested it be done during the June work session.

Town Clerk North noted that she was trying to coordinate the training sessions.

Vice Mayor Kirk noted that she represented the Town during the Arbor Day event and advised that it was a lot of fun. She noted the pictures that were hung on the wall of the Council Chambers from the event.

Action Items (non-public hearing related)

Council Appointment – Health Center Advisory Board

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council appoint Erik Scheps to the Health Center Advisory Board to fill the citizen appointment vacancy, said term to expire December 31, 2017.

Vice Mayor Kirk noted that Mr. Scheps has been very good on the Committee.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Discussion Items

Parking Fees

Town Administrator Semmes questioned whether the Council wanted to bag the meters for the duration of the construction project.

Mayor Davis advised Council that she had no problem offering free parking; however, she did not see how it would change anything as far as making more parking available.

Councilmember Snyder opined that it would give shoppers an extra incentive since they would not pay for parking. He opined that it was a small token to the businesses. Councilmember Littleton agreed it was a gesture.

Mayor Davis questioned what would happen if the Town offered free parking and then found that those utilizing the spaces were employees.

Town Administrator Semmes suggested the free parking be limited to two hours, with the Police Department chalking the tires. She noted that they could then tell a motorist that they must move their car once they have been there for two hours.

Mayor Davis noted that when the Town did this on a trial basis, people said “I got a spot and was then told I had to move so I left”.

Councilmember Snyder suggested the free parking be for a four hour period. He opined that this was plenty of time for someone to shop. Mr. Snyder suggested the Town make this as flexible as possible. Mayor Davis agreed this made sense.

Councilmember Shea noted that she was a merchant. She further noted that she did not have employees; however, she has watched the employees of other businesses trying to find parking in time to open their stores. Ms. Shea expressed an understanding that there may be a problem with merchants using the parking spaces; however, at this time, parking was a problem for the merchants

and employees, unless the business had its own parking. (Councilmember Littleton left the meeting at 6:58 p.m.) She opined that the Town must do something, not just for the merchants, but for the visitors and residents.

Councilmember Snyder noted that offering free parking for four hours would allow an employee to open the store and give them plenty of time to move their vehicle. He opined that they could leave the store for just a few minutes to re-park their cars and suggested that four hours gave them a lot of flexibility. Mr. Snyder noted that limiting the free parking to four hours would eliminate the most egregious abuses of merchants who stayed in the spaces the entire day. He opined that it would also give people as much flexibility to work around the construction as possible.

Vice Mayor Kirk suggested that before finalizing a decision, the Council talk to the Police Department to ensure they had the staff to do this. Councilmember Snyder suggested the Council did not have the time to do so. Councilmember Murdock noted that they offered to do it before. Councilmember Shea noted that the officers must still go around town, whether they were monitoring the meters or chalking the tires. She further noted that they still had to see if motorists were parking legally.

Town Administrator Semmes noted that the Police Department was not enforcing parking much at this time. She opined that they would be able to tell if cars were moving.

Councilmember Murdock agreed the Town should allow four hour free parking by placing a bag on the meters. Councilmember Hazard suggested the bags contain the theme that the MPBA has proposed.

Town Administrator Semmes noted that the Town already had bags. She suggested they could simply be changed from two to four hour parking.

The Council agreed to allow for free parking for four hours.

Mayor Davis suggested that if this became a problem, the Council could revisit it.

Draft Ordinance Pertaining the Storage of Any Substance with a Maximum Contamination Level in Drinking Water & Reporting of Spillage of the Same

After some discussion, the Council agreed to defer discussion of this item to the work session in order to give the members more time to read the staff's comments. Councilmember Snyder opined that the draft was close to being ready for adoption and asked that the members come prepared to identify why they did not believe the ordinance was close if this was the case.

Mount Defiance Cidery

Councilmember Murdock suggested the need to understand where the trail would be located and opined that it would go from the cidery land to the cemetery, which was not town property. Town Administrator Semmes advised that it would go to East Federal Street and noted that the cidery's property abutted that street. She reminded Council that the street was a public one up to the point where the cidery cleared their land.

Town Planner Moore suggested that the first step was to talk to Mr. Chretien to get an idea of what he was planning. He noted that there may be concerns about establishing a pedestrian connection to a right-of-way that was not fully improved and may not be safe.

Councilmember Murdock reminded Council that there were some walking trails around town that were not on paved areas. She suggested that to fight against this one would go against the Town's intent of having walking trails. Councilmember Snyder agreed there was a precedent for allowing walking trails.

Town Planner Moore reminded Council that Mr. Chretien's operation was a farm winery rather than a commercial one. He explained that because it was an agricultural operation, he was exempt from having his development plans reviewed by the County; therefore, there were no public plans. Mr. Moore advised that Mr. Chretien has been willing to share his plans. He suggested the need to discuss this with him.

Councilmember Shea noted that she talked with Mr. Chretien and advised that he was more than willing to explain what was happening.

Councilmember Murdock noted that the Town had a walking plan around Middleburg and advised that it circled the entire town. She further noted that the Town was trying to encourage people to walk and get exercise. Ms. Murdock noted the trails at the Salamander Resort and Hill School. She advised that a lot of thought went into encouraging people to walk and noted that this was something the Town has pushed for years. Ms. Murdock suggested that before the Town said "no", the Council must review what it has done in the past.

Councilmember Shea noted that this did not mean the Council could not look at the cemetery committee's concerns and in some way support them. She suggested the Town could help work out the issues. Councilmember Snyder agreed the Town could help mitigate any impacts.

Councilmember Murdock opined that there would be ghost tours held at the cemeteries. Vivian Warren confirmed there would not. She advised that there were issues that she needed to discuss with the staff. Ms. Warren noted that there was a difference between the cemeteries that were located in this area and advised that a different group was responsible for the "inside" cemetery.

Town Administrator Semmes noted that she discussed this with Ms. Warren once; however, it sounded like she had additional information.

Councilmember Hazard questioned whether the cidery was putting their entrance on Federal Street. He noted that the Town was told the traffic would all come from Route 50. Mr. Hazard suggested the need to look at this if it was changing and opined that it would involve a tremendous amount of traffic.

Town Administrator Semmes noted that Mr. Chretien was told that if he did this, he would have to improve Federal Street.

Town Planner Moore noted that the land involved two separate parcels – one of which was fully in the county and one that was split between the town and county. He advised that the small portion that was in the town fronted Federal Street; however, it was zoned residential. Mr. Moore opined that Mr. Chretien would be hard pressed to get approval to traverse a residential property with a commercial driveway.

Information Items

Councilmember Murdock noted that the Mayor attended the 80th Anniversary Celebration for the Middleburg Fire Department.

Mayor Davis opined that it was a nice event and noted that it was hosted by the County. She advised that there were a lot of older members present. Ms. Davis noted that the transition to a paid professional staff was hard on the older members and advised that there were no longer any volunteers at the station. She opined that the celebration was done in good taste. Ms. Davis advised that the services to the community have not changed and noted that for the last two years, paid staff has run the calls. She opined that no one even noticed. Ms. Davis noted that she ran calls in 1980 as a volunteer; however, people thought she was paid.

Closed Session – Personnel

Mayor Davis questioned whether the Council was going to hold a closed session.

Town Clerk North noted that the Council received two applications for the interim Town Council position, one of which was an individual known to the Council. She suggested that if the Council wanted to bring the individual who was not known to them in for an interview during the work session, this could be arranged.

Councilmember Shea suggested the Council not hold a closed session during this meeting but instead talk about procedure.

Councilmember Snyder reminded Council that Tony Pierce went through the effort of running for Council. Town Clerk North reported that he was an applicant at one time; however, he withdrew his name from consideration.

Mayor Davis suggested that prior to the start of the May work session, the Council come early so they could meet and talk with the applicant. She noted that during the meeting, the Council could have a closed session for more discussion.

After some discussion, the Council agreed to hold a closed session during the work session to discuss this appointment.

Councilmember Shea noted that she spoke with Mr. Pierce who indicated that while he was considering running for the position in November, he had too much going on to consider it now.

It was noted that Councilmember Shea has offered to fill the position until the election was held.

There being no further business, Mayor Davis declared the meeting adjourned at 7:17 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk