



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
February 14, 2013
PENDING APPROVAL



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

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator
David M. Beniamino, Town Planner
A.J. Panebianco, Police Chief

ABSENT: Mayor Betsy A. Davis

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, February 14, 2013 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.

Public Comment

Dennis Cotter, President of the Middleburg Library Advisory Board, announced that the ground breaking ceremony for the expansion of the Library would be held at 8:30 a.m. on February 21st. He invited the members of Council to attend. Mr. Cotter reminded the Council that he first made a presentation to them two years ago regarding the project. He opined that the \$775,000 project was long overdue. Mr. Cotter noted that members of the Council and staff were among the three hundred donors who donated funds toward the expansion. He further noted that Mayor Davis co-chaired the campaign committee along with Mary Jo Jackson. Mr. Cotter reported that the Middleburg Bank has given the Library a construction loan, which has allowed the expansion to occur. He noted that the expansion would take approximately seven months to build; and, expressed hope that it would be open in late September or early October. Mr. Cotter reminded Council that they were the first organization to adopt a resolution of support for this project.

Public Hearings

Public Hearing - Ordinance to amend the Town Code pertaining to outdoor lighting standards

No one spoke and the public hearing was closed.

Public Hearing - Ordinance to amend the Town Code pertaining to fitness studios and fitness centers

No one spoke and the public hearing was closed.

Action Items related to Public Hearings

Council Approval – Ordinance to amend the Town Code pertaining to outdoor lighting standards

Councilmember Shea moved, seconded by Councilmember Snyder, that the Council adopt an ordinance to adopt Zoning Text Amendment 12-02 pertaining to outdoor lighting standards.

Councilmember Shea noted that the process stated that the HDRC would approve fixtures based upon the Historic District Guidelines. She reminded Council that the HDRC was in the process of rewriting the guidelines; and, recommended that when they reviewed them, they make sure this item was included.

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

Council Approval – Ordinance to amend the Town Code pertaining to fitness studios and fitness centers

Councilmember Murdock moved, seconded by Councilmember Snyder, that Council adopt an ordinance to adopt Zoning Text Amendment 12-03 pertaining to fitness studios and fitness centers.

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

Discussion Items

Utility Rate Study Results/Options – Municipal & Financial Services Group

Edward Donahue and Eric Callocchia, of the Municipal & Financial Services Group, appeared before Council to present the results of their utility rate study. Mr. Callocchia advised Council that they would review what they did, the goals of the study, the revenues required to run the Town’s systems, their customer and consumption analysis, their proposed financial plan/alternative rate structure and their recommendations. He explained that their objectives were to assure the user rates were stable over time and that the water and sewer systems were self-financing. Mr. Callocchia advised that they reviewed the Town’s financial information, the customer and growth projections, and built a plan.

Mr. Callocchia advised Council that the rate setting process required four main steps (identify revenue requirements, identify customers and consumption patterns, update/design rate structure and recommend rates/financial plan). He noted that the total revenue requirements were based upon four building blocks (contributions to reserves, planned capital improvement projects, debt payments, and operation/maintenance expenses). Mr. Callocchia advised that a portion of the rates could be allocated to one of those four items. He reiterated that this provided the revenue necessary to run the system.

Mr. Callocchia advised Council that the FY '13 Budget for the water system consisted of four main components, including Operations & Maintenance (O&M), which consisted of fuel, energy, supplies and the maintenance of the system's assets; contract services, such as Loudoun Water; administration, including billing; and, insurance.

Mr. Donahue advised Council that the Town's administrative expenses were very low for a water system. He suggested that if anyone criticized the Town for being top heavy, they would be way off the mark.

Mr. Callocchia advised Council that the FY '13 Budget for the sewer system contained the same categories as the water budget. He noted, however, that this budget was larger, as it cost more to run sewer systems than water systems.

Mr. Callocchia advised Council that they developed a future forecast of the Town's O&M costs. He noted that their financial model was adjustable on a line-by-line basis. Mr. Callocchia advised Council that they projected the Town's O&M costs for the system would inflate at a rate of two percent (2%) per year for the next ten years. He noted, however, that they only recommended the rates for three to five years; and, advised that the Town should look at the rates again at that time as things would change. Mr. Callocchia advised that for the first two years, their goal was to build a budget that captured all of the costs for which the Town needed to spend money; and, advised that this included items such as line and system maintenance. He reported that this would result in an increase in the water system's O&M expenses of 6.9% in FY '13, most of which would be for contract services. Mr. Callocchia advised that there would be an increase of 9% in the overall water budget. He reported a proposed 16% increase in line maintenance costs; and, suggested this was both sustainable and appropriate for the Town's system.

Mr. Donahue reminded Council that the Town should reline and clean a certain portion of its water lines every year. He noted that this could be delayed for one year; however, if it was delayed over a long period of time, the system would fall apart. Mr. Donahue reiterated that the Town needed to spend an adequate amount of money each year to maintain the system.

Mr. Callocchia advised Council that the Town's O&M expenses for the sewer system were projected to jump significantly in FY '13; and, noted the 16% increase in contract services costs, as well as the increased costs for chemicals, supplies and sludge removal. He advised that as with the water system, he projected an increase in the line maintenance and replacement costs to a level that was appropriate.

Councilmember Snyder noted that the maintenance items being discussed were recommended by Whitman Requardt & Associates. He stressed that the consultant did not make those recommendations.

Mr. Callocchia advised Council that the Town's existing debt costs were projected for the next ten years. He noted that they were based upon the Town's two remaining loans; and, advised that the costs were based upon the refinancing that was underway. Mr. Callocchia noted that the chart was split between the bond debt for water (45%) and sewer (55%).

Town Administrator Semmes noted that the bond debt had not been separated before. She reminded Council that the Utility Fund was one fund; however, these were separate operations. Ms. Semmes recommended the rates fund each operation.

Mr. Donahue opined that it was important for the Town to understand the operating costs for each system.

Mr. Callocchia advised Council that they also reviewed the proposed capital improvements for both the water and sewer operations. He noted that the water system had one project – Washington Street – that was projected to be a debt funded one, as it would strain the system to cash fund it. Mr. Callocchia advised that based upon a \$435,000 loan at 4% interest, the Town would incur a debt payment of \$39,000/year for fifteen years. He reported that all of the other capital projects were proposed to be funded through user rates.

Mr. Donahue advised Council that the proposed capital projects all tied back to something. He noted that as water and sewer rates increased, people tended to say that municipalities “pulled their rates out of the air”. Mr. Donahue advised that this was not true; and, reiterated that each project tied back to something in the budget.

Mr. Callocchia advised Council that the proposed projects were all projects that he was comfortable that the Town could cash fund. He noted that they were all non-growth projects; and, involved rehabilitating the existing system. Mr. Callocchia stressed that they were not expansion projects, which should be funded through connection fees.

Mr. Donahue noted that they were sensitive to the issue of growth versus non-growth projects and who should pay for what. He advised that based upon their proposal, the Town could safely say the existing customers were not subsidizing growth and vice versa.

Mr. Callocchia advised Council that they also looked at the Town’s contributions to reserves. He noted that they recommended two types of reserves, the first of which was to cover O&M costs associated with operating the system. Mr. Callocchia recommended a ninety day reserve for both the water and sewer operations that would be placed in an account for emergencies or in the event the Town did not see the revenues it normally would. He noted that based upon current projections, the Town’s cash balance in the Utility Fund would fall below \$0 in 2017. Mr. Callocchia advised that these projections were one of the main things to think about when preparing a rate plan.

Mr. Donahue noted that if the Town’s operations were regulated by the SCC, it would tell the Town to include ninety days worth of operating cash in its rate structure. He reported that they used the same standard that would be imposed if the State regulated the utility. Mr. Callocchia noted that bonding agencies looked at this as well.

Mr. Callocchia reminded the Council that the Town currently had enough money for a ninety day reserve. He reiterated that if no contributions were made to it, the Town would fall below that balance. Mr. Callocchia advised that under their proposed plan, the balance would never fall below it.

Mr. Callocchia advised Council that the second reserve was the “3R” Reserve, which stood for repairs, replacement and rehabilitation. He noted that they looked at the systems to see how much they were depreciating, the cost to replace them over a period of time, how much was planned and the difference between the two. He presented the results graphically. Mr. Callocchia advised Council that he used an eighty year useful life for the assets, which was typical. He reminded Council of the need to take into account depreciation and the need to replace assets in the future. Mr. Callocchia advised that these costs could be built into the rates or the Town could borrow the money and raise the rates to cover the bond payments. He recommended the Town fund those costs now.

Mr. Donahue recommended the Town implement constant but steady rate increases versus large increases.

Mr. Callocchia advised Council that the depreciation of the sewer system was \$120,000 per year. He noted the delta that needed to be funded over time in order to maintain the system. Mr. Callocchia recommended this be built into the current rates.

Mr. Callocchia advised Council that all of the items equaled the systems' total revenue requirements. He displayed a table showing the actual value of the water revenue requirements. Mr. Callocchia advised that the total revenue required for the water system was \$500,000, increasing to \$600,000 per year. He noted that there were some miscellaneous revenues, such as cell tower leases, that were taken into consideration when determining the net revenue that needed to be acquired through the user rates each year.

Mr. Callocchia displayed a table showing the same items for the sewer system. He advised that the cost breakdown was the same, it was just that the sewer system was more expensive to operate. Mr. Callocchia reported that the net revenues needed would increase from \$470,000 to \$550,000.

Mr. Callocchia reminded Council that the utility rate model was adjustable. He noted that the Town could add capital projects and adjust its operating budget in order to see how it would affect operating revenues in the future. Mr. Donahue explained that the Town would have a tool that it could use to revise its rates annually. He noted that when the Town authorized spending, it needed a comfort level that it would have the needed revenue to cover expenditures.

Councilmember Snyder reported that he and the Town Administrator have reviewed the model to ensure it was accurate.

Mr. Donahue reminded Council that the model belonged to the Town. He noted that it was not paying him to use his model.

Mr. Callocchia displayed a chart showing the Town's customer base; and, noted that the majority was residential, followed by commercial, with a few being non-billed customers. He noted that the Town had a handful of water-only customers. Mr. Callocchia advised that they also projected Salamander as a main customer even though they were not yet on line.

Mr. Callocchia noted that the staff provided a breakdown of the consumption data for FY '12. He advised Council that they were proposing a rate structure that was based upon a minimum usage of 2,000 gallons, as well as the per 1,000 gallon charge per quarter. Mr. Callocchia reported that less than two percent of the Town's customers were consuming at the minimum level, with the majority falling into the consumption level of paying on the per 1,000 gallon basis. He further reported that only seventeen percent of the Town's bills were for the minimum use only. Mr. Callocchia noted that this worked out to twenty-five to thirty gallons used per day, which was possible. He reported that eighty-three percent of the Town's customers were using ninety-nine percent of the Town's water.

Mr. Callocchia advised Council that the Town's customers were currently consuming less than twenty million gallons per year. He noted that he did not project any growth from existing customers. Mr. Callocchia reported that when Salamander came on line, the Town would experience a fifty-nine percent increase in water and sewer consumption. He advised that when thinking about the financial plan, this was the main variable. Mr. Callocchia reported that if the consumption was not as great as projected, this would affect the revenues.

Mr. Donahue reminded Council that most of the Town's treatment costs were fixed, such as staffing and debt service. He noted that the only items that varied were things such as chemical and electric costs. Mr. Donahue reported that they tried to be conservative with the Salamander projections; however, they were imbedded in the study. He noted that a change in them would cause a change in the rates. Mr. Donahue explained that less of a demand would mean the recommended rates were too low; however, a higher demand would mean the rates were higher than needed. He noted that while it was easy to change the calculations, it was painful to change the rates.

Mr. Callocchia reported that like the operating expenses, the rates were adjustable as more accurate projections became available.

Town Administrator Semmes opined that the Town would not know for years what Salamander's usage would be on a consistent basis.

Mr. Callocchia displayed their proposed financial plan. He noted that they established a base line based upon the current rates with no changes. Mr. Callocchia advised that based upon the assumptions, the existing water rates were sufficient to maintain the system, including line maintenance and capital projects. He reiterated that there was no need to raise the water rates. Mr. Callocchia advised, however, that he did have an alternative rate structure for the Council's consideration.

Mr. Donahue explained that the alternate rates would shift the costs from some customers to others; however, it would not change the total amount of revenue collected.

Mr. Callocchia displayed the financial plan for the sewer system. He noted that the base line identified what would occur if the Town did nothing with its current rates and the revenue only grew as the result of Salamander. Mr. Callocchia advised that the Town was projected to lose \$100,000 per year in the sewer system. He noted that the projected break even rate increases needed each year were not cumulative, but were the amount of the increase needed per year. Mr. Callocchia reported that the financial plan was based upon a four year phase-in to provide self-sustaining rates for the sewer system. He advised that a ten percent rate increase was needed in the first year, with five percent increases the following four. Mr. Callocchia reported that the rate structure would move the Town to the point of breaking even in FY '17.

Town Administrator Semmes reported that Purcellville went through the same process when it opened its new treatment plant. She advised that the customers went through more pain than what was being proposed for Middleburg. Ms. Semmes opined that Middleburg's projected rate increases were conservative as it was not counting on revenues from availability fees.

Mr. Donahue noted that Purcellville and Leesburg incurred a lot of debt based upon expected growth; however, when the economy tanked, they were left "holding the bag".

Mr. Callocchia advised Council that the bottom line was that the sewer cash fund was projected at \$160,000 after losses this year. He reported that based upon the current rates, the Town would not maintain a healthy cash fund balance. Mr. Callocchia advised that under their plan, the cash balance would build back up.

Mr. Donahue reminded Council that a rate increase of ten percent did not necessarily turn into a ten percent increase in the customer's bill. He further reminded them that the water rate was not proposed to increase. Mr. Donahue advised that the sewer costs should be more than half of a customer's bill. He opined that if the sewer rates increased by ten percent, most customers would see their bill increase by four to five percent total.

Mr. Callocchia reported that their alternative rate design was adjustable in every direction in terms of rate tiers. He advised that when designing a rate structure, he looked at revenue stability, existing agreements, encouraging use, rates that were easy to understand, affordability, economic development, discouraging use and whether the rates were easy to implement. Mr. Callocchia reported that they developed a revenue neutral rate structure that provided a rate for the first two thousand gallons, with per thousand gallon tiers over certain amounts of use. He noted that the outside rates were proposed to maintain the existing differential.

Mr. Donahue advised Council that if they went with the alternative rate structure it would benefit low end users, such as those who were retired and elderly. He noted, however, that it would penalize customers who used lots of water.

Councilmember Murdock noted that it would penalize the restaurants. Councilmember Snyder opined that it would be tough for families with children.

Mr. Donahue advised Council that this issue has been addressed in a law suit; and, noted that different rates could be based upon a discriminator unless they were based on an average that discriminated in one way. He explained that they used averages to calculate the proposed rates.

Mr. Callocchia advised Council that under the proposed rate structure, 1.4% of the consumption would fall under the first block, with the bulk occurring under 30,000 gallons per quarter. He noted that five percent of the Town's customers consumed thirty-two percent of the Town's water, which was not unusual. Mr. Callocchia opined that ten thousand gallons a month was not a low level user. Mr. Donahue noted that this was more than the average household consumed.

Mr. Callocchia reminded Council that under the Clean Water Act, sewer customers must be charged the same rate. He advised that under the financial plan he prepared, the sewer rates would increase. Mr. Callocchia noted that the information he was presenting was based upon quarterly billing; however, he could see what the rates would be if the Town moved to bi-monthly billing.

Mr. Donahue opined that to determine the rates for bi-monthly billing, the Town would simply divide the proposed rates by three and multiple by two.

Mr. Callocchia advised Council that he did not anticipate major increases in the Town's administrative costs as the result of moving to bi-monthly billing as this would only add two billing cycles per year.

Mr. Donahue opined that people did not care about the rate, but rather cared about the bill.

Mr. Callocchia advised Council that they looked that the bills for three customers – a 3,000 gallon user, a 12,000 gallon user and a 240,000 gallon user. He noted that with no change to the rate structure, the sewer rate would increase by ten percent; however, the overall bill increased less than five percent. Mr. Callocchia reported that under his proposed alternative rate structure, the 3,000 gallon customer would see a decrease in his bill and the 12,000 gallon customer would see a significant decrease. He noted, however, that as consumption increased, the customer's bill would go higher. Mr. Callocchia explained that the affect of the alternative rate structure would be major on high volume consumers.

Town Administrator Semmes asked who would fall under the category of being a high volume consumer. Mr. Callocchia reported that he did not have account numbers linked to the data. Mr. Donahue opined that this would typically be restaurants and grocery stores.

Mr. Callocchia reported that the average water use was 115,000 gallons per day, with an average bill of \$700. He further reported that after the increase with Salamander, the figure would jump to 181,000 gallons, with the bill jumping up to over \$1,000.

Mr. Donahue advised Council that if they elected to go with the alternative rate structure, this would shift the costs to the large users. He noted that this was a policy decision for the Council. Mr. Donahue reported that the courts have been clear about what costs could be included in the rates. He further reported that the courts have deferred to municipalities to determine how to allocate rates among customer classes unless the locality was being arbitrary and capricious.

Mr. Callocchia reported that less than two percent of the current customer bills were for uses of more than 240,000 gallons. He advised that he was happy to answer any questions the Council may have.

Town Administrator Semmes opined that this was a lot of information to take in on one night. She asked whether the Council got a sense of what MFSG was proposing.

Councilmember Murdock noted that the Town now owned the model. She asked how the Town could “play” with the numbers. Mr. Donahue reported that the Town already had the model; and, could change the numbers. Town Administrator Semmes noted that the contract included training. She suggested the staff make some changes as a part of that training.

Councilmember Snyder reported that the model consisted of linked spreadsheets. He noted that it could get complicated very quickly.

Mr. Callocchia advised Council that his firm would keep a working model. Mr. Donahue noted that the Town could not destroy the model as they would keep a working copy.

Councilmember Murdock noted the proposal to change the tiers based upon categories. She advised that this was the only thing she was thinking of changing.

Town Administrator Semmes suggested the staff look at the billing information to determine where the restaurants fell.

Councilmember Snyder asked what kind of businesses the Town wanted to attract when it considered the tiers.

Councilmember Shea noted that the Town has been trying to encourage customers to preserve water. She suggested that high end users may look at conservation measures that they would not otherwise consider if they fell into a high end user rate structure.

Councilmember Murdock noted that many restaurants say the rates hurt them. She further noted that they used more water than a residence. Ms. Murdock opined that it was difficult for the restaurants to pay high rents and have a high water bill.

Councilmember Hazard asked how much of the revenues were based upon fixed costs versus conservation. Mr. Donahue advised that based upon his experience, the most he has ever seen revenues swing based upon conservation was ten percent. He opined that the Town would need to increase the rates tremendously to experience a ten percent decrease in water consumption due to conservation.

Town Administrator Semmes noted that the Town of Purcellville offered rebates for the installation of water saving devices. Mr. Donahue reported that they did not receive much reaction to that offer. He advised Council that customers would cut consumption for a crisis such as a drought; however, as soon as the crisis was over, their consumption went back up. Mr. Donahue reported that they did work for a community that implemented a high water user tier; and, advised that the customers still continued to water their lawns. He noted that businesses already had a natural incentive to conserve.

Councilmember Murdock noted that the Town incurred costs for contract services. She asked whether that percentage was in line with other municipalities. Mr. Donahue reported that he did not often encounter a municipality that hired a contractor to operate its utility systems. He further reported that their numbers were based upon the Town’s contract. Mr. Donahue expressed doubt that the Town could do better if it operated the systems itself as it would not get the benefit of economies of scale.

Councilmember Snyder noted that he and the Town Administrator have been talking about the fact that the Loudoun Water contract was due to expire. He further noted that the staff has been talking to other towns.

Town Administrator Semmes confirmed that she has been talking with other companies that did this type of work. She reported that she had some options, which she would present within the next couple of weeks, including improving the Loudoun Water contract or going in another direction.

Mr. Donahue opined that there were other firms that would love to operate the Town's systems. He suggested it would be to the Town's advantage for Loudoun Water to know the Town was considering other vendors. Mr. Donahue noted that some communities in Maryland have joined together to hire people to run their systems.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council approve the January 7, 2013 Work Session, January 10, 2013 Regular Meeting and January 24, 2013 Work Session meeting minutes as amended.

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

Staff Reports

Town Administrator's Report - Vice Mayor Kirk asked how the online bill paying system was working. Town Administrator Semmes reported that thus far only a few people have made payments using the system.

Vice Mayor Kirk questioned the status of the bond refinancing. Town Administrator Semmes reported that the last word she received was that the arbitrage people looking at the Town's bond, including the 2010 issue that was done through the Virginia Resource Authority. She explained that they were having to look at the types of financing projects that were in the 2010 bond in order to determine if there were additional costs associated with that refunding; and, if so, how much. Ms. Semmes noted that Middleburg Bank has offered a loan rate of 2.8%. She reiterated that the staff was waiting for the cost; and, noted that this was a very rare but complex formula that would take awhile to sort out. Ms. Semmes reported that the additional cost would be less than she was originally told; and, opined that the Town would still enjoy a significant savings.

Vice Mayor Kirk questioned the status of the Health Center Boiler Replacement Project. Town Administrator Semmes reported that progress was slow; and, advised that Washington Gas stated that the line installation would occur any day now. She noted that they would give the Town two days notice. Ms. Semmes advised that Washington Gas would tap onto the existing line that served some restaurants; therefore, the work needed to be coordinated with them. She noted that it would be done as early as possible so as to not affect the restaurants.

Vice Mayor Kirk questioned the status of the Council retreat. Town Administrator Semmes reported that this item has been placed on the back burner.

Vice Mayor Kirk asked that the staff talk to the Middleburg Volunteer Fire Department; and, advised that their visitors were parking in the Ridgeview Subdivision. She reported that at least one or two vehicles were parked in the subdivision during the day, some of which were from Loudoun County and some of whom were workers. Ms. Kirk advised that she did not want the Fire Department to get into the habit of parking in this location, as the Town would get complaints when the house whose driveway they were parking in was sold.

Town Planner Beniamino advised Council that parking in the Ridgeview Subdivision did not violate any rules.

Councilmember Snyder noted that the entrance into the Ridgeview Subdivision was put in as an emergency access only. He advised that to use it for casual ingress/egress was going beyond its intent.

Town Planner Beniamino reminded the Council that the Fire Department's parking lot was not yet complete.

Vice Mayor Kirk reiterated that she did not want people get to into this habit.

Town Planner Beniamino asked whether it was fire fighters who were parking in this location. Vice Mayor Kirk reported that it was people who were working on the site. She noted that they were parking there all day.

Town Planner Beniamino reported that if they were construction workers, he could address that issue.

Town Administrator Semmes reported that the Fire Department has had to get rid of the contractor; and, was hoping to get a new one on the job. She further reported that they hoped to complete the building in April.

Councilmember Shea asked whether the staff had an estimate of the number of gallons of water that were lost at Well 4 due to the flooding at the treatment plant. Town Administrator Semmes advised that she had not received a report from Loudoun Water. She noted that she did receive an e-mail from their IT person saying that he had made it a priority to get an auto dialer installed at the Windy Hill pump station. Ms. Semmes advised that she told him that she needed an analysis to help determine what went wrong; and, he assured her this would be his next priority. She noted that she would ask Mr. Triplett for the water loss figure. Ms. Semmes reminded Council that the problem was that the plant lost all of its green sand, which would cost \$20,000 to replace.

Councilmember Shea asked whether it was standard operating procedure to leave a plant unattended while it was in operation. Town Administrator Semmes advised that she had heard different stories regarding this issue. She further advised that she has heard an opinion that even though the plant contained an automated back wash system that someone should have been there while it was running. Ms. Semmes noted that she planned to look at this issue when she addressed Loudoun Water's contract. She opined that the contract was very one sided.

Councilmember Shea asked whether the Town or Loudoun Water was responsible for this loss under the terms of the contract. Town Administrator Semmes reported that, under the contract, the Town had liability for everything.

Councilmember Snyder noted that he has been asking questions about these things for months.

Town Administrator Semmes advised Council that she had conversations with Bruce Ringrose, of Loudoun Water; and, they have agreed to meet soon. She reported that they would talk within the next couple of weeks about what was wrong with the current contract, what the Town's needs were and

what the Town was not getting from Loudoun Water. Ms. Semmes opined that someone needed to be in Middleburg at least eight hours a day during the week. She further opined that Loudoun Water's staff seemed to be spread too thin.

Councilmember Snyder suggested the contract be incentivized with the goal of improving service. He further suggested there needed to be carrots and sticks so all of the liability did not rest with the Town.

Town Administrator Semmes opined that the contract needed to define the services expected of Loudoun Water; and, to set the minimum operations needed by the Town. She suggested the Town needed to know that Loudoun Water would be here. Ms. Semmes opined that at the time the contract was approved, it was designed as an interim to get the Town "over the hump". She noted that she did not know if Loudoun Water was capable of providing the level of service the Town needed. Ms. Semmes reported that she would talk to them about that, as well as investigate alternatives for operating the system.

Vice Mayor Kirk reminded Council that the Town did have full-time coverage at one time; however, they voted to eliminate it. She advised that she would like to be involved in the contract discussions; and, noted that she did not like the last one. Ms. Kirk reminded Council that she voted against that contract.

Town Administrator Semmes advised Council that this was a priority. She noted that the staff has been working on the audit services RFP; and, reminded them that this contract had not been bid for a number of years. Ms. Semmes advised that the fact that the Town was bidding it did not mean it would change auditors. She noted that the Town Clerk has prepared the RFP; and, suggested it was almost complete. Town Clerk North confirmed the RFP was 99% complete.

Vice Mayor Kirk thanked the Town Administrator for getting the contracts up to date.

Police Department Report - Councilmember Murdock commended Chief Panebianco for providing an incredible briefing last week. She opined that the presentation was well done and the materials were superior. Ms. Murdock noted that people felt good going home with a pamphlet. She advised that the Chief pulled together information from both Loudoun and Fauquier Counties that was helpful. Councilmember Littleton agreed.

Chief of Police Panebianco reported that of the break-ins that occurred, only one took place in Middleburg. He noted, however, that the police activity seemed to come to a head here; and, advised that there was a great response from the police officers. Chief Panebianco opined that Senior Officer Prince handled the situation very well. He noted that it was Senior Officer Prince who found the car that was hidden and abandoned; and, advised that it contained a considerable amount of evidence. Chief Panebianco noted that Officer Fadely also came in early that day. He advised that this was a joint operation conducted with the Loudoun and Fauquier County Sheriff's Departments to make sure the citizens were safe. Chief Panebianco noted that once they determined there was no longer a threat to Middleburg, the group of officers disbanded. He reiterated that only one of the breaking and enterings occurred in town; and, noted that it was solved by the Police Department. Chief Panebianco reported that it had nothing to do with the remainder of the breaking and enterings. He advised that they obtained a confession from the suspect; and, were working through the next steps. Chief Panebianco reiterated that the Middleburg case appeared to be unrelated to the others.

Chief Panebianco reported that approximately fifty to fifty-five people attended the Crime Prevention Work Shop last week. He noted that officers from the Purcellville Police Department, the Loudoun County Sheriff's Department, the Fauquier County Sheriff's Department and Middleburg's Police Department were present. Chief Panebianco opined that this joint effort showed the citizens unity and that all of the departments were working in one direction. He advised that they tried to provide as

much information as possible; and, noted that the main message that they wanted people to leave with was that they wanted people to call them. Chief Panebianco explained that they did not want people to feel that if they called, they would be bothering the Police Department. He noted the message that was placed on the pamphlet was that they would rather be called and not needed than needed and not called. Chief Panebianco reported that they have received an increased number of calls since that time; although, nothing was related to the breaking and enterings.

Chief Panebianco reported that the shot gun sale has ended, with the Radford City Police Department being the high bidder. He further reported that they bid \$2,650 for the three shotguns, which was more than he estimated the Town would receive. Chief Panebianco opined that Radford was in a different setting; therefore, those types of weapons were a better fit for them.

Chief Panebianco noted that his report showed an increased number of calls for service; and, reminded Council that every time they did something, it equated to a call for service. He noted that they also increased their building and property checks. Chief Panebianco advised that during the day, the officers were doing more property checks in the residential sections as people were working and the Department needed to protect their properties.

Economic Development Report - Economic Development Coordinator Pearson reported that the Loudoun Times Mirror contained a center section regarding the turnpike experience along Route 50, as well as an article on Visit Loudoun's Wine and Culinary Signature Event that would be held on Labor Day. She noted that this was a new event; and, was expected to bring out twenty thousand people. Ms. Pearson noted that Jason Reeves, of Market Salamander, would appear on the Food Network this weekend as a contestant in their Sugar Dome Competition.

Economic Development Coordinator Pearson reported that she met with Peter Dunning, of Bluemont Concerts, to talk about the summer concert series. She noted that they were pursuing an indoor location. Ms. Pearson reported that this item would be placed on a future work session agenda; and, advised that The Hill School has offered their property, both in and outdoors, for the concerts. She explained that they wanted to work with the Town so they could be involved in the community.

Councilmember Snyder suggested the location should be accessible to the town businesses.

Councilmember Shea noted that the Economic Development Coordinator's report stated that Go Green and the Middleburg Business and Professional Association would partner on a Business Challenge. She reported that they were not at that point yet. Ms. Shea advised Council that Go Green would present their proposal during the next work session and would seek Council approval to do the challenge.

Treasurer's Report – Vice Mayor Kirk advised that she had some questions related to the Treasurer's report and would call the Town Treasurer. She noted that some of the revenue appeared to be down and the some of the spending appeared to be high.

Town Attorney Report - Town Attorney Plowman reported that she and Councilmember Murdock attended the FOIA presentation in Leesburg. She noted that they then had a conversation regarding e-mails. Ms. Plowman noted that the Councilmembers had Town of Middleburg e-mail addresses; and, recommended they use them for FOIA purposes.

Vice Mayor Kirk noted that the Councilmembers did not have access to those e-mail accounts.

Councilmember Murdock noted that she had two personal e-mail addresses. She reported that if someone made a FOIA request for her e-mails, they could take all of her private e-mails from those accounts.

Town Planner Beniamino advised Council that he has set the e-mail accounts up for Hamilton's Town Council to push their town e-mails through to their personal accounts. He noted that he could do the same for Middleburg.

Town Clerk North advised Council that she could send them the instructions so they could personally access and use their Town e-mail accounts.

Town Planner Beniamino reiterated that he could set up their Town e-mail accounts to come through their personal e-mail accounts.

Town Administrator Semmes suggested it would be better if the members simply used their Town e-mail accounts.

Councilmember Shea advised Council that she had multiple e-mail accounts; and, would not check her Town one. She suggested the Town Attorney needed to look at what the Town Planner's proposal did to the member's personal e-mail accounts from a FOIA standpoint.

Councilmember Hazard noted that, what the Town Planner was proposing would still have Town e-mails going out through a personal account. He further noted that this would mean that someone who submitted a FOIA request could get everything that was sent out under a personal account.

Town Attorney Plowman advised Council that if they were using a personal account for public business, then they could open that account up to public review. She further advised that if the information was just pushed through into a personal account, it would still be in an account for the Town. Ms. Plowman noted that she ran four e-mail addresses on one device; and, could look at them combined or separately. She advised that if she received a FOIA request, she could go to her law account.

Councilmember Shea asked the Town Attorney to provide a recap of the changes presented during the FOIA work shop during a work session. Councilmember Murdock advised that there were no changes.

Councilmember Shea asked that the Council discuss FOIA in a work session. She noted that she would like to discuss the use of e-mail.

Councilmember Murdock suggested they also review the Roberts Rules of Order chart. She further suggested the Town Attorney be present for the discussion.

Reports of Town Committees/Council Liaisons

Councilmember Snyder displayed a copy of the Source Water Protection Brochure. He noted that everyone should have received a copy in the mail. Mr. Snyder opined that the Wellhead Protection Advisory Board did a wonderful job of developing the brochure.

Vice Mayor Kirk reported that she met with the Town Administrator and Chief of Police regarding budget issues. She noted that the Chief was looking at how the opening of the Salamander Resort would affect his budget; and, advised that she was surprised as she was expecting a much larger budget request. Ms. Kirk reported that the Chief indicated he just needed one new officer and some clerical help. She noted that she pushed him to seek more; and, was surprised when he asked for less.

Councilmember Shea reported that Go Green gave a presentation to the Middleburg Business and Professional Association on their pamphlet. She further reported that they would present it, as well as a survey outline, to the Council for their approval at the next work session.

Action Items (non-public hearing related)

Council Appointment – Middleburg Arts Council

Councilmember Littleton moved, seconded by Councilmember Murdock, that Council appoint Nicole Stribling to fill the unexpired term on the Middleburg Arts Council, said term to expire June 14, 2014.

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

Council Approval – Authorization to advertise public hearing – Special Use Permit – AT&T – Cellular Antenna Replacement

Councilmember Snyder moved, seconded by Councilmember Shea, that Council authorize the advertisement of a public hearing for March 14, 2013 to accept public comment on a request from AT&T for a special use permit to replace their existing cellular antennas located on the Town's water tower at 25 Stonewall Court.

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

Town Planner Beniamino reminded Council that the staff has been bringing items to them to advertise the public hearings. He asked whether they still wanted to set the public hearings; and, reminded Council that they must hold them.

Town Administrator Semmes recommended the staff be allowed to set the public hearing dates.

The Council agreed the staff should do so.

Councilmember Snyder asked that the staff provide Council with the application information when they did so. Councilmember Shea asked that the information include the date of the scheduled hearing and the Planning Commission's review comments.

Discussion Items (continued)

Draft Flag Policy

Town Planner Beniamino advised Council that the HDRC was fine with the application review being done by the staff. He suggested that if a problem arose, the regulations could be changed.

Councilmember Murdock asked what event would fall under the category of a "non-profit public event outside of the five mile radius of Middleburg". Town Planner Beniamino noted that the Upperville Horse Show would fall under this category.

Councilmember Murdock opined that the Council did not want to promote that event since it was not held in Middleburg.

Town Administrator Semmes reminded Council that this policy would only apply to flags. She further reminded them that organizations could still put up a sign on the Town's entrance sign.

Town Planner Beniamino suggested this category be struck. He noted that the Upperville Horse Show has not expressed an interest in flags. Mr. Beniamino reminded Council that this was a big expense without a lot of visibility.

Councilmember Murdock opined that the flag installations should be limited to Middleburg events.

Councilmember Littleton noted that the flags were expensive.

Action Items (non-public hearing related) (continued)

Council Appointment – Wellhead Protection Advisory Committee

Councilmember Snyder moved, seconded by Councilmember Shea, that Council appoint Trevor Fosdick to fill the unexpired term on the Wellhead Protection Advisory Committee, said term to expire June 14, 2014.

Councilmember Shea asked that as a matter of practice, the staff run proposed appointees by the affected committee for their recommendation even if this was not required.

Vice Mayor Kirk suggested this was a common courtesy.

Councilmember Snyder agreed; however, he noted that in this case, this was the appointment of a member of the Fire Department. He advised Council that the previous representative attended the first meeting but no others. Mr. Snyder advised that he did not know if the Wellhead Protection Committee would be able to pull out another member from the Fire Department. He noted that for general appointment purposes, he agreed the Committee should make a recommendation.

Town Clerk North reminded the Council that the State recommended the Wellhead Protection Committee contain a member of the local Fire Department. She explained that because of this, she has been contacting the Fire Department to see if they had a member who was willing to serve and that they would recommend. Ms. North agreed with Councilmember Snyder that the Committee would not know who was available and willing to serve from the Fire Department.

Councilmember Shea noted that this was a State recommendation, not a requirement. She suggested the Committee should weigh in on the appointment.

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

Discussion Items (continued)

Draft Sewer Ordinance Update

Town Clerk North reminded Council that the staff has prepared an update to the sewer ordinance both as a continuation of the goal to update the Town Code and to expand the grease, oil and grit interceptor program. She noted that the staff also wanted to bring the ordinance in line with the revised water ordinance that was adopted last year. Ms. North advised that the Town Attorney has assisted in updating the penalties sections so they would comply with the State Code.

Vice Mayor Kirk opined that the penalties were “cheap”. Town Clerk North agreed the penalties related to the grease interceptor program were definitely cheap.

Town Clerk North advised Council that the Town Administrator has proposed some minor changes, most of which were grammatical. She noted that she and the Town Administrator have, however, discussed some items on which they were seeking Council’s guidance.

Town Clerk North reported that the draft ordinance, as written, continued the practice of having the Council approve taps and the extension of sewer mains, with the staff handling other items. She advised that the question was whether the Council wished to retain the authority for approving taps and expanding the system in Town or whether they were comfortable turning that authority over to the staff.

Councilmember Snyder advised that he would be comfortable either way. He noted that the staff could work through the details, since the Council would identify the rules.

Councilmember Shea noted that the Town had a wonderful staff. She suggested, however, that the Council should not base its decisions on the existing staff, but rather should think about whether something proved to be the best move. Vice Mayor Kirk agreed.

Town Administrator Semmes noted that in Purcellville, the small taps (5/8 inch) were approved by the staff, with larger ones going to the Council. She advised that anyone who wanted to upgrade a meter was required to get Council approval.

Vice Mayor Kirk noted that the Town did not receive many requests for taps.

Town Administrator Semmes advised Council that as it was currently written, even the plans for connections and/or the construction of a sewer line were required to come to the Council for their review. She suggested this dated back to the time when the Council reviewed every site plan; and, noted that they no longer did so. Ms. Semmes advised that these were technical plans; and, noted that, even in the case of a single-family home, the plans would have to meet the Plumbing Code. She suggested the utility staff should look at these plans.

Councilmember Snyder noted that when he first came to Town, if someone wanted a bigger meter, they simply put one in. He advised that the Town has changed a lot of that. Mr. Snyder advised that he was comfortable allowing the staff to approve small taps, with anyone who wished to increase the size of a water meter coming to the Council.

Councilmember Shea suggested the Council accept the Planning Commission’s recommendation. Councilmember Snyder noted that the Planning Commission was not the Town’s utility watch dog.

Town Administrator Semmes explained that when looking at approving taps, the issues were related to capacity and whether the meter size was appropriate for the number of fixtures in the building. She advised Council that the Planning Commission did not get into those issues. Ms. Semmes noted that one of the things she has implemented was that before the Town Planner could issue a zoning permit, the applicant must complete a form identifying the number of fixtures and calculating the appropriate meter size. She reminded Council that this was a problem with the Chinn's Crossing Project as nothing was specified on the plans. Ms. Semmes noted that there were regulations that required the applicant to identify the meter size and show where the tap would be made; and, advised that those items should be approved by the utility staff or the Town Engineers. She suggested that she felt comfortable allowing staff to handle that, with the Council approving larger meters. Ms. Semmes noted that this would allow the Council to have a sense of the Town's treatment capacity.

Councilmember Snyder noted that the Planning Commission would be happy to discuss this; however, he opined that they were not the appropriate body to handle this review. He noted that the review included the impact on the Town's utility system; and, advised that this was not something they reviewed on a regular basis. Mr. Snyder suggested the question of capacity was a Council item.

Vice Mayor Kirk suggested the regulations be left as currently written; and, noted that the Town was not receiving a lot of requests.

Councilmember Shea opined that the Town Administrator's proposal to allow some items to be staff driven and some to be Council driven made sense. Councilmember Snyder agreed.

Vice Mayor Kirk noted that the smaller taps would all be residential. She reiterated that this did not create that much work.

Councilmember Hazard asked who was checking the Town's capacity. He suggested that making sure the tap size was correct was an administrative function. Mr. Hazard reiterated his question as to who was keeping track of the Town's capacity.

Councilmember Shea suggested this was an item the Council needed to discuss. She noted that the group that was working most closely with capacity was the Wellhead Protection Committee.

Town Clerk North advised Council that the updated Wellhead Protection Plan identified the Town's current capacity level. She noted that the capacity was currently 33-35%.

Town Administrator Semmes noted that the Town had plenty of capacity.

Vice Mayor Kirk asked whether this figure was pre-Salamander. Town Clerk North confirmed it was based upon current usage.

Councilmember Hazard suggested something be inserted into the procedure to identify the capacity to which a connection would bring the Town.

Councilmember Snyder noted that the Town had different capacity levels, including the amount of ground water that was available and how much could be pumped and produced. He further noted that they needed to consider not only the two water treatment plants, but also the sewer treatment plant.

Councilmember Hazard suggested the Council needed to know how approving a three-inch meter would affect the Town's capacity.

Councilmember Snyder noted that he would love to do that; however, the Town has not been able to do it in the past.

Councilmember Shea noted that the Town had an informed group now; however, she suggested this information needed to be available to the Council.

Town Administrator Semmes advised Council that she has talked to Whitman Requardt & Associates about updating the Town's Master Water & Sewer Plan from 2003. She noted that they would take the work done by the Wellhead Protection Committee and fold it into that update. Ms. Semmes reported that they have already updated the Town's sewer map. She suggested this plan needed a good review; and, advised that this process would provide a base line. Ms. Semmes noted that as connections were made, those could be added to the model.

Councilmember Hazard noted that the Council was saying the staff could approve 5/8 inch meters. He reminded Council that once the Salamander tract was developed, there would be a number of single-family lots that would be developed. Mr. Hazard suggested the Council may not want to make this an administrative function.

Town Clerk North reminded Council that they approved those connections when they accepted the availability fees. She noted that Salamander still needed to pay the tap fees; however, she advised that the larger of the two fees have already been paid and accepted by the Town.

Town Administrator Semmes noted that this needed to be included in the model.

Councilmember Snyder advised Council that when the 2003 study was done, the Town only received an abbreviated model. He suggested the Town should look at the cost for a real one. Town Administrator Semmes agreed.

Councilmember Shea noted that the cost was being able to make an informed decision. Councilmember Snyder agreed. He noted that the 2003 report was the first official engineering report the Town had ever received.

Town Clerk North summarized that the administrative approval of small taps was acceptable to the Council; however, larger taps and upgrades must require Council approval. She further summarized that the Council wanted to know how capacity would be affected by the connections.

Town Clerk North advised Council that the next item on which the staff was seeking their guidance was related to the connection of multiple buildings on one tap. She explained that currently, the ordinance was written to allow multiple buildings to connect to the same sewer lateral. Ms. North advised that there may be instances in which a lot could be subdivided, with multiple owners then coming into play. She suggested that allowing multiple buildings on one sewer lateral could create a problem for the Town with regard to billing. Ms. North noted that in the case of a leak involving multiple tenants on one line, the Town could find itself in the middle of a difficult situation. She asked whether the Council would entertain the thought of changing the ordinance to require each building to be on a separate tap if there was a possibility the property could be subdivided. Ms. North noted that this would still allow two buildings to share a connection if there was no possibility of subdivision.

Councilmember Hazard suggested this be made a condition of the subdivision.

Town Clerk North noted that language could be added to the effect that "should there be a subdivision of the property, a separate tap would be required at that time".

The remainder of Council agreed.

Town Administrator Semmes noted the need to set up a system so someone would remember that this needed to occur. She suggested that it would be better to allow a sharing only in the case in which subdivision was not possible.

Councilmember Shea advised that she did not feel well enough informed to give guidance on this issue.

Town Clerk North advised that this usually occurred in the situation in which someone created a mother-in-law suite in their back yard, with the property being large enough to be subdivided.

Councilmember Shea advised that her personal thought was that unless there was a compelling reason for a shared lateral, the buildings should be on separate connections.

Councilmember Murdock asked why two connections should be required in the case of one owner with two buildings on one lot that could not be subdivided.

Councilmember Littleton suggested that when a property owner got a permit to build a second building, he be informed that if he ever subdivided the property in the future, he would be required to purchase a second tap. He further suggested that the staff should encourage the property owner to get his second tap at that time so there would not be a problem in the future. Mr. Littleton noted that this would be their choice.

Councilmember Shea suggested that the onus be put on the people who wanted a lateral.

Councilmember Snyder noted that the issue was when people shared a lateral and the ownership changed multiple sides for both parcels. He advised that the Town could find itself in a case of two owners fighting over ownership of the lateral when they should each have their own connection.

Town Clerk North cited the possible case of the utility bill being in one person's name, with the second person having paid that individual their portion of the bill, but the account holder not having paid the Town. She advised that when the Town turned off the utility service, it would hear from the second person because they "paid" their share. Ms. North suggested the Town did not want to be in the middle of such fights. The Council agreed.

Town Clerk North advised Council that there were multiple references in the sewer ordinance to industrial users and the associated user permits. She noted that the staff was not sure why these references occurred as the Town did not have any industrial users, nor could the staff envision that it would in the future.

Councilmember Shea asked whether the Middleburg Millwork would be considered an industrial user. Town Clerk North confirmed it would not. Town Administrator Semmes explained that an industrial user would be someone who dumped something into the Town's sewer system that would be considered hazardous. Town Clerk North explained that this would be related to manufacturers. She noted that extremely large users could also fall into this category. Ms. North reported that the staff was researching whether there was a State Code mandate that industrial user references be included in the ordinance. She opined that this was probably the reason this language was inserted into the ordinance years ago. Ms. North advised that if it was not required to be in the ordinance, the staff was going to recommend it be removed.

Town Administrator Semmes suggested that if it was a State Code requirement, it may be able to be addressed by reference, as opposed to being spelled out in full.

Town Clerk North noted that the grease, oil and grit interception section included language that identified the design, installation and construction requirements for an interceptor device. She asked whether the Council wanted this language to be included in the ordinance or whether they wanted it to be identified in a separate document.

Town Administrator Semmes noted that the design standards for constructing a sewer line were not included in the Town Code but rather were referenced as a separate document. She suggested these could be separate. Ms. Semmes questioned the origin of the standards; and, noted that they may have come from the Plumbing Code.

Councilmember Snyder asked whether a similar section was included in the water ordinance. Town Clerk North explained that the interceptor device was limited to the introduction of items that may contain grease, grit or sand into the sewer system.

Councilmember Snyder questioned how definitions were handled. Town Clerk North confirmed the ordinance included a definitions section at the beginning of the document.

Councilmember Snyder advised that he was fine taking this language out of the Town Code and simply referencing the document where it could be found, as long as an applicant could get a copy of the document.

Town Clerk North explained that anyone wishing to install an interceptor device would simply be required to reference two documents.

The Council agreed this was fine.

Councilmember Hazard noted that the design for interceptors became more complex each year. Town Administrator Semmes noted that this would be a reason to include them in a separate document. She asked whether the design standards were included in the Plumbing Code. Councilmember Hazard confirmed they were.

Councilmember Shea asked whether Loudoun County had these standards. She further asked whether the Town would be duplicating theirs. Town Administrator Semmes suggested the Town may only need to reference the County Plumbing Code if the design standards were included in it.

Vice Mayor Kirk asked whether the ordinance referenced Loudoun Water's standards. Town Clerk North confirmed the language referenced the standards as adopted by the Town Council.

Town Clerk North advised Council that the staff was going to condense the violations chart in the grease, oil and grit interceptor section. She explained that there were only two fines the Town could impose under the State Code; and, reiterated that the chart could be condensed.

Vice Mayor Kirk reiterated her opinion that the grease, oil and grit fines were cheap. Town Clerk North reminded Council that the first draft of the ordinance included more substantial fines because the staff simply used Purcellville's fine structure. She explained that the Town Attorney conducted some research and found that the State Code did not support those fines. Ms. North advised Council that the fines in the draft ordinance before them were supported by the State Code.

Councilmember Shea opined that Section 83.1-29 was ambiguous. She noted that it stated that duplexes, triplexes, quad plexes and apartment complexes were not required to install a grease interceptor unless the dwellings were found to contribute grease to the system.

Town Administrator Semmes opined that these types of units would not typically have this problem; however, if they were found to be contributing grease to the system, the Town could then require them to install an interceptor.

Councilmember Shea noted that this would be after the fact. She further noted that she did not have any suggestions for changes.

Councilmember Hazard noted that the Town was trying to avoid having grease in the sewer system. He suggested the Council should set a standard for what was a “sufficient” quantity; and, if the building produced that, it would be required to install an interceptor with no exceptions. Mr. Hazard suggested that even if a single-family dwelling was contributing grease to the system in sufficient quantities, they should be required to install an interceptor. He reiterated that the Town was trying to avoid having quantities of grease and oil introduced into the system. Mr. Hazard suggested the need to identify what was a “sufficient” quantity; and, recommended that it not matter what type of dwelling was producing it.

Councilmember Shea asked whether this was an issue of clogging the Town’s system or the individual’s system. Councilmember Snyder noted that it was an issue of clogging the Town’s system.

Town Clerk North noted that what Councilmember Hazard suggested would not resolve the issue raised by Councilmember Shea. She noted that even if the Town identified a number that was determined to be of “sufficient quantity”, by the time the Town found that a building was contributing that amount, it would be because there was a blockage.

Vice Mayor Kirk recommended an interceptor be required for those types of dwellings.

Town Clerk North confirmed this could be done. She noted that the staff tried to include some flexibility in the ordinance. Ms. North advised that if the Council was comfortable requiring the interceptor, this language could be struck from the ordinance. The Council agreed it was.

Councilmember Shea noted that this same section contained a typo.

Town Administrator Semmes advised Council that the waiver section was important; and, noted that it was unlikely that the Town would see new restaurants in town due to the expense of changing a building over to one. She opined that most of the uses would be in existing buildings; and, noted the need to have some flexibility to work with the property owner to help them implement their system.

Councilmember Shea noted that the Council has addressed a lot of problems with water contamination; however, there was no reference to drug disposal. She reminded Council that this was becoming an increasingly difficult problem. Ms. Shea asked whether there was anything in the State Code that would allow the Town to prohibit the dumping of drugs into the Town’s sewer system.

Town Administrator Semmes advised that the staff could check into it; however, she did not believe there was such legislation.

Councilmember Snyder noted that the crux of the problem was that there was no legislative authority. He opined that the State Code had not caught up to the science with regard to that issue.

Town Clerk North advised Council that the staff would continue to work on the draft ordinance; and, would bring it back to them.

Draft Flag Policy (continued)

Councilmember Snyder opined that the draft regulations were great.

Councilmember Murdock advised that she had a problem with category #4, which allowed flags for events located outside of the five mile radius of town. Councilmember Hazard recommended this be struck from the policy. The remainder of Council agreed.

Information Items

Councilmember Shea reported that Source Link launched their computer system on February 5th. She further reported that any business could go into it, input their business type and problems, with the program then linking them to people who could advise them on their issues. Ms. Shea noted that this program was not just for new businesses.

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

APPROVED:

Darlene Kirk, VICE MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk