



**MIDDLEBURG TOWN COUNCIL  
REGULAR WORK SESSION MINUTES  
Thursday, January 24, 2013**



**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor C. Darlene Kirk  
Councilmember Kevin Hazard  
Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Kathy Jo Shea  
Councilmember Mark T. Snyder

**STAFF:** Martha Mason Semmes, Town Administrator  
Rhonda S. North, MMC, Town Clerk  
David M. Beniamino, Town Planner  
Cindy C. Pearson, Economic Development Coordinator

**ABSENT:** Councilmember David B. Stewart

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, January 24, 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.

**Council Approval** – Release of Museum Funds – Middleburg Museum Foundation

Mayor Davis reminded Council that the Town has been holding the donations until the Museum Committee obtained its 501(C)3 status, which it has now received.

*Councilmember Shea moved, seconded by Vice Mayor Kirk, that Council authorize the release of the \$925 in donations that have been collected for the development of the Middleburg Museum to the Middleburg Museum Foundation.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Stewart

(Mayor Davis did not vote as there was not tie to require her vote.)

---

**Council Approval** – Resolution pertaining to bond refinancing

Town Administrator Semmes reminded Council that this resolution was needed in order to refinance the bond. She reported that the Middleburg Bank's loan committee has recommended approval of the loan; and, the matter would now go to their Board of Directors. Ms. Semmes advised that the paperwork was underway for the refinancing. She recommended approval of the resolution.

Councilmember Snyder noted the refunded debt service information. He asked what it meant. Mr. Snyder noted that during the last five years of the bond, the payments jumped from \$40,000 to \$200,000. He questioned why this would occur.

Town Administrator Semmes explained that the Town was only paying interest on the bond until the last five years of the loan. She noted that this would continue under the new bond; however, the Town would cut a year off the loan so it would only be a twenty-two year loan. Ms. Semmes reminded Council that this was why the Town was getting so much more in savings than Davenport originally anticipated. She advised them that the bond put would also be for a fifteen year period. Ms. Semmes reiterated that the Council needed to adopt the resolution in order to authorize the Town Administrator and the bond counsel to complete the refunding by January 31<sup>st</sup>.

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council adopt a resolution authorizing the issuance and sale of a General Obligation Refunding Bond, Series 2013A, of the Town of Middleburg, Virginia, in an aggregate principal amount not to exceed \$1,300,000 providing for the form, details and payment thereof, and providing for the refunding of certain prior bonds.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Stewart

(Mayor Davis did not vote as there was not tie to require her vote.)

(By roll call vote)

---

**Council Approval** – Waiver of fees associated with amendment to Salamander Resort proffers regarding Pendleton Street

Mayor Davis reminded Council that this amendment was initiated by the Town, not by Salamander. She noted that Salamander was happy to help with this project.

Town Administrator Semmes reminded Council that Salamander Hospitality agreed to make improvements to Pendleton Street, including at the intersection of Pendleton and Washington Streets, in order to make it easier for cars to get to the resort. She further reminded them of the crosswalk project proposed for Washington Street. Ms. Semmes explained that the crosswalk project would result in Salamander’s improvements being torn out; and, advised that the staff asked Salamander to instead consider giving the Town the money they would have spent on the improvements. She noted that the money would then be used for the crosswalk project. Ms. Semmes opined that this was a better use of those funds.

*Councilmember Snyder moved, seconded by Councilmember Murdock, that Council waive the application fee for a proffer amendment by Salamander Hospitality to permit a cash donation in lieu of constructing proffered improvements to Pendleton/Marshall and Pendleton/Washington Street intersections, in the amount of \$500.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Stewart

(Mayor Davis did not vote as there was not tie to require her vote.)

**Council Discussion** – Follow-up pertaining to Christmas in Middleburg

- (a) Suggestions from Council/Staff
- (b) Permitting Uses in the Right-of-Way

Town Administrator Semmes advised Council that she talked to the Maintenance Supervisor about Christmas in Middleburg related items that had budget implications. She reminded them that the Town received complaints about how bad the public restrooms got and the need for more portable restrooms. Ms. Semmes advised that she would like to put money in next year's budget to hire a cleaning service to man the restrooms during the day to make sure there was toilet paper available and to keep the toilets free flowing.

Mayor Davis suggested they also clean the restrooms at the Pink Box. Councilmember Shea suggested they also handle the restrooms at the Town Hall.

Town Administrator Semmes advised that the only other item that she was aware of was that the trash cans were over flowing during the event. She noted that the Maintenance Supervisor and his crew did an excellent job of cleaning up on Sunday; however, she advised that it was hard for them to get to the trash cans during the event. Ms. Semmes suggested more be put out; and, recommended that she budget for the purchase of cardboard cans that could be tossed at the end of the day.

Councilmember Hazard reported that the Christmas in Middleburg Committee was already working on that issue. He advised that they were seeking volunteers to handle the garbage.

Economic Development Coordinator Pearson reported that the ministers from the local churches were heading up a committee of volunteers to handle the clean-up. She noted that they volunteered to do so.

Councilmember Hazard noted that the Committee received the same feedback. He reported that they were not waiting until September to begin meeting, but rather were planning this year's event now. Mr. Hazard reiterated that this was one of the items that were in development.

Councilmember Shea noted that an idea that was given to her by a member of the staff was to distribute small trash bags to people so they could carry things around in them and/or use them to discard of trash.

Councilmember Hazard asked whether this worked. Town Planner Beniamino opined that it worked well enough; and, suggested it was worth the cost of getting the bags. He noted that a lot of large events offered recycling opportunities, with the bags being used only for trash.

Councilmember Shea recommended the Committee explore the development of a Christmas in Middleburg cup that could be used by all of the restaurants and/or anyone that distributed liquids. She suggested the individual receive the cup when they purchased a full price beverage; and, that they then be given a five cent discount when they used the cup elsewhere. Ms. Shea noted that they could then take the cup home rather than disposing of it.

Mayor Davis advised that she attended an oyster festival, which had a vendor that offered pewter mugs. She noted that the mugs were not cheap.

Councilmember Shea reiterated that the cups could be sold in all of the restaurants. She noted that she saw a lot of half full cups lying around town after the event.

Vice Mayor Kirk noted that a similar cup was developed for an event at the Pink Box. Economic Development Coordinator Pearson confirmed that an anniversary cup was developed.

Councilmember Shea suggested the cups could become collectibles.

Mayor Davis agreed that people would take the cups with them; and, would not leave them behind. She advised that the oyster festival vendor sold different flavored root beers; and, explained that people could fill the mug up as many times as they wanted.

Councilmember Hazard opined that a pewter mug sounded better than a coffee cup. Councilmember Snyder agreed this was a good idea.

Councilmember Murdock inquired as to the status of the use of the Mickey Gordon Park for parking. Economic Development Coordinator Pearson advised Council that the Committee has received an offer to use another area this year for parking in the morning. She noted that they would also have more trolleys.

Councilmember Shea reported that her bookstore had a small lunch room that could be used by people who wanted to eat their lunches. She suggested that information be disseminated about other businesses that had such space available. Ms. Shea noted that they did not sell food; however, they allowed people to bring it in and offered them a place to sit while they ate.

Mayor Davis asked whether the other businesses had space to offer; and, opined that they did not. Councilmember Shea suggested the banks may. Mayor Davis noted that the banks were packed already. Councilmember Snyder agreed the other businesses were packed; and, suggested this would be difficult from a logistics standpoint.

Councilmember Hazard reported that the Committee had discussed finding an open area in which to set up tables.

Town Planner Beniamino advised Council that they were discussing a topic that he wanted to raise – prohibitions in the right-of-way. He reminded them that they previously adopted regulations regarding food trucks that addressed itinerant vendors that did not have a business in town, as well as temporary sales by businesses in Middleburg. Mr. Beniamino reported that this past year, Home Farm purchased a parking space from the Town that, unbeknownst to it, was used to house a food wagon.

Councilmember Murdock asked how this occurred. She further asked whether anyone could purchase a parking space for a day. Town Planner Beniamino confirmed they could. He advised that the Town really did not ask why an individual wanted to rent a parking space.

Town Clerk North explained that what was being discussed was the \$10/day parking meter bags that people could rent from the Town. She reported that the staff now had a form that included a line for why they wanted to rent the parking space; and, advised that most of the time, the rental was related to deliveries.

Town Planner Beniamino advised that this was a case of a business setting up in the public right-of-way. He noted that there were regulations that dealt with businesses on private property and those located elsewhere; however, there were no regulations that covered this particular instance. Mr. Beniamino advised that his biggest concern was safety.

Town Planner Beniamino advised Council that two years ago, he had a conversation with the Manager for Safeway, who indicated that his parking lot shut down the morning of Christmas in Middleburg because people could not get into it. He opined that he would be amenable to looking into allowing restaurants to set up in his parking lot or using it as a public eating space.

Economic Development Coordinator Pearson noted that the restaurants did not have the staff to man an off-site location.

Mayor Davis suggested this area be used for seating. She noted that the restaurants could sell boxed meals that people could take to this location.

Councilmember Hazard reported that the Committee was talking about developing a sitting area. He noted that no matter what occurred, the restaurants would be full. Mr. Hazard suggested the need to talk to some outside vendors. He noted that the Committee was already encouraging the restaurants to set up outside spaces, which many did.

Town Planner Beniamino explained that it was a problem to have the restaurants setting up tables outside. He suggested that if the concern was the lack of staff and the inability to keep food warm, one idea may be to let food trucks provide meals.

Economic Development Coordinator Pearson explained that, in the past, the Committee has tried to keep the business in Middleburg. She noted that food trucks did not pay taxes.

Councilmember Murdock agreed they were trying to take care of the town businesses.

Town Administrator Semmes advised Council that she talked to the owner of Dank's who indicated that they had long lines of customers. She noted that Dank's told those standing in line that if they wanted a cold sandwich, they could get it quickly; however, if they wanted a hot one, it would take longer. Ms. Semmes advised that Dank's expressed appreciation that the Town kept the food service to local restaurants.

Mayor Davis suggested to Councilmember Hazard that the Committee poll the restaurants to determine how many lunches they could serve and whether they were willing to offer a boxed lunch. She noted that the boxed lunches could contain items that were cold and would not go bad. Ms. Davis advised that this would allow them to have a table in the seating area that could be manned by one person. She suggested that if all of the restaurants indicated they could handle xxx boxed meals, then the Committee could see what was needed to handle the crowds. Ms. Davis further suggested that if this would not work, then food trucks may be needed.

Councilmember Hazard suggested the survey include a question related to outside vendors.

Councilmember Shea suggested the answer was a combination of the two. She suggested the restaurants be encouraged to come up with solutions; however, she noted that people could not wait for two hours to get a meal.

Town Planner Beniamino reminded Council that in the past, they had an incident at a restaurant whose customers lined up in Federal Street. He suggested the need to have the food in a common area, such as the parking lot of the Safeway or Middleburg Bank.

Councilmember Hazard suggested the Committee get the Middleburg Business & Professional Association to conduct a poll of the businesses.

Councilmember Snyder advised that his only concern was that the Town should not allow businesses to buy spaces on the parade route itself.

Town Planner Beniamino noted that the space that was rented last year was not located on the parade route, but rather was the first space on a side street.

Councilmember Snyder advised that as long as the space was not on Washington Street, he was fine with it.

Councilmember Shea reminded Council that Madison Street was used for handicapped parking.

Town Planner Beniamino advised Council that he would like to prohibit commercial activities from occurring in parking spaces. He noted that the right-of-way was small; and, suggested this was not a good idea.

Town Administrator Semmes noted that such a policy would hurt the Home Farm.

Mayor Davis suggested this be allowed only on the side streets. She noted that the restaurants were trying to help with the problem the Council has been discussing.

Town Planner Beniamino suggested that it be prohibited if a centralized location was available. He noted that the owner of Dank's came to him the day before the event to ask if she could put a table on the street. Mr. Beniamino advised that initially he said "no"; however, once he realized what happened with the Home Farm, he told her she could buy a space from the Town.

Economic Development Coordinator Pearson suggested this be allowed only for Town sponsored events. Vice Mayor Kirk agreed.

Councilmember Snyder advised that he did not like the idea of allowing someone to rent spaces on Washington Street, as this would obstruct the crowd and the parade.

Town Planner Beniamino noted that people were still congregating in the side street areas. He advised that he told the owner of Dank's that if she rented the parking space that he wanted her employees to have their backs to the street, with the customers lining up on the sidewalk. Mr. Beniamino noted that this was counter to what most people did.

Councilmember Shea noted that the Town had a fee for itinerant vendors.

Town Planner Beniamino confirmed that itinerant vendors did have to pay a \$500 fee; however, they did not pay meals taxes. He suggested that food trucks could be required to have a local restaurant sponsor them so they would be partnering with an existing business. Mr. Beniamino noted that from a marketing perspective, food trucks were big draws and could offer items that local restaurants did not. He cited the example of the lobster truck that was in town last year.

Councilmember Murdock suggested that if they were sponsored by a restaurant, the restaurant may also make a profit.

Councilmember Snyder noted that he liked the idea of tying the food trucks into local businesses.

Councilmember Hazard asked to take this matter to the Committee and then return to the Council with their recommendations.

Mayor Davis asked that this be done sooner rather than later so the restaurants would have time to create whatever they needed to create.

Councilmember Hazard confirmed they would first go to the restaurants for their input. He advised that they would then come to the Council with a recommendation. Mr. Hazard suggested the Committee needed a couple of months to accomplish this; and, suggested they could return with a recommendation by April.

Town Planner Beniamino advised that, in that case, he would hold off on developing regulations.

Councilmember Shea asked that the Town staff share the current regulations with the Committee so they would know what they were dealing with.

Councilmember Hazard noted that the regulations already addressed temporary businesses on private lots. He suggested the need to develop regulations for the use of parking spaces. Mr. Hazard noted that they may recommend that they not be used for that purpose.

Councilmember Snyder suggested the parking spaces could be used for Christmas in Middleburg. He noted that this event was the only time that Washington Street was closed for any length of time.

Councilmember Murdock recommended that South Madison Street be closed. She opined that it was not used very much because of the parade.

Economic Development Coordinator Pearson advised Council that VDOT would not allow the Town to shut down Madison Street.

Councilmember Shea suggested this not be done due to the parking that occurred at the Hill School. She opined that this would be the worst street to close.

Town Planner Beniamino reminded Council that if it was closed, the Town would have to manage the detour routes. He suggested this would be a huge issue.

Councilmember Murdock noted that the Town was already closing one street. She suggested it ask to close Madison Street as well.

Councilmember Snyder recommended the Town work within the current window.

Vice Mayor Kirk reminded Council that when Madison Street was shut down in the past, it worked well. She further reminded them that people sold items during that time.

Councilmember Shea noted the road located beside El Agave. Town Planner Beniamino suggested this would not be a good location as there was no sidewalk leading to that location. Councilmember Murdock noted that this street was used a lot for the parade.

Vice Mayor Kirk suggested the Community Center ball field be used as a centralized food area.

Town Planner Beniamino opined that the Safeway parking lot was the prime location. He noted that the Manager was excited about the prospect. Mr. Beniamino suggested that Safeway may even sell some drinks. He opined that no one was coming in or out of the Safeway on the day of the event.

Economic Development Coordinator Pearson noted that a lot of people went into the Safeway on that day to get food.

Town Planner Beniamino advised Council that he would look at what other communities did and report this to Councilmember Hazard.

**Council Briefing** – Legislation proposed before the General Assembly

Town Administrator Semmes advised Council that she wanted to touch base with them on a couple of items that were on their legislative list, as well as some items she was watching. She reported that a bill has been submitted to establish a study committee to consider tax restructuring that would eliminate the BPOL and merchants taxes. Ms. Semmes advised that VML and VACO were able to amend the bill to add a representative from each to the study committee. She reported that this bill would probably pass the House; however, she was unsure what would happen to it in the Senate.

Town Administrator Semmes reminded Council of Delegate Minchew's bill regarding town and county joint powers. She further reminded them that the concept was that if a county provided services county-wide, towns should get those same services without the need for a special agreement. Ms. Semmes advised that this would probably go to a study. She noted that Delegate Minchew also sponsored a similar bill that specifically addressed the building code. She noted that Middleburg talked to Delegate Minchew about its concerns that if Loudoun County implemented the building code, Middleburg should not have to have an agreement with them in order to get them to enforce it in Town. Ms. Semmes reported that this bill did pass the House.

Town Administrator Semmes advised Council that the City of Charlottesville was asking for permission to accept an in-lieu-of payment in instances in which a property owner was required to construct sidewalk; however, in that case, it did not make sense. She suggested that Middleburg could pursue being added to that bill. Ms. Semmes advised that the Town would have to see what was involved on the Senate side if the bill crossed over. She noted that she did not know if any other localities were asking to be added to the bill; and, opined that if only a small number requested this, the General Assembly would be willing to let them do so. Council agreed it wanted to pursue the addition of the Town to this bill.

Town Administrator Semmes noted that Virginia has begun to experience problems with cigarette smuggling. She reported that a bill has been introduced that would increase the penalties for doing so and would make it a felony.

Town Administrator Semmes advised Council that the bill related to online travel reservations passed the Senate. She noted that she did not know what happened to it in the House. Ms. Semmes advised that while the Virginia Municipal League (VML) was skeptical it would pass, local governments and the hotel industry have supported the bill as they were losing money.

Town Administrator Semmes reported that the VML Insurance Program has raised concern regarding some bills they considered to be bad. She advised that they were asking towns to oppose a bill that would change workers compensation benefits for public safety employees. Ms. Semmes explained that the bill would expand the benefits to include injuries that did not arise out of their employment. She noted that if an employee tripped over his own feet, workers compensation would pay the claim rather than health insurance. Ms. Semmes advised Council that the concern was that adoption of this bill would lead to its expansion in the future to include other employees. The Council agreed to oppose the bill.



Town Administrator Semmes advised Council that a bill has been introduced that was being labeled the “I Can’t Recall What Happened Bill”. She explained that under this amendment, all injuries would be presumed to be in the course of work. Ms. Semmes advised that currently, the only time this was the case was when an employee was physically or mentally unable to testify, such as being in a coma. She explained that under the proposed legislation, the employee would only be required to say “he could not recall what happened” for the claim to be considered work related. Ms. Semmes opined that this was an invitation to commit insurance fraud. She advised that it did pass the House; however, it was amended. Ms. Semmes advised that she needed to check on the details of the amendment. She suggested that if the VML was still recommending that localities oppose the bill, she would do so. The Council agreed it would like to oppose it.

Mayor Davis asked whether the bill related to hotel reservations included taxes in general related to on-line shopping. She opined that the State was going to require the payment of taxes on all online purchases. Town Clerk North opined that this was part of the Governor’s transportation package. Town Administrator Semmes noted that the transportation package would be heard next week.

Town Administrator Semmes noted that some members of Council have expressed an interest in uranium mining. She reported that two bills have been submitted that would allow the mining. Ms. Semmes advised that the bills would direct the Department of Mines, Minerals and Energy to issue permits for those localities located within a ten mile radius of current exploratory permit holders, which would limit the mining to Chadham in Pittsylvania County. She noted that the VML wanted the moratorium to remain as the tailings from the mining could contaminate water supplies. Ms. Semmes advised that both bills were in committee as of today. She asked what would keep the permit area from expanding in the future if these bills passed. Ms. Semmes advised that it was her understanding that the United States did not need uranium, as there was plenty available.

Councilmember Shea advised that the uranium would not be mined for the United States, but rather would be mined to sell overseas. She further advised that this was not for a local market.

Councilmember Snyder noted that there has been talk about how the uranium would supply Virginia for the next seventy-five years. He advised that this was not how the markets worked.

Town Administrator Semmes advised Council that she would keep them abreast of the status of these bills.

### **Council Discussion** – Town Council 2013 Goals

Mayor Davis asked whether the Council was just reviewing what was on the 2011 list. She noted the need to update the list.

Councilmember Shea reminded Council that they have been selecting two or three goals for each year. She suggested this be the last year that this list be used. Ms. Shea further suggested that in the future, the Council generate a new one.

Town Clerk North noted that she simply provided this list as a starting point for the Council’s discussion.

Mayor Davis noted that some of the items on the list have been done and others were still in the process of being done. She reminded Council that the water and wastewater treatment plants were complete and the Museum Committee was in place. Ms. Davis asked the Council what they wanted to do.

Councilmember Shea suggested the Council look at how they inter-connect the committees. She noted that she was not just talking about the committees on which a member of Council sat, but was also talking about the others, such as Go Green. Ms. Shea recommended that one Monday every couple of months, a committee come in to talk to the Council about what they were doing and what the Council's expectations were for them. She further recommended that Delegate Minchew come in occasionally. Ms. Shea suggested these sessions occur as a part of the regular meetings. She recommended this be a Council goal for this year.

Mayor Davis suggested the committees come to the Thursday work sessions.

Councilmember Murdock agreed she would like to hear from the committees.

Mayor Davis suggested this be set up for every other month. She further suggested that the Council identify when each committee would come before them once a year.

Vice Mayor Kirk asked whether a representative would attend or whether the entire committee would come to the work session.

Councilmember Shea suggested the goal should be to provide joint meetings with all of the committees. She further suggested the Council could shape how this would occur.

Councilmember Snyder opined that it could be a problem to get the entire committee to attend a work session. He noted that not everyone could attend a Monday meeting.

Mayor Davis reiterated that the joint meetings should occur as a part of the Thursday work session.

Councilmember Shea suggested the committee be given a choice as to which meeting they would prefer. She opined that Delegate Minchew would not come to an evening meeting. Ms. Shea reminded Council that they were just setting the goals now.

Mayor Davis noted that Delegate Minchew has indicated that he would attend a Monday morning or a Thursday evening meeting.

Councilmember Murdock noted the category titled "Communication". She advised Council that she and Chief Panebianco talked this morning about a crime prevention work shop; and, noted that the Economic Development Coordinator was sending information on the work shop out in her Friday E-mail Blast. Ms. Murdock opined that the e-mail blasts were more directed toward the business community; and, suggested the Town did not have a developed list for residents. She advised that she and the Police Chief believed the Town should have a Town only blast that could put out information on Town matters, such as police or utility items.

Economic Development Coordinator Pearson confirmed that her e-mail blasts were sent to residents. She noted, however, that the list also included people who lived outside the town limits.

Mayor Davis noted that she has been asking for a phone related system for ages. She further noted that the Town had access to the 411 system.

Town Clerk North reminded Council that they discussed robo-call systems several months ago, at which time they had questions. She advised that she contacted the robo-call companies and learned the answers to the questions. Ms. North noted that the Council had also asked the staff to

survey the residents to determine their interest in such a system. She advised that because this occurred around the time of the presidential elections, when people were getting tired of getting so many robo-calls, the staff decided to delay the survey until after the first of the year.

Mayor Davis suggested a survey was not necessary.

Councilmember Shea reminded Council that the purpose of this discussion was to choose goals, not to determine how they would be done. She opined that this was an important goal.

Councilmember Murdock suggested that the means of communication needed to be not just for the businesses, but should also be for the residents.

Town Administrator Semmes advised Council that residents could get on the list to receive public messages; and, noted that if they were on the list, they were sent e-mails. She reminded them that the Town also had the RSAN system available for emergency issues.

Councilmember Murdock suggested the need for two alert systems – one for emergencies and one for informational items.

Councilmember Shea suggested the goal should be that the Town should develop communications system(s) that reached residents as well as businesses.

Vice Mayor Kirk noted that the Council could then decide how to achieve the goal.

Councilmember Hazard noted that one of the items listed under the “Economic Strengths” category was to “develop events”. He reminded Council that the Middleburg Arts Council was working on an Arts Weekend for the fall. Mr. Hazard suggested that working with the Arts Council be added as a goal; and, that the Council should work with them to see what the Town could do to help.

Councilmember Murdock asked whether the Council should remove any goals.

Councilmember Shea reminded Council that, in the past, they have identified three or four goals that they wanted to work on for the year.

Councilmember Littleton reported that the HDRC was three-quarters of the way from developing revised Historic Guidelines. Councilmember Shea suggested this be listed as a continuing item.

Town Administrator Semmes suggested that the goal related to events be listed as “developing and supporting Town events”.

Councilmember Shea noted the category titled “Future Sustainability”. She suggested the Council needed to make sure the Wellhead Protection Committee continued to work on issues, as well as related groups.

Councilmember Snyder reported that the Wellhead Protection Advisory Committee would be bringing the revised Wellhead Protection Plan to the Council either next month or the following one. He advised that the Committee had given its comments to the consultant. Mr. Snyder reiterated that the Committee would bring the revised plan to the Council for adoption.

Councilmember Shea advised Council that she would like for one of the goals to be related to preservation of the Town’s ground water and water uses.

Councilmember Snyder advised that the Wellhead Protection Committee would continue to meet; however, it would not meet once a month. He opined that it would probably meet quarterly.

Councilmember Shea advised that this could be one of the items under that goal or it could be related to Go Green. She suggested the need for the Council to shift its focus and to get educated on ground water protection and why they should be concerned.

Town Administrator Semmes noted the need to update the Utilities Master Plan as well. She noted that this plan did not include the Salamander facilities.

Councilmember Snyder reported that the Wellhead Protection Committee has included a recommendation in the plan that the Town should talk to Salamander to determine what they planned to do with some of the wells on their site. He noted that the Committee would also like to preserve some of them for future Town use.

Town Administrator Semmes noted the “Economic Development” category. She reminded Council that once the Salamander Resort opened, the Town would receive additional occupancy and meals tax revenues. Ms. Semmes noted that the staff did not know how much this would be; however, they would have some projections in the future. She reminded Council that they needed to decide what they wanted to do with this money; and, advised that Salamander had some ideas. Ms. Semmes explained that Salamander understood the importance of recognizing that the community and the resort were closely tied; and, advised that they saw the community as an asset when marketing the resort. She suggested the need to develop a tourism strategy and a plan. Ms. Semmes noted that not all of the money received as the result of the resort would be used for tourism; however, she suggested the need to accommodate the tourists and to better market the town. She reminded Council that they would be able to do some things the Town has not had the luxury of doing before, such as participating in cooperative marketing efforts. Ms. Semmes suggested the need to think about this before the money started pouring in; and, noted that the Town would receive a proposal from Salamander.

Councilmember Shea suggested that a retreat was needed so the Council could sit down to talk about where the Town should go as the result of the coming changes. She noted the need for pre-planning. Ms. Shea recommended that in addition to what Salamander suggested, the Council and the Town committees should start to look at how to plan for the resort and where the Town needed to focus its attention.

Town Administrator Semmes noted that she was used to having retreats to develop goals. She advised that Mr. Devadas, of Salamander Hospitality, has indicated that even if the resort was only half successful, the Town would be looking at a very different fiscal picture than it did this year. Ms. Semmes noted, however, that it was not just about money; and, reminded Council that the Town needed to plan for all the people that would be coming to Middleburg. She reminded Council that this would put pressure on the existing staff.

Councilmember Shea noted that it would put pressure on the public bathrooms and the streets. She suggested the Council needed to look at what the opening of the resort meant for the Town. Ms. Shea noted that even if the resort did not do well, the Council needed to identify what was important and how it wanted the Town to develop. She suggested the planning was needed regardless of whether it was for Salamander or just increased growth in general.

Town Administrator Semmes noted that Mr. Devadas has worked in other resort communities; therefore, he could serve as a resource for the Council. She suggested he be invited to attend the retreat, but not stay for the entire day. Ms. Semmes noted that another option was to bring in someone from another resort community to learn what the Council should worry about.

Vice Mayor Kirk suggested the staff should start setting up a retreat.

Town Administrator Semmes reminded Council that she was in the process of developing the FY '14 Budget. She stressed the need to stay on the budget schedule. Ms. Semmes reported that she planned to present a draft of the General Fund budget in February and would present the draft Utility Fund budget the following month.

Councilmember Littleton suggested the Council develop an impact list and then prioritize the items on it. He noted that additional bathrooms may not be the first priority.

Councilmember Shea noted the need for additional police officers. She suggested the Council needed to discuss this item.

Councilmember Littleton agreed that Salamander should play a role in the retreat. He suggested the Town and Salamander should work together so it could see how Salamander could help with the items that would be a problem, such as the pressure on the restrooms.

Councilmember Shea disagreed; and, suggested the Council should have a clear understanding of what the Town wanted and what concerned it. She encouraged the Council to do this planning independent of Salamander. Ms. Shea noted that they could come to the retreat to provide their input.

Town Administrator Semmes noted that just because the Council was working on the budget, this did not mean they could not hold a retreat in the spring.

Councilmember Shea advised that she was happy to work with the Town Administrator on the retreat.

Vice Mayor Kirk suggested the Council may want to hold another session on the goals to update the list, which was now outdated.

Councilmember Shea suggested that, during the retreat, the Council would come up with areas that would be fodder for goals. She recommended the Council keep its focus on the changes.

Councilmember Snyder agreed that Salamander was a big enough change that it would provide a treasure trove of new goals.

Vice Mayor Kirk reminded Council that there were still old goals that needed to be addressed, such as the need to replace the water lines.

Councilmember Shea noted the need to look at what the water system would tolerate in terms of growth. She opined that this would be addressed.

Councilmember Snyder noted that the Town has been struggling with the Utility Fund's capital improvement program (CIP). He advised that he and the Town Administrator have discussed this; however, they have not gotten to the point of having something ready to bring to the Council.

Town Administrator Semmes advised Council that they would receive a presentation on the rate study during their February 14<sup>th</sup> meeting. She noted that capital improvements would be incorporated into the utility rates.

Mayor Davis summarized that the Council has identified the following five goals upon which to work: (1) contacting businesses/residents; (2) better communication with Town committees; (3) ground water preservation; (4) develop and support new events and (5) develop an impact list from Salamander.

Town Administrator Semmes suggested the Council may wish to widen the event item once they have heard from Mr. Devadas. She explained that there may be other things that the Council may want to do from an economic development standpoint, such as cooperative marketing.

The Council agreed that the items as summarized by the Mayor were the goals upon which they wished to concentrate for the coming year.

### **Town Council Reports**

Personnel & Finance Committee - Vice Mayor Kirk reported that she would meet with the Town Administrator next week to discuss the budget, the Health Center and personnel items.

Public Safety Committee - Councilmember Murdock announced that the Police Department would hold a Crime Prevention Work Shop on February 7<sup>th</sup> at the Community Center. She noted the information meeting that was held in Fauquier County last night, during which three hundred people attended. Ms. Murdock advised that the Crime Prevention Work Shop would have a more positive spin; and, opined that the Police Chief would make a good presentation. She noted that Loudoun County was scheduled to hold a meeting on the recent break-ins on January 31 at Banneker Elementary School. Ms. Murdock encouraged the members of Council to invite the community to attend the Crime Prevention Work Shop.

Councilmember Littleton suggested the work shop be limited to thirty minutes. Mayor Davis advised that the Police Chief indicated it would take an hour to an hour and a half, including the question and answer period.

Councilmember Littleton noted that the meeting in Fauquier County lasted one and a half hours; and, advised that it turned into a political event. He suggested the people who attended were looking for information; and, noted that they wanted to know what they should do and who they should be looking for.

Mayor Davis advised that the purpose of this work shop was to explain how people could keep themselves from becoming a victim. She noted that it would not be an informational session on the recent burglaries.

Councilmember Murdock noted that the people who attended the meeting last night were looking for a list of those individuals that the police were looking for. She advised Council that she has suggested the Chief should say during the work shop that “the Police Department was working on this, as were Loudoun and Fauquier Counties’ Sheriff’s Departments; and, that they had some information that they could not share as it would impede the investigation”. Ms. Murdock further suggested that he explain that they still needed the public’s help; and, that he should identify what they could do to help and how they could secure their homes.

Mayor Davis reiterated that this was a crime prevention work shop, not an information meeting about the crimes.

Councilmember Murdock expressed concern that if people thought it was just about how to keep their house safe, they would not come. She suggested the need to dangle something in front of them.

Vice Mayor Kirk suggested the need to beat the bushes to get people to attend.

Councilmember Shea opined that people would attend. She noted that those who did would talk about the work shop, which would allow the information to spread throughout the community. Ms. Shea reminded Council that the Police Department could always repeat the work shop if needed.

Councilmember Murdock advised that she received an e-mail that contained a positive summary of last night's meeting, the steps to take to avoid becoming a victim and what residents should do in the event of a break-in.

Vice Mayor Kirk suggested the Police Department prepare a handout of helpful tips that attendees could take with them.

Councilmember Shea suggested the work shop include the hint that families should have a family password that would identify to the children that something was not a normal situation.

Mayor Davis asked whether information on the work shop would be disseminated to the residents. Councilmember Murdock confirmed it would be distributed through an e-mail blast.

Mayor Davis noted that the information would also be on Facebook. She suggested that people share it.

Town Administrator Semmes suggested that an announcement be placed in the newspaper.

Councilmember Murdock suggested the need to talk to the Police Chief about advertising the event. She asked that people tell their neighbors about the work shop. Ms. Murdock expressed concern that the information may not be disseminated widely enough to some of the Town's residents.

Economic Development Coordinator Pearson noted that a lot of residents received her Friday E-Mail Blast.

Councilmember Shea recommended that hard copies of the flyer be printed; and, noted that she would put them in her shop.

Councilmember Murdock advised Council that the Chief was hesitant about spreading the information on the work shop too widely. She noted that some people were concerned about attending, as they believed their houses could be broken into during their absence. Ms. Murdock reported that the police officers would be patrolling the neighborhoods during the work shop.

Public Works Committee - Councilmember Snyder reminded Council of the consultant's presentation on the utility rate study scheduled for the February 14<sup>th</sup> Council meeting.

Economic Development - Councilmember Shea reported that Source Link would soon announce their online resources.

Economic Development Coordinator Pearson explained that this program would help small businesses to open by providing links for everything they needed to do.

Economic Development Coordinator Pearson announced that the Winter Sidewalk Sale was scheduled for February 15-17.

Health Center Advisory Board - Councilmember Murdock questioned the status of the new heating system for the Health Center building.

Town Administrator Semmes reported that she learned that the County permit was still in the hands of L.J. Foley; and, advised that this permit was now moving forward. She noted that she now had a contact at Washington Gas. Ms. Semmes advised that once the paperwork was complete, she planned to talk to Foley about how unhappy the Town was with the progress on this installation. She noted that the Maintenance Supervisor was talking to the tenants to make sure they had enough heaters; and, if not, was providing more. Ms. Semmes reported that it was “toasty” in the Police Department; and, that the resident had received an additional unit. She suggested the situation was terrible; and, advised Council that she and the Vice Mayor planned to talk about doing something for the tenants.

Vice Mayor Kirk advised Council that the Health Center Advisory Board was not in favor of doing so.

Councilmember Murdock noted that the tenants have suffered. She asked why the Board did not want to give them a break.

Vice Mayor Kirk advised that the Advisory Board felt very strongly about this, as they believed the tenants were already getting good rates. She opined that two members would not budge from their positions; however, she noted that, ultimately, it was not their decision.

Councilmember Murdock advised Council that the people who were taking Pilates classes in the Health Center have endured a bad month of cold, freezing temperatures. She noted that they have suffered in the building.

Councilmember Littleton suggested the Town secure more space heaters. Economic Development Coordinator Pearson explained that no more heaters could be placed in the building as the circuit breakers were blowing.

Councilmember Littleton suggested the Town Administrator talk to Foley. He further suggested that she advise them that the Town may do something with their contract; and, that they must spend 24/7 on this project until it was complete.

Mayor Davis advised Council that there were reports that the Secretary of Transportation was going to dissolve the Route 50 Traffic Calming Committee. She noted that people wrote letters and Congressman Wolf got involved. Ms. Davis advised that she received a call from Garrett Moore, of VDOT, who reported that they would not dissolve the task force; and, noted that she also received a letter to this effect. She reported that the task force would remain in existence until the Middleburg portion of the project was finished. Ms. Davis advised that the brick crosswalks would be installed during the summer of 2014; and, noted that this schedule was developed to accommodate Middleburg’s desire to first replace its underground utilities. She advised that the crosswalks should take two to three months to complete.

Town Administrator Semmes reminded Council of the streetscape plan that was in development. She noted that this plan would have a public component, including the acceptance of public comments.

Councilmember Littleton noted that the Salamander Resort would have been in operation for approximately six months by that time, which would allow the Town to make adjustments to the crosswalks if needed.



Councilmember Snyder noted that the Town could get the utility work done ahead of the crosswalk improvements.

Go Green - Councilmember Shea reported that Go Green was moving ahead with its business challenge project.

Wellhead Protection Advisory Committee - Councilmember Snyder reported that the Wellhead Protection Advisory Committee expected to send the updated Wellhead Protection Plan to the Council for their approval next month. He advised that, after doing so, the Committee would discuss how often it would like to meet. Mr. Snyder advised that he would also ask them what they would like to concentrate upon from the standpoint of implementation of the plan's recommendations.

### **Discussion**

Councilmember Murdock reminded Council that VDOT was in charge of the streets. She advised that this morning, she saw a truck skid on South Madison Street as it was turning onto Route 50, she skidded and an accident occurred on Marshall Street. Ms. Murdock noted that the small amount of sand that VDOT placed on the streets was not enough.

Town Administrator Semmes noted that a citizen also complained. She reported that the Maintenance Supervisor called VDOT, who said they were concentrating on the primary roads. Ms. Semmes noted that she was not sure why this occurred this time, as the storm was forecast well in advance. She reminded Council that in the past, VDOT would apply liquid salt to the roads when a storm was forecast.

Mayor Davis noted that VDOT usually had a private contractor that handled the back streets in town.

Town Administrator Semmes opined that VDOT did not pre-treat the primaries like they should have so they had to plow them.

Councilmember Snyder asked how cold it could get before the liquid salt stopped being effective. He suggested this may have been a factor.

Councilmember Shea suggested that given that the snow was melting during the day and re-freezing at night, this would not matter.

Councilmember Murdock noted that VDOT needed to do a better job to clearing the streets.

Councilmember Shea noted that businesses that were located on a corner were supposed to clear the sidewalks on both sides of the building, not just one side.

Vice Mayor Kirk noted that the businesses were not supposed to push the snow from the sidewalks into the streets.

Councilmember Snyder advised that he would rather they pushed the snow into the street than not clear the sidewalk at all. He noted that he was pleased that the Community Center cleared the sidewalk behind their property.

Mayor Davis suggested the staff call the businesses to remind them of the need to clear the sidewalks.

Councilmember Murdock suggested this be done before the next storm.

Town Administrator Semmes advised Council that she would call VDOT regarding snow removal on the streets.

Councilmember Murdock opined that the businesses also needed to do a better job of clearing the sidewalks.

There being no further business, a motion was made to adjourn the meeting at 7:30 p.m.

APPROVED:

---

Betsy A. Davis, Mayor

ATTEST:

---

Rhonda S. North, MMC, Town Clerk