



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



June 27, 2013

PRESENT: Mayor Betsy A. Davis
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
Rhonda S. North, MMC, Town Clerk
David M. Beniamino, Town Planner
A.J. Panebianco, Police Chief

ABSENT: Vice Mayor C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, June 27, 2013 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Annual Report – Middleburg Farmers Market Committee

Hannah Scheps, Assistant Marketing Manager for the Middleburg Farmers Market, appeared before Council representing the Middleburg Farmers Market Committee. She reported that all was well at the market, with lots of people attending. Miss Scheps noted that some people were also bringing their dogs.

Councilmember Shea inquired as to the goals for increasing the market. Miss Scheps reported that she and the Economic Development Coordinator have talked about getting musicians and doing things for children. She advised that at the beginning of summer, they held a Jack in the Bean Stalk Day. Miss Scheps expressed hope to do more things along those lines.

Councilmember Shea questioned the type of support the Committee needed from the Council. Miss Scheps opined that they needed nothing, other than for the members to bring shoppers to the market. She reiterated that they were doing well.

Councilmember Murdock questioned how this year's market attendance compared to last year's. Ken Matich, a member of the Farmers Market Committee, reported that they were enjoying the same level of shoppers; however, they had fewer vendors. He opined that it was a special market and advised that the vendors' set-up was nice. Mr. Matich advised that people enjoyed being there. He noted that the market was going very well.

Councilmember Shea asked whether the Committee was meeting. Miss Scheps advised that they have not yet met. She expressed hope to address this in the future.

Councilmember Shea issued a challenge to the members of Council to bring a friend to the market.

Councilmember Murdock inquired as to the amount of publicity that had taken place for the market. She asked whether any stories have been written on it. Miss Scheps advised that other than the Town's newsletter and Facebook, she was not sure anything had been done. Ms. Scheps expressed hope to spread the word and noted that she talked to people about the market.

Mayor Davis suggested the Committee talk to the newspapers about writing an article on the farmers market. She noted that it was a specialized market that had a lot going on and was a meeting place. Ms. Davis further noted that people stayed longer than just to shop.

Judith Plescow, a member of the Farmers Market Committee, opined that Economic Development Coordinator Pearson was doing an excellent job of Facebooking about the market. She noted that she sent out information on Thursdays about the vendors and was good about asking others to spread the word. Ms. Plescow advised that she did this as well and always included a blurb about the vendors each week on her Facebook page. She agreed with the idea of writing a story; and, noted that the market was unique. Ms. Plescow advised Council that Chester Hess was a vendor who has been at the market since the start; and, suggested the article could promote him since there would not have been a market without him. She reminded Council that the farmers market used to be located in the parking lot behind the bank and only had two vendors. Ms. Plescow advised that it has grown considerably in the past fifteen years. She opined that it was headed in a great direction; however, it could always be improved. Ms. Plescow suggested it would be awesome if music could be offered. She advised that it would be great if people could bring a friend.

Councilmember Murdock noted that she was okay with music; however, she was not excited about it as sometimes it was too loud. She suggested that if it was offered that it must be quiet. Ms. Murdock noted that she loved the children's events when the kids sold something as people tended to make an effort to buy from them and the vendors. She suggested the Committee encourage one time projects for children's groups; and, noted that they would bring parents as well. Ms. Murdock suggested the children's groups be allowed to make money one time during the market.

Councilmember Shea thanked Miss Scheps for taking on the market. Mayor Davis thanked the vendors. Councilmember Murdock thanked the Goodstone Inn for bringing bundles of lavender.

Council Briefing – Blue Ridge District Issues

Jill Turgeon, Blue Ridge District Representative for the Loudoun County School Board, appeared before Council to brief them on the status of the Middleburg Elementary School. She distributed a map that showed the boundary changes that occurred in the late 1980s and reported that there have been no changes since that time. Ms. Turgeon noted that the map identified the different areas and the number of students in each. She reported that the majority of the students who attended Middleburg Elementary School were from the Middleburg area, in particular the main part of town.

Mayor Davis noted the changes to the boundaries in the 1980s. She further noted that some students were released from the Middleburg Elementary School as the numbers for Banneker Elementary School needed boosting. Ms. Davis questioned the number of students that would return to the Middleburg Elementary School if the boundaries returned back to their original location.

Town Administrator Semmes suggested, in looking at the map, that Middleburg acquired an area that was formerly in the Banneker district when students moved to Philamont. She asked whether Banneker Elementary School was full. Ms. Turgeon confirmed it was.

Town Administrator Semmes asked whether it would be possible to move some students from the Philamont area to Middleburg; and, if so, how many that would include. She asked whether this would make a difference for Middleburg Elementary School.

Ms. Turgeon noted that the School Board received a presentation from Victor Blake of Lincoln, who offered a comparison of the costs of the Lincoln Elementary School to two other schools. She noted that the building costs alone, excluding the land, for the Colbert Elementary School was over \$15 million. Ms. Turgeon noted that they had a significant expenditure per pupil when compared to other schools. She advised that the older schools were paid for and generally did not request a lot of renovations. Ms. Turgeon suggested that the figures Mr. Blake provided were a good comparison and reported that the School Board would sit down to discuss this matter further. She further reported that they have discussed developing community committees. Ms. Turgeon noted that they wanted to do one for each school. She advised that the cost per pupil for Middleburg Elementary School was average, with no debt service. Ms. Turgeon opined that the upkeep and expectations for upkeep was higher at the new schools.

Mayor Davis noted that Middleburg Elementary School shared a principal and the classes were combined.

Ms. Turgeon advised that this was a good point. She noted that she had a heated debate with a fellow board member after their last meeting. Ms. Turgeon advised that he was discussing how some of the other schools did not offer the same educational experience that Lincoln offered. She noted that when she asked him what he meant, he cited the third grade class. Ms. Turgeon agreed this should be considered; however, she opined that it was not a bad thing as she believed that combined classes had some advantages.

Mayor Davis noted the cost to operate the schools, including the salaries of and number of teachers. She reiterated that the Middleburg Elementary School shared a principal with Aldie Elementary School.

Ms. Turgeon reported that she was looking at that. She noted that the presentation the School Board received would be analyzed. Ms. Turgeon advised that she would meet with the staff to look at any discrepancies on both sides. She reported that she would look at the cost per pupil to operate the schools and the population projections. Ms. Turgeon noted that Mr. Blake pointed out that the projections were different than what had been provided by developers, which was a huge concern. She advised that she did not want to shut down a school only to build another one.

Mayor Davis reported that work force housing would be constructed in Middleburg to accommodate the Salamander Resort. She noted that this construction would not occur immediately; however, it was on the plans. Ms. Davis opined that this construction could provide a lot of students for the school.

Ms. Turgeon agreed with the need to address the student generation factor, which was the number of students per household. She noted that this figure was adjusted this past year and advised that it lowered the number of students per household in western Loudoun County. Ms. Turgeon advised that the determination for the lower student factor was whether the household was on well water. She noted that she was still trying to understand that. Ms. Turgeon reported that she would continue to cross reference the projections with developers and talk to them to get real

numbers for comparison purposes. She noted the need to keep the school staff up to date on the real numbers.

Ms. Turgeon reported that she was pushing to not have school closure debates during the budget discussions as they did not belong there. She opined that school closures were something that needed to be looked at carefully throughout the year. Ms. Turgeon noted that the budget was presented in January and must be adopted in February, which was not enough time for a decision on school closures. She reported that she was not in favor of closing schools. Ms. Turgeon suggested that having more time for an analysis provided time to obtain the right information.

Ms. Turgeon reported that if all five small schools were closed, it would save the County \$2.7 million according to staff estimates. She opined that this number was inflated. Ms. Turgeon noted the additional expenditures necessary to transport the children farther to school. She advised that forty percent of Lincoln's students were transported to school by their parents; and, noted that if the school closed, they would have to be transported by bus. Ms. Turgeon opined that there were a lot of things that needed to be looked into. She reported that they could not close all of the five schools as they did not have enough seats and would have to build more schools. Ms. Turgeon opined that the savings was much smaller than projected. She advised that she was a fiscally conservative person; however, she did not believe that closing schools was the way to be fiscally conservative. Ms. Turgeon opined that the School Board could find the \$2.7 million elsewhere so it would not affect the students directly.

Councilmember Hazard inquired as to the School Board's total budget. Ms. Turgeon reported that it was close to \$900 million. Councilmember Hazard noted that the County would not even save one percent if all five small schools were closed.

Town Administrator Semmes asked whether there was a chance that students could be sent to the Middleburg Elementary School from Banneker. She further asked whether the Town needed to make this suggestion.

Ms. Turgeon reported that she would take this suggestion back to the School Board. She noted that Mr. Blake's presentation gave the members something to think about regarding comparisons. Ms. Turgeon advised that the School Board would look at each school and do an analysis.

Mayor Davis asked that the Council be sent the comparison information that was provided by Mr. Blake. Ms. Turgeon confirmed she would forward it to the Mayor. She advised that the community committees would work on filling any holes that may exist; however, she opined that the presentation was a good template. Ms. Turgeon reiterated that it included a comparison of the projected enrollment, the cost of transportation and debt service costs versus the capital fund.

Councilmember Shea opined that there was a conflict between eastern and western Loudoun County. She asked how much this affected this decision. Ms. Turgeon confirmed it affected it a lot. She noted that there was a misconception about what western Loudoun County was and was not; and, advised that it was that Middleburg "had money". Ms. Turgeon opined that this misconception was being dispelled as people began to realize that there was a variety of incomes throughout the County. She opined that the biggest issue was the discrepancy between class sizes. Ms. Turgeon noted that Middleburg's classes were smaller; however, they were close to average. She reported that the argument from those in the east was that they had twenty-eight students per class. Ms. Turgeon advised that the School Board wanted an average of twenty. She noted that she was asking whether people were suggesting sacrificing a school that was in a good position to save another. She opined that each sector of the County had issues and noted that traffic concerns were greater in the east. Ms. Turgeon noted that people did not say "you live in a congested area so deal with it"; however, western residents were told to deal with the fact that

they lived in a rural area and their children may have to travel to school. She advised that this not fair; and, noted that there were challenges on both ends of the County. Ms. Turgeon advised that this was not just about driving an extra mile to school. She acknowledged the irony of the situation, having recently gone through a boundary adjustment process in Brambleton in which the School Board received complaints from parents about going a mile to school versus half a mile. Ms. Turgeon suggested that driving from one school to another in the eastern portion of the County may not be a big deal as they were all close together; however, in this area, there were twenty-five different stops to the school, some of which were off the road. She noted that children in this area did not have the ability to walk to school; therefore, they required more door-to-door pick-ups. Ms. Turgeon explained that these were the differences she was trying to get people to realize. She suggested the members of the School Board needed to get on a bus run so they could see this for themselves.

Mayor Davis noted that this was an emotional issue as it involved children. She further noted that parents understandably became defensive, which made it a harder issue to deal with. Ms. Davis advised that she understood both sides of the issue.

Ms. Turgeon opined that regardless of school size, everyone should be concerned about the children. She noted that small schools tended to be an easy target.

Councilmember Murdock thanked Ms. Turgeon for appearing before the Council. She noted that it was wonderful to hear her say that she was not in favor of closing the school. Ms. Murdock advised that some years, people here have been in tears. She agreed this was about the children; however, it was also about communities and towns. Ms. Murdock opined that if Middleburg lost the elementary school, it would change the character of the town. She noted that the school was a core of the future generation. Ms. Murdock advised that it was not just about the school and the number of students who attended, but was about its presence in the community.

Mayor Davis noted that when Ms. Turgeon first ran for office, they spoke and this was the largest issue they discussed. She expressed appreciation for her understanding of the issue.

Ms. Turgeon noted that Ashburn's representatives were big on "community". She further noted that she had lost battles because communities were so important. Ms. Turgeon advised that this was what they based their arguments on.

Councilmember Snyder suggested it was also a matter of tax fairness as town residents paid county taxes, the majority of which supported the school system. He advised that if someone told him that he must pay the same taxes as others yet he could not have a school in his community, he would not want to pay taxes.

Mayor Davis noted that Middleburg also provided the County with sales tax revenue.

Ms. Turgeon advised that Loudoun County Supervisor Janet Clarke was working on similar issues with the Board of Supervisors with regard to transportation funding. She noted the amount of people in both eastern and western Loudoun County and the amount of land in each, which impacted the tax revenues. Ms. Turgeon advised that the impact on services was greater in eastern Loudoun. She noted that no one would dream of taking away transportation funding in eastern Loudoun County because they lived in a high density area, yet residents in western Loudoun were told "you are rural so you must do without".

Mayor Davis thanked Ms. Turgeon for coming before the Council. She expressed her appreciation for Ms. Turgeon's understanding of the situation.

Ms. Turgeon reported that there was a group that was working on an application to make Middleburg Elementary School a charter school. She noted that they were also working to ensure it would be for the community. Ms. Turgeon advised that there were issues at the state level upon which the group was working. She reported that they have asked questions of her; however, this did not mean she had given up the fight to keep the Middleburg Elementary School open.

Councilmember Shea asked Ms. Turgeon to provide some information on charter schools. She noted that she heard a rumor that it would not be a public school.

Ms. Turgeon explained that a charter school was a public school that was funded with public dollars. She further explained that it was operated under an agreement between the school and the school system; therefore, the school would have a lot of autonomy. Ms. Turgeon advised that charter schools received close to one hundred percent of the cost-per-pupil funding.

Mayor Davis opined that it was eighty percent.

Ms. Turgeon confirmed it was higher. She noted, however, that the amount was set in the agreement. Ms. Turgeon opined that it was typically in the mid-ninety percent range. She noted that a small amount of the per pupil figure was not provided to charter schools, as it covered debt service and upper administrative costs that charter schools did not have as they did not utilize those services. Ms. Turgeon reiterated that a charter school was a public school that had access to the same resources as other public schools. She further reiterated that they operated on a contract; therefore, everything was negotiable. Ms. Turgeon advised that charter schools set their own schedules and classes. She noted that the students must, however, take SOL testing.

Town Administrator Semmes asked how much the School Board would save through a charter school. Ms. Turgeon advised that this would depend on the school. She noted that under the typical agreement, if the School Board owned a building that was not being used, the charter could obtain it free of charge. Ms. Turgeon advised that any renovations would be the responsibility of the charter school. She noted that charter schools were open to opportunities for funding from outside sources that wanted to participate but did not want to give a grant to a large school system. Ms. Turgeon advised that if an organization found a school that was focusing on a certain item that it wanted to fund, such as a science, it was easier to fund if the school was a charter. She opined that they may even receive more funding than they would as a part of the Loudoun County Public School System. Ms. Turgeon advised that charter schools were not required to offer transportation whereas the Loudoun County Public School System was. She noted that charter schools could provide a combination of transportation systems, in that they could utilize collection points. Ms. Turgeon advised that charter schools had more flexibility.

Councilmember Shea opined that the charter school must do what was put in the charter but that the charter was flexible.

Ms. Turgeon advised Council that the School Board was open to charters. She noted that the last application was a concern because it did not contain a curriculum. Ms. Turgeon noted that the group that put the application together said they would develop one once the charter was approved. She advised that the charter was set for approval in February and the school was scheduled to open in the fall. Ms. Turgeon explained that, as a result, the application was denied.

Councilmember Shea noted that Ms. Turgeon alluded to making sure the school would be a community school. She noted that a group was working on doing so.

Ms. Turgeon explained that the law was written to say that charter schools must be populated by a lottery that was open to all students in the County. She advised that a group was working on this item to change the law. Ms. Turgeon reminded Council that Middleburg Elementary School has been an open enrollment school; however, there has not been a large influx of students. She expressed hope that a specialized program could be developed that may draw in students that wanted specialized attention. Ms. Turgeon noted that they were talking about having math and music as the focus.

Councilmember Murdock noted that there were efforts underway to grandfather the current students. Ms. Turgeon reiterated that a group was working on changing the State law to allow this to occur. She noted that some people were worried about developing the charter school, only to find their children were not able to attend. Ms. Turgeon advised that the administration at the State level was pro charter. She reported that Senator Vogel was working with them, as well as with the Western Loudoun Community Endowment. Ms. Turgeon reiterated that the State law currently determined attendance through a lottery system. She noted that there were areas where this requirement has been lifted. Ms. Turgeon advised that the law recently changed in that the requirement that the application must go to Richmond has been lifted, with the applications now going straight to the School Board. She opined that this should be a local decision.

Councilmember Hazard advised that he was in favor of keeping the school as is. He asked whether the School Board would take into account not just the population but the tax base when they conducted their analysis. Ms. Turgeon reported that they have not yet done that. She noted that she and Janet Clarke have talked about doing an analysis of the tax base.

Town Administrator Semmes suggested the need to look at the commercial tax base. She noted that Middleburg contributed to Loudoun County. She further noted the need to look at what it received for those taxes in terms of services.

Councilmember Snyder opined that Middleburg was educating a lot of children in eastern Loudoun County.

Ms. Turgeon advised that the impact on having fewer residents was significant in terms of services, when compared to areas with a large number of residents. She suggested that all of that needed to be analyzed.

Town Administrator Semmes suggested it would be good to have a town government representative on the committee because of the perspective and information they could provide regarding services and the tax base. Ms. Turgeon agreed.

Town Administrator Semmes suggested the School Board first look at redistricting given the small amount of money that would be saved through a charter. She noted that this would also help Banneker. Ms. Semmes advised that this may not achieve the student population numbers the School Board was seeking; however, she noted that she did not know whether a charter would either.

Ms. Turgeon confirmed the School Board was looking at two items. She noted that the capacity for the Middleburg Elementary School was one hundred thirty-seven students. Ms. Turgeon advised that some members of the School Board had issues with that as they were seeking economies of scale.

Town Administrator Semmes opined that the issue was the per-pupil-cost, not number of students.

Ms. Turgeon opined that this needed to be analyzed deeper.

Town Administrator Semmes opined that a community committee was a great idea. Ms. Turgeon advised that she would make sure someone from the Council was on the committee. She further advised that if the Council had any input or suggestions on what they thought would be valuable to consider, it would be good to have it.

Ms. Turgeon promised to keep the Council updated on this issue.

Discussion – Request to place Recreational Amenity in Conservation Easement – Salamander Resort

Town Planner Beniamino reminded Council that during their last meeting, they asked for more information, which he tried to provide over the last several days. He advised that the staff was working with the Potomac Conservancy on this request and met last week on the site with a representative from the Virginia Department of Forestry to walk the course. Mr. Beniamino noted that the Department of Forestry has issued letter saying there was no negative impact to the conservation easement due to the ropes course. He reported that they would meet tomorrow with a representative from the Virginia Department of Game and Inland Fisheries on any potential impact to the wildlife.

Town Planner Beniamino reported that the Potomac Conservancy had expressed an additional concern that must still be addressed, that being the size of the zip line and if any land remained, the amount that Salamander would retain within the easement. He advised that the Conservancy's committee was scheduled to meet in August and its full board was scheduled to meet in September. Mr. Beniamino reported that the Conservancy has said the Town would likely not get a recommendation until that time. He noted that Salamander has asked that their board meet sooner; however, there were no guarantees it would do so. Mr. Beniamino advised Council that Joe Durang, of Empower, was available with a short video that showed a zip line in Middletown, CT so the Council could see how it operated. He noted that the video showed what a zip line looked like and its impact in a way that plans did not show. Mr. Durang played the video.

Town Planner Beniamino asked whether the video provided the Council with a better idea of what the zip line would entail. He noted that it was a combination of a zip line coupled with a ropes course.

Councilmember Murdock questioned the issues that the Potomac Conservancy has raised. Town Planner Beniamino noted that they were waiting until they received independent ascertainment of the impact on the conservation easement. He reiterated that the Department of Forestry has said there would be no impact. Mr. Beniamino noted that the Department of Game and Inland Fisheries was scheduled to walk the course tomorrow. He advised that once the Potomac Conservancy had their opinion, they would be able to address the issue of whether the course would damage the conservation easement. Mr. Beniamino reiterated that the Conservancy had concerns about the size of what would be approved. He reminded Council that under the terms of the conservation easement, Salamander was given four acres of the site to develop with a course. Mr. Beniamino explained that the Conservancy wanted to work with Salamander to determine how much of this would be used. He reminded Council that the easement was co-held by Salamander, the Conservancy and the Town; and, noted that all three bodies must be in agreement before something could be approved within the easement. Mr. Beniamino advised that the Council could not approve the course and must wait for the Conservancy to issue its determination.

Councilmember Murdock asked whether four acres could be developed. Town Planner Beniamino confirmed it could under the easement. He reiterated that they were working to determine the amount of acreage that would be covered through this request; and, noted that Salamander was proposing the course encompass a ten foot swath of land.

Town Planner Beniamino noted that normally, someone would clear a four acre polygon; however, in this case, the course was more of a linear one. He advised that the Potomac Conservancy was not used to that type of use; therefore, they were trying to determine how much land would be encompassed and how much would remain that could be developed in the future. Mr. Beniamino reminded Council that Salamander indicated there would not be a lot of impact as the course was located in the trees.

Councilmember Murdock asked whether it was correct that the zip line would not be four acres in size. Councilmember Shea noted that a different formula was required to calculate the amount of land.

Councilmember Murdock asked whether the access to the course would count in the calculation. Town Planner Beniamino confirmed it would not.

Prem Devadas, of Salamander Hospitality, confirmed they would access the trail by walking through the woods. He noted that he attended the last walk through; and, noted that those present said that, as designed, the plan would have less impact than if the resort used the four acre block that could be disturbed. Mr. Devadas explained that the representative said it would cause less of a disturbance because they were not taking out a block of trees. He advised Council that the Potomac Conservancy was relying and basing their opinion on the expert opinions from the Department of Forestry and the Department of Game and Inland Fisheries. Mr. Devadas noted that the report from the Department of Forestry was very positive; and, advised that it not only said the course would not disturb the forest but also that it had positives associated with it. He opined that the representative from the Department of Game and Inland Fisheries would say the same. Mr. Devadas advised that this had a lot to do with the fact that the ground would not be disturbed, which was key from a wildlife standpoint. He noted that the tree canopy would not be disturbed, which was where wildlife could also be found.

Councilmember Murdock asked whether the Potomac Conservancy saw the video. Mr. Devadas confirmed they received a longer version.

Councilmember Shea inquired as to whether the question had been addressed regarding the location of the restroom. Town Planner Beniamino advised that he was still awaiting a response from the Potomac Conservancy.

Councilmember Hazard questioned the Potomac Conservancy's role. He asked whether they must approve this request. Councilmember Snyder confirmed they did as they co-held the easement.

Town Planner Beniamino explained that the idea of a conservation easement was raised when the Council approved the resort so a subsequent Council could not make decisions without the other agency agreeing. He advised that the system was working as it was designed. Mr. Beniamino noted that the Conservancy had more on their plate; therefore, the Town must wait for their recommendation. He noted that there were legal provisions that explained what happened when the parties did not agree. Mr. Beniamino advised that the staff was working to secure an official letter from the Potomac Conservancy.

Councilmember Hazard asked whether it was correct that this could be in September. Town Planner Beniamino reported that the Conservancy's board was scheduled to meet the first week in September. He reiterated that their staff had asked the board for an earlier meeting date; however, they could not guarantee this would occur. Mr. Beniamino noted that he requested a realistic timeline that he could take to the Council. He reiterated that the approval by the Potomac Conservancy could occur sooner.

Councilmember Snyder noted that when the Potomac Conservancy was here for the last meeting, he asked them to try to take care of this request expeditiously. He further noted that they did not provide an answer. Mr. Snyder opined that they did not know what schedule they could meet, which was why they did not.

Mr. Devadas advised that he was impressed that the Conservancy moved quickly to get the State representatives here. He expressed hope that when the last report came out that their board would act quickly. Mr. Devadas advised Council that he asked that the board move their meeting up due to the timing of the opening of the resort.

Councilmember Murdock questioned the length of time needed to build the course. Mr. Durang confirmed it would take six to eight weeks.

Mr. Devadas reported that he had a group from the New York Stock Exchange booked for September 25-27. He advised that they were very straight forward with them when they booked four months ago in letting them know they were working to get the course approved but there was no guarantee. Mr. Devadas expressed hope that it would occur as it would be a memorable experience for that group.

Town Planner Beniamino reported that he would provide the Council with an update during their next meeting. He advised that he would continue to send whatever documents he received.

Mr. Devadas noted that an issue of discussion continued to be about the acreage and what was left. He advised that he measured the course to be less than an acre; however, the Conservancy has interpreted it at one and a half acres, which was still less than the four acres the resort was allowed to develop. Mr. Devadas expressed a belief that the Conservancy would ask Salamander to give back some of that acreage to ensure less of an impact on the easement. He advised that this would be something he would deal with when it came; and, noted that he was not necessarily opposed to it.

Discussion – Parking on Pendleton Street

Town Administrator Semmes advised Council that since they last discussed this issue, the Police Department conducted a study. She reported that citizens have come in to ask about the parking and when the staff explained what was being proposed, they all agreed with the proposal. Ms. Semmes advised that they then asked why the bakery kept saying “the Town was taking away their parking”.

Councilmember Murdock noted that she has been telling people that the Town was taking away two spaces; however, it was giving three in their place.

Councilmember Littleton noted that he had held similar conversations with citizens. He advised that people have point out to him that the bakery had on-site parking; however, it was always full. Mr. Littleton noted that he told them it was the owner who was parking there.

Police Chief Panebianco reported that the Police Department looked at the intersection during the test. He advised that while he did not get a picture of a truck turning left toward Washington, DC, he did see one and the driver was able to easily make the turn. Chief Panebianco noted that he did get a picture of a box truck making a turn. He reported that every time a vehicle made a turn, it was within the boundaries of its travel lane. Chief Panebianco advised that he tried to depict the typical path of the cars in the photographs. He reported that even when a car was coming out of the Safeway, it went into the travel lane even when the Town's SUV was parked in the proposed space. Chief Panebianco opined that the proposed new parking space was safe. He noted that concern was previously expressed about what would happen when a car that was parked in the space pulled out. Chief Panebianco reported that when pulling out of the space, the vehicle went into the travel lane, which was normal for any intersection.

Mayor Davis opined that even if a car was parked in the proposed space, a truck coming out of the Safeway could still make the turn. She asked how they made the turn if two cars were parked in the spaces in front of the bakery. Chief Panebianco reported that the cars were going into the opposite travel lane to make the turn. He advised that this turn movement was easier without having cars parked in front of the bakery.

Councilmember Shea opined that the most telling picture was one with a truck in front of the bakery and one behind it. She noted that one could see the cars were parked in the travel lane.

Chief Panebianco advised that over the years, motorists have adjusted to the situation; therefore, there were not a lot of accidents. He noted, however, that there were a lot of near accidents.

Councilmember Shea noted that the residents knew what happened there; however, visitors from elsewhere did not know what to expect.

Mayor Davis noted that the Council was hearing complaints from people about the danger of this area and that they could not get out of the Safeway. She further noted that the Council was trying to fix this situation. Ms. Davis acknowledged a letter the Town received indicating that the spaces had been in existence since the 1980s; however, she noted that the traffic was different now. She reiterated that people were saying "this is a hazard". Ms. Davis reminded Council that these were not legal parking spaces and advised that it was up to the Council to do something about this situation.

Chief Panebianco noted that the Council did not arbitrarily eliminate the spaces and has taken a lot of effort to find a resolution. He noted that they have looked at adding a spot and changing others. Chief Panebianco reported that in his twenty-four years of law enforcement services, he had not seen a Council work harder to find a solution that was equitable to all. He acknowledged that they had a difficult decision to make; however, either way, the Council should feel good about what they have done as they looked at the big picture to see how they could resolve the problem in a way that was equitable for the vendor and the Town. Chief Panebianco noted that while there had not been an accident, if a child was hit, the liability would be on the Council because they did not take action to make the area safer. He opined that they were doing the responsible thing. Chief Panebianco advised that the staff was also working to help find an equitable resolution.

Councilmember Hazard noted the gravel parking lot for the bakery. He asked whether it was safe for motorists to park there since they must back out into the street. Chief Panebianco reported that without vehicles parked in front of the bakery, this movement would be safer as there would be a good line of sight and the road was not long enough for cars to build up speed. He reiterated that the movement was safe as long as no vehicles were blocking the line of sight.

Councilmember Hazard noted that an option for the Stines, in addition to the three spaces the Town would provide, was to use their parking lot.

Councilmember Shea noted that people have been parking at the Safeway and walking across the street since the 1980s.

Councilmember Littleton opined that these changes should have been implemented a long time ago. He noted that he would feel guilty if something happened to someone.

Mayor Davis noted that it was important for the public to understand that this was not just an arbitrary decision nor was it being done because of the Salamander Resort. She further noted that this was something the Council has known should be done. Ms. Davis advised that there have been more issues at this location lately as there has been more traffic.

Councilmember Murdock noted that she was almost involved in an accident at this location months ago. She advised that the traffic was not just limited to the summer.

Councilmember Shea advised that overall most of the public, including those who testified during a Council meeting, have said “they did not understand what was going on”.

Councilmember Murdock noted that the message that was being sent around town was that a business would be shut down if the changes were implemented. She reiterated that she told people that the Town was taking away two parking spaces and giving back three, including one on the same side of the street. Ms. Murdock advised that she also pointed out that there were other businesses in town that were in the same industry; however, they did not have designated parking. She noted that people wanted to get into the other businesses quickly as well.

Councilmember Shea opined that the Council was in agreement with the need to make some changes. She questioned the next step in the process.

Councilmember Murdock suggested the Council implement a trial period, with temporary signage.

Councilmember Shea opined that the Town could not do that; and, suggested that as long as the situation was temporary, there would be all kinds of anger. She recommended the Council implement the changes and take responsibility for its decision.

Chief Panebianco advised Council that the Police Department would assist by educating motorists as opposed to ticketing them. He noted that when the changes took place, he intended to put an officer at this location to verbally remind people of the changes.

Mayor Davis suggested it be announced in advance that the changes would take place starting xx date.

Councilmember Shea suggested the announcement indicate that parking would no longer be allowed here; and, while parking would not be allowed, tickets would not be issued until xx time.

Chief Panebianco expressed concern about the danger of such a notification if an individual was injured during that period.

Councilmember Littleton suggested the Town paint the curb and replace the two minute parking sign with one that said “parking forward to the right”.

Councilmember Murdock inquired as to how long it would take to make the signs. Town Administrator Semmes confirmed they would be off-the-shelf signs; and, simply needed to be ordered.

Town Clerk North reminded Council that the Town Code identified parking on North and South Pendleton Streets as eight hour parking. She suggested the need to amend the Town Code.

Town Administrator Semmes noted that short term parking was not designated in the Town Code. She opined that this could simply be done. Ms. Semmes recommended the remaining spaces beside the Safeway be changed to two hour parking, which would require a Code amendment.

Councilmember Snyder suggested the meters be removed for the two spaces beside the Safeway, with those spaces being designated for fifteen minute parking.

Mayor Davis noted the need to designate the other two spaces as two-hour parking. She agreed this was important as it would ensure that cars would not park there all day long.

Town Administrator Semmes advised Council that she would check with the Maintenance Superintendent to determine the length of time needed to get the new signs and paint the curbs.

Councilmember Murdock questioned the term for parking in the short term spaces. Chief Panebianco opined that ten to fifteen minutes was reasonable.

After some discussion, the Council agreed the three spaces should be identified as fifteen minute parking spaces.

Town Administrator Semmes recommended the language on the sign match the language on the sign used on South Madison Street.

Councilmember Shea noted the need to amend the Town Code. She asked whether it needed to be changed for the fifteen minute parking. Town Administrator Semmes noted that the Code change was only needed to change the eight hour meters to two hour ones. She opined that this was not as important.

Councilmember Shea noted the need to look at potential locations for other fifteen minute spots in town. Councilmember Snyder recommended this be done first.

Town Planner Beniamino reported that the Town had grant money to develop a transportation plan. He advised that one component of that plan was to look at the timing of the parking spaces and whether they could be relined to create more spaces. Mr. Beniamino advised that the study would determine whether the spaces were being utilized in the most appropriate manner. He opined that within a couple of months, the Town would have a good transportation plan. Mr. Beniamino recommended the Council wait until the plan was received so it could see the recommendations from the consultant and the Planning Commission.

Mayor Davis asked that the staff make sure the Commission knew the Council wanted options for other fifteen minute parking spaces.

Councilmember Shea asked that the Police Chief look at areas where this needed to happen.

Town Administrator Semmes reported that she had spoken with the Chief about how well the existing spaces were working.

Councilmember Murdock asked that the study include the idea of parking spaces for compact cars only. Town Planner Beniamino confirmed the size of the spaces would be considered in the study.

Councilmember Shea opined that she attended a meeting when this was discussed. Town Planner Beniamino reiterated that this item was folded into the transportation plan.

Councilmember Murdock returned the discussion back to the parking spaces on Pendleton Street. She asked whether the Council needed to vote on the changes.

Town Administrator Semmes suggested the Council direct the staff to paint the curb and order the signs.

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council direct the Town staff to add fifteen minute parking spots to be located on Pendleton Street, one space to be on one side of the bakery and two to be on the side of the Safeway.

Councilmember Shea amended the motion, seconded by Councilmember Murdock, to eliminate all of the parking in front of the bakery.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

(Mayor Davis only votes in the case of a tie) (on motion as amended)

Councilmember Shea reported that Jim Stine was verbally abusive to some members of the Town staff while they were performing their duties. She noted that he interfered with the performance of those duties.

Town Administrator Semmes noted that those duties had nothing to do with the Pendleton Street issue.

Mayor Davis asked the staff to contact the Stines to let them know of the Council’s decision. Town Administrator Semmes confirmed she would after she spoke with the Maintenance Supervisor regarding the timing of the changes.

Councilmember Shea recommended the Town Administrator be given a day to work out the details of the changes so she would have them when she spoke with the Stines.

Councilmember Hazard asked that the Town Administrator tell them that this would happen when the Town had the signs.

Town Administrator Semmes advised that the curb would not be painted until the Town had the signs.

Mayor Davis asked how the Town would educate the public. Chief Panebianco recommended something be placed on the Town’s website and on Facebook. Town Clerk North recommended the Town issue a press release.

Councilmember Shea recommended the wording talk about the new parking spaces.

Mayor Davis asked that it be clear that given the issues raised by the citizens that the Council was relocating the two existing spaces and adding an additional one. She asked that this information be distributed soon; however, she asked that the Stines be told of the changes first. Ms. Davis noted that part of what Mr. Stine has been saying was that he did not know about this, even though he knew it was coming.

Councilmember Shea reminded Council that they did not start the conversation regarding parking on Pendleton Street. She noted, however, that they took it on because there were issues. Ms. Shea reminded Council that the agendas were distributed ahead of the meeting; and, opined that it was not the Council's responsibility to read the agenda to people.

Mayor Davis suggested the Council give courtesy if it was removing "spaces".

Town Administrator Semmes reported that she had kept the Stines apprised of the situation. She noted that she let them know the Town was doing tests and provided them with copies of the staff reports. Ms. Semmes advised that she explained what the Town was doing. She further advised Council that Mr. Stine said he was thinking of tearing down the building. Councilmember Shea noted that this was a business decision.

Mayor Davis noted that people have said that, in the future, it would be nice to talk to the owners first. She further noted that the Town did so; however, this was the information that people were being told.

Councilmember Shea noted that the Council held conversations about these changes years ago.

Councilmember Murdock asked about the attorney representing the Stines. She asked whether he should be notified of the changes.

Town Planner Beniamino advised Council that his name was mentioned on the bakery's bulletin board so he called the attorney to let him know that this issue came from the Planning Commission. Mr. Beniamino reminded Council that a proffer amendment from Salamander was taken to the Commission and in reviewing it, the Commission raised the issue of the parking. He further reminded them that he then took their recommendation to the Council. Mr. Beniamino noted that the Council could have said "no"; therefore, it was not the right time to invite people into the discussion the first time it was held. He noted that once the Council considered it and took the Commission's recommendation seriously, the Stines were brought into the discussion. Mr. Beniamino advised that when he contacted the Stines' attorney, he was told that the Stines said "they no longer wish to have his services".

Mayor Davis asked that the staff let the Stines know what was happening. Town Administrator Semmes confirmed she would continue to do so.

Councilmember Snyder asked that the staff prepare a press release when it knew more and could put out something meaningful. Councilmember Murdock asked that the Council review the press release before it was issued.

Discussion – Amendments to Zoning Ordinance Pertaining to Interior Landscape Islands in Parking Lots

Town Planner Beniamino advised Council that the Planning Commission was working on an amendment related to interior landscape islands for parking lots; and, explained that they desired to increase the landscaping requirements for impervious surfaces in town. He reported that the Commission spent months talking about how to do so and were proposing to increase the

landscape requirement from 5% to 10%. Mr. Beniamino advised that this would leave flexibility as to where the landscape could be placed as long as it was within the boundaries of the parking lot. He reported that the Commission forwarded some proposed language to the Council to initiate a zoning text amendment. Mr. Beniamino asked that the Council forward this back to the Planning Commission for public hearing on the initiation of a zoning text amendment.

Councilmember Snyder moved, seconded by Councilmember Shea, that the Council forward a request to the Planning Commission to initiate a zoning text amendment.

Councilmember Murdock asked whether this text amendment would affect the office building at Jay and Federal Streets. Town Planner Beniamino confirmed it would not.

Councilmember Shea noted that the language stated that the full canopy of the trees must be entirely within the parking lot. She asked whether the developer could chose to have the canopy come out over the lot. Town Planner Beniamino confirmed he could; however, he would not get credit for any cover outside of the parking lot. He explained that the idea was not to plant trees on the periphery of the parking lots so only a portion covered the parking lot. Mr. Beniamino reiterated that the developer would only get credit for the portion of the tree canopy that was on the parking lot.

Councilmember Snyder noted a typo in Section (2)(c). He advised that the word should be “sight”, not “sign”.

Councilmember Shea asked whether the staff was comfortable that the calculation could be done. Town Planner Beniamino confirmed he was not.

Town Administrator Semmes inquired as to what the staff was asking of the Council. Town Planner Beniamino advised that he was asking the Council to initiate the zoning text amendment.

Town Administrator Semmes noted that the Planning Commission was actually initiating the zoning text amendment.

Town Planner Beniamino explained that he wanted to make sure the Council was comfortable with the proposed amendment.

Town Administrator Semmes suggested the staff bring the Council some exhibits to show them what the proposed canopy area would be like. She noted that she was having trouble envisioning what was proposed. Ms. Semmes suggested that if the entire canopy of the tree was within the parking lot, the only way to do this was if the tree was in the middle of the parking lot.

Councilmember Shea advised that her thinking was that the Town could not say the entire canopy of the tree must be on the parking lot. She suggested this was not feasible.

Town Planner Beniamino agreed. He explained that the point of the regulation was that if the developer wanted the tree canopy to count toward the requirement, only the portion of the canopy that was over the parking lot would count toward the equation.

Councilmember Shea opined that what the Town Planner was saying was clearer than what was in writing.

Councilmember Hazard reported that the discussion started with the tendency to tell the developer exactly how to do this; however, the Town Planner said if they did it that way, it would take away the developer’s flexibility. He advised that after some debate and working on the

language for months, the Commission proposed the language before the Council. Mr. Hazard agreed the wording was not perfect. He explained that the spirit was that Middleburg was a rural area and the Commission wanted to maintain that feeling. Mr. Hazard further explained that they wanted to make sure that if there were large parking lots that they not contain massive areas with no trees.

Town Administrator Semmes suggested the language state something to the effect that at maturity, the trees would provide a certain amount of canopy cover. She noted that there were ordinances that did that rather than saying plant the tree so its entire canopy was in the parking lot. Ms. Semmes advised that a lot of ordinances talked about how much of the lot was shaded.

Councilmember Shea advised that she could support the idea from an environment perspective of keeping the asphalt's exposure to the sun down; however, the wording was not acceptable. She suggested the need for a clearer picture from the Planning Commission.

Town Administrator Semmes suggested the Council agree with the idea and let the Planning Commission work on it and initiate and make a recommendation. The members of Council agreed.

Discussion – Amendments to Town Code Pertaining to Adjustments for High Water Bills

Town Clerk North advised Council that she put the proposed language into ordinance form and included the tweak discussed during the last meeting. She noted that this tweak clarified that the customer must request the adjustment before the due date of the bill.

Councilmember Shea asked that the word “any” be replaced with the word “the” in Section 113-26(E) as the use of the word “any” made it sound like the Treasurer would capriciously decide on the amount of the adjustment. The remainder of Council agreed.

Councilmember Shea noted that the proposed ordinance stated that “...only if the water consumption exceeded fifty percent..” She asked whether this was the correct amount. Councilmember Snyder opined that it was. He noted that this was a policy decision.

Councilmember Hazard noted that this applied to bills that were fifty percent or more higher.

Mayor Davis noted that fifty percent showed there really was an issue. Councilmember Snyder suggested that fifty percent proved there really was a leak.

Councilmember Shea noted the use of the phrase “only if”. She asked for the removal of the word “only” in this section.

Councilmember Hazard noted that this item was discussed during the Planning Commission meeting. He advised that at that time, the Town Clerk pointed out that the homeowner was responsible for the service lateral beginning at its connection at the main. Mr. Hazard noted that his understanding was that it started at the meter. Councilmember Snyder agreed.

Town Administrator Semmes confirmed it did not. She noted that for years, including when she worked for the Town previously, the Town has required that the entire private lateral be the property owner's responsibility.

Councilmember Murdock asked for an explanation of what was being discussed. Town Administrator Semmes explained that the homeowner was responsible for the maintenance of their own service line from the main to the house.

Councilmember Snyder noted that the Town only measured water consumption at the meter. He asked how the homeowner could be responsible for water lost in the street.

Town Administrator Semmes advised that there were two different issues.

Councilmember Hazard agreed this was a separate issue. He explained that since the Council was already talking about changes to the water ordinance, he thought he would raise the issue. Mr. Hazard noted that this did not have to be decided as a part of this discussion; however, he wanted to raise the point. He advised that if the lateral connection was seventy-five feet from the house, the homeowner was responsible for its maintenance. Mr. Hazard questioned whether this was equitable.

Town Clerk North noted that the homeowner was not just responsible for the maintenance, but was also responsible for the installation under the Town Code. She advised that this was different than what she was used to; and, explained that she was used to the homeowner being responsible for the line from the meter to the house.

Town Administrator Semmes opined that homeowners were usually responsible for installing the entire line, but only for maintenance from the meter. She advised that in Purcellville, the homeowner was only responsible for maintenance from the meter.

Mayor Davis asked where the meter was located. Councilmember Hazard advised that it was usually located on the property somewhere.

Town Administrator Semmes noted that this was where it became complicated. She advised that this was also where it became expensive; and, opined that this was why the Town Code was written as it was. Ms. Semmes cited an example of a case in Purcellville, with Purcellville being responsible for the service lateral from the main to the meter; and, advised that in this case, the meter was a great distance from the main, with the Town digging up an entire property and the street to repair a leak.

Mayor Davis reported that the Fun Shop experienced an expensive repair as the result of a leak in the lateral, which required that it to be repaired all the way to the main on Federal Street.

Councilmember Murdock asked whether the Fun Shop owned the land out to Federal Street. Mayor Davis confirmed it did. She noted that the meter was located by the building.

Councilmember Shea noted that a property owner would not know about a leak between the main and the meter unless it stopped the flow of water coming into the building. Town Clerk North noted that the Town recently experienced this situation and advised that the only way the leak was discovered was because the property owner was experiencing low water pressure.

Councilmember Snyder advised that in those cases, he recommended the Town move the meter to the location where it wanted to maintain and monitor the meter.

Town Administrator Semmes opined that it was admirable to make the change if the Town could afford it as it was a more common practice for the Town to assume responsibility for the lateral between the main and the meter. She suggested that if it did so that it do so for meters located within the right-of-way or within an easement as close to the right-of-way as possible. Ms. Semmes further suggested that if a property owner wanted the Town to be responsible for the lateral from the main to the meter that they should move the meter closer to the street so the Town would have less liability.

Councilmember Murdock questioned the location of the meters. Councilmember Shea noted that it differed depending on the property.

Councilmember Murdock advised that in the last couple of months, she had heard about five people who had extraordinary water bills.

Town Administrator Semmes asked whether they spoke with the Town Treasurer about it. Councilmember Murdock confirmed they did; however, they were told “it was their problem”.

Town Administrator Semmes asked whether the problem was the result of a leak. She noted that when the Town received those calls, they sent Loudoun Water out to check the meter.

Councilmember Murdock reported that a new resident received a huge bill and was told they had a leak.

Councilmember Littleton noted that it was probable that the toilet was bad or had a bad flapper. He advised that if the individual called the Town, they could check the meter to see if it was running.

Councilmember Murdock noted that this occurred when her mother received a high bill. She advised that they checked everything but never found a leak.

Councilmember Littleton asked whether they turned the water off where it came into the house. He further asked whether the meter continued to run after that.

Councilmember Snyder noted that this was a good point and would show whether a leak existed between the meter and the house.

Councilmember Murdock advised that other than changing the Town Code, the Town needed to take care of the customers to help get them to a solution, regardless of whose fault the high bill was, as opposed to simply saying “this is a running toilet”.

Councilmember Shea noted that the Council was trying to develop a policy that was standard so the Town could help in those instances. She suggested the Council direct the Town Treasurer to say that the policy was to ask the homeowner to check for leaks, with the Town also checking for leaks. Councilmember Snyder agreed. He noted that water was expensive; and, advised that it could be being used without a thought for the cost.

Councilmember Snyder recommended that, with the amendments that have been proposed, the Council should adopt the ordinance.

Councilmember Shea noted that the ordinance said that the customer must notify the Town by the due date of the bill if they wanted an adjustment. She asked what would happen if they were traveling and did not get the bill until after the due date. Councilmember Littleton suggested that if they were traveling, they should turn the water off. Town Clerk North advised that if the customer had not come in before the due date, the bill would be past due.

Councilmember Shea questioned when the bill was received. Town Clerk North advised that they would get it every two months starting in July.

Councilmember Shea asked what would happen if she left two days before the bill was received and did not return for a month. Town Clerk North advised that the customer would be late paying the bill. Mayor Davis suggested they should contact the Town Office in advance if that was the case. Councilmember Littleton suggested that if the homeowner knew they were leaving for a month, no one was going to be in the house and did not cut the water off, it would be irresponsible. Councilmember Snyder agreed.

Councilmember Shea advised that she knew of people who left for a period of time and returned to find that they had a huge bill. She noted that she just wanted the Council to have discussed the section that required that the property owner notify the Town before the bill was due if they wanted an adjustment.

Town Clerk North reminded Council that during the last meeting, the Town Attorney pointed out that there was no deadline included in the draft ordinance for when a customer must seek an adjustment. She further reminded Council that they asked for the insertion of a deadline, with the due date of the bill being chosen.

Town Administrator Semmes questioned the length of time given the customer between the date of billing and the due date. Town Clerk North advised that it was generally thirty days from the date the bill was created.

Town Administrator Semmes opined that Councilmember Shea was having difficulty with the fact that the customer may be away during the period when the bill was due and when the leak must be repaired by.

Councilmember Hazard noted that this applied when a customer was made aware of the leak. He further noted that both conditions in the ordinance needed to be satisfied. Town Clerk advised that they must have the leak repaired within ten days of being notified of the leak.

Councilmember Shea asked what would happen if the ten day period fell prior to the bill being due. She suggested that both requirements be for the same period of time.

Councilmember Hazard suggested that the customer be required to repair the leak within ten days of being aware of it and that they have thirty days to pay the bill.

Town Clerk North advised that the question was how long they would have to seek an adjustment. Councilmember Murdock suggested it should be ten days after they were aware they had a problem.

Councilmember Snyder noted that they only got credit if their consumption exceeded 50% or more of their average water bill. He noted that there were two hurdles to cross.

Councilmember Hazard noted that they had to satisfy both conditions. He advised that if the property owner was not aware of the leak, they would not be responsible.

Councilmember Shea noted that the property owner would not know about the leak until they received their water bill.

Councilmember Snyder noted that they could not seek a credit until they knew they had a leak. He advised that he did not see a conflict.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council adopt an ordinance to amend Town Code Sections 113-25 and 113-26 pertaining to the testing of water meters and user charges pertaining to high water bills due to leaks as amended this evening.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

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

Mayor Davis asked that an item be put on a future agenda to discuss the portions of the service lateral for which the Town and the property owner were responsible.

Councilmember Shea asked that Council be provided the information related to distance requirements at the same time.

Councilmember Snyder suggested the Council wanted something so it could more easily determine where a meter was placed, particularly a new meter. He suggested that in the case of an existing meter, the Town may want to provide an incentive to have the customer move it or the Town may want to move it. Mr. Snyder advised that if the property owner had a meter that was up a steep driveway and he had to repair the line between the main and the meter, he may want to move the meter so he did not have to repair the line.

Councilmember Hazard suggested there were several issues, including who was installing the line and who was responsible for its maintenance. He opined that the Town did not want to be responsible for a line it did not install.

Councilmember Snyder suggested the Town had flexibility for a new connection as it could specify where the meter would be installed. He noted that it needed to be in a location that was convenient for the Town staff.

Town Administrator Semmes advised that no one could make a tap without one of the Town's utility personnel being present. She further advised that the same was true of the meter.

Mayor Davis asked that this be placed on a future agenda.

Councilmember Littleton noted that some meters were associated with multiple lines. He further noted that some were located inside of the buildings. Town Administrator Semmes reported that the Town was trying to eliminate the meters that were located inside of buildings. Town Clerk North confirmed that a number of meters have been removed from inside of buildings as the staff was having trouble reading them if the building was locked.

Town Clerk North reminded Council that if there was a leak between the main and the meter, since the water was not passing through the meter, there was no incentive for the property owner to repair the leak. She noted that the Town was incurring an expense to produce the water.

Council Approval – Declaration of Surplus Property

Councilmember Shea moved, seconded by Councilmember Snyder that Council declare the Town's 2008 Ford F250 XL pick-up truck to be surplus property and direct the staff to sell it at public auction as required under Town Code Chapter 5.

Town Administrator Semmes reported that the new vehicle would cost \$26,500. She advised that if the Town could get \$18,000 for the old one, the net cost would be \$8,500.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

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

Town Council Reports

Councilmember Shea reported that Go Green would kick off its Business Challenge.

Councilmember Snyder reported that the Bluemont Concerts would be held next month.

Discussion

Mayor Davis noted that a luncheon was held to recognize Marvin Simms for his ten years of service with the Town. She thanked the staff for putting it together. Ms. Davis noted that Mr. Simms was given a certificate of recognition and a check. She opined that he was very grateful. Ms. Davis suggested that if the members of Council saw Mr. Simms that they recognize his ten years of service.

Councilmember Shea asked whether the Police Chief was going to do a swearing-in ceremony for the new officer during a Council meeting. Town Administrator Semmes noted that he would not begin work until July 2nd. She asked whether the Chief asked that this item be placed on the July meeting agenda; and, noted that he usually did this at a public meeting.

Town Clerk North reminded Council that Officer Putnam would have to be sworn in by the Clerk of the Circuit Court on July 2nd. She noted that the oath of office before the Council was simply an inform one.

Councilmember Shea noted that the new air conditioning units were installed at the Liberty Street Restrooms. She encouraged the members of Council to take a look at them. Ms. Shea expressed concern regarding the brackets. She reported that the Maintenance Supervisor moved the chair so the legs were not sticking out.

Town Administrator Semmes reported that Mr. Simms was working to get a cover for the exposed cables. She noted that the units looked great on the inside of the building.

Councilmember Hazard reported that he received a request from shop owners on Madison Street to install a directory sign directing shoppers to Madison Street.

Councilmember Shea noted that the existing directory did not list the current businesses.

Councilmember Snyder asked whether the Streetscape Committee could look at this issue. Town Administrator Semmes reported that way finding signage was part of the Washington Street Streetscape Plan. She noted that this would be discussed during the next meeting.

Councilmember Hazard reiterated that the directory board was not current and something needed to be done.

Mayor Davis reminded Council that the directory sign was a test. She explained that the idea was to see whether people would pay attention to it.

Councilmember Shea noted that the obsolete businesses were removed from the directory.

Mayor Davis noted that there used to be a magnetic fox on the electrical box directing shoppers to Madison Street.

Town Administrator Semmes noted that this box belonged to VDOT. She suggested they may have removed it.

Mayor Davis noted that there was also a wooden fox or a planter at this location. She advised that there was something at all of the corners.

Councilmember Hazard noted the need for way finding signage to get more people onto Federal Street.

Councilmember Shea noted the need to move people into other areas of town. She further noted that more shops were opening now that the economy was improving.

Councilmember Murdock requested that the Council be furnished with a list of the committee members' names each time they held a Meet & Greet.

Councilmember Murdock requested that an item be placed on a work session agenda to discuss large trucks that were traveling through residential areas. She noted that she would like to discuss prohibiting through trucks.

Councilmember Murdock announced that there would be a Fourth of July event at the Community Center, which would include a children's parade for the first time. She reported that the parade start time was 6:30 p.m. and advised that there would be prizes for anything that rolled. Ms. Murdock advised that dogs would not be allowed due to the fireworks.

Councilmember Murdock asked that an item be placed on a future agenda to discuss fireworks. She reported that she heard that Salamander would be offering fireworks as a part of their wedding package. Ms. Murdock asked that the Council discuss the number of times a year that fireworks would be allowed. She suggested the Council discuss whether it wanted to regulate fireworks, including the associated noise. Ms. Murdock noted that Middleburg was a horse town and had horses close by.

Councilmember Shea noted that the Town had a noise ordinance. She asked whether this would affect the fireworks.

Councilmember Hazard noted that a permit was required for a special event. Town Administrator Semmes noted that the resort was required to get a permit for outdoor special events.

Councilmember Shea suggested the Council discuss the permit process. She reminded Council that they had a process for special events in a public space. Ms. Shea suggested the Council should determine if it wanted everyone to secure a permit, even if there was no fee associated with it, for any event that affected the Town. She recommended the Council revisit the special events permit ordinance.

Councilmember Murdock suggested the Council discuss this issue before it became a problem. Councilmember Snyder agreed. He suggested that if a private property owner was going to shoot off fireworks, the Town should look at whether it needed to regulate it.

Councilmember Littleton asked whether it was possible to require the individual to secure a fireworks permit. He suggested research to be conducted to determine if this was done in other jurisdictions. Town Clerk North advised Council that the Town of Front Royal required anyone shooting off fireworks to secure a permit, which was issued by the Town Council. She noted that the State's fireworks regulations just became more restrictive within the last year or so.

Councilmember Shea suggested the Council look at these types of issues during the retreat. She noted that she did not want the retreat to be about Salamander and advised that she wanted it to be about the Town. Ms. Shea reminded Council that there would be more public events.

Councilmember Murdock advised that she did not want to address issues when they became a problem, but rather wanted to do so in advance. She suggested the need to be more forward thinking.

There being no further business, a motion was made and voted upon to adjourn the meeting at 8:13 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk