



MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



Thursday, April 12, 2018

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember J. Kevin Daly
Councilmember Kevin Hazard
Councilmember Philip Miller
Councilmember Peter Leonard-Morgan
Councilmember Trowbridge "Bridge" Littleton
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Martin R. Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
Ashley M. Bott, Town Treasurer
A.J. Panebianco, Chief of Police
William M. Moore, Town Planner
Jamie Gaucher, Business & Economic Development Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, April 12, 2018 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Mayor Davis advised that she was proud of the Candidates' Debate held earlier in the week and thought it was well done. She congratulated the Middleburg Eccentric and Dan Morrow, who did a great job of moderating. Ms. Davis opined that everyone gave good answers. She noted that she was impressed with the size of the crowd and opined that it was great to see so much support.

Public Comment

Kay Reddit, a member of Emmanuel Episcopal Church, advised Council that she heard a rumor that the Town had funds available for community service. She requested inclusion in the Town's next funding cycle for the Andy Bergner Center, which was a self-sustaining community outreach ministry of the church. Ms. Reddit advised that they offered a monthly day of fun, food and fellowship to stimulate the mind, body and soul of those forty-five years of age and older during a spiritually uplifting day. She reported that they offered this service free of charge and currently served twenty to thirty people on their meeting days. Ms. Reddit advised that the center was different from most senior support services, as this one brought the seniors out of the isolation of their homes for interaction. She reminded Council that Andy Bergner was a staple of community service and advised that he was also a member of the church. Ms. Reddit noted that the 2010 Census showed that fifty percent of Loudoun County's citizens were over the age of fifty-five. She further noted that a 2012 AARP study said that seventy-five percent of elders were isolated or lonely. Ms. Reddit opined that there was a need for a center in Loudoun County, as these statistics were above the national and state average. She reiterated that they were a self-sustaining center and advised that they were seeking funding. Ms. Reddit noted that she would be happy to provide any information that may be needed and questioned the next step.

Vice Mayor Kirk advised Ms. Reddit that the Health Center Advisory Board gave donations to charitable organizations. She further advised that the Town Administrator would send her a letter with the information on applying for money from the Town.

Mayor Davis opined that this was a great center.

Punkin Lee, Chair of the Streetscape Committee, reported that they have been updating the Town's tree inventory. She further reported that there were four trees on the main street that needed to be removed. Ms. Lee advised that one was located in front of the Southern States and was on its way out; one was located on the corner of Washington/Pendleton Streets, which had cankers; one was located in front of the former chocolate shop, which was creating a big safety issue; and the fourth was located between Dutchessa and Royston's Funeral Home and was also on its way out as VDOT cemented around it during the Route 50 Project. She reported that the Committee met earlier in the day and were trying to find a Hornbeam to replace the tree in front of the former chocolate shop, as those trees had a different growth pattern. Ms. Lee advised that they were not proposing to replace the tree by the Southern States, as it would be a waste of money. She further advised that the Committee would create a planter so this area would not be unattractive. Ms. Lee reported that in the next three to five years, there would be other trees that would need to be removed, as the Committee did not want to do them all at once. She reiterated that they were trying to phase the replacements in over the years. Ms. Lee noted that the Town Planner had the information on this item and advised that when they received approval to do so, they would remove and replace the trees. She noted that they would like to do so in the next three weeks.

J. Kevin Daly, a member of the Council, advised that he took elections personally. He further advised that in 1972, along with other eighteen year olds, he swore an oath to support and defend the Constitution. Mr. Daly noted that some people may have heard him jesting about his military career by saying he had been stabbed, shot and bitten by a rabid dog, with the dog dying; however, he noted that he was lucky as he returned home in relatively one piece, got an advanced degree from Georgetown and raised a family. He advised that a couple of weeks ago, he held his six week old granddaughter. Mr. Daly noted that others were not as lucky. He advised that since the American Revolution and the signing of the Constitution on September 17, 1787, over one million American brothers and sisters have paid the ultimate sacrifice in defense of the Constitution by giving up their tomorrows for our todays. Mr. Daly noted that many of them were not even old enough to vote and some had never shaved. He asked the citizenry to not let their sacrifice, or the sacrifice of others out of uniform that fought for civil rights, be in vain. Mr. Daly reminded the audience that they had the right to vote and noted that it was not reserved as a privilege of a few, but was a right of everyone. He expressed a belief that it was the duty of every American citizen to vote and asked that on May 1st everyone do so, as Middleburg was their town. Mr. Daly further asked that they also vote on November 6th, as this was their nation. He encouraged everyone exercise their right to vote.

Public Hearing

Ordinance to Increase Water & Sewer User Charges

Town Administrator Semmes advised Council that she invited Eric Callocchia, Senior Manager of MFSG, to go over the utility rate model so everyone would have an understanding of the recommendations for the coming year. She noted that the members had copies of his presentation on their desks. Ms. Semmes reminded Council that a number of years ago, the Town invested in the rate model so it could better understand what was needed to operate the utility system, save for reserves for the major replacements that were necessary and pay the debt service. She opined that this was the best investment the Town ever made. Ms. Semmes advised that Mr. Callocchia returned each year to help update it so the Town could be responsible in providing this important service to the citizens.

Mr. Callocchia reminded Council that his firm did this kind of work all over country and advised that they only focused on utility rates. He noted that he had been working with Middleburg for almost eight years and advised that he returned each year to update the model. Mr. Callocchia advised that it was in a Microsoft Excel program and was used to calculate projection assumptions. He opined that the Town wanted to reasonably project the total cost to operate the systems so it could make sure the revenues covered the costs.

Overview of Rate Setting Process - Mr. Callocchia reminded Council that the first step in the rate setting process was to identify the revenue requirements, which was the cost of providing services. He advised that the next step was to allocate the cost among the customers. Mr. Callocchia reminded Council that Middleburg used a blended system, which did not account for usage. He advised that the third step was to design the rate structure. Mr. Callocchia noted that there were all different kinds of rate structures; however, Middleburg used one that was simple and common. He advised that the fourth step was communication. Mr. Callocchia explained that this was to the elected officials and the customers and included an explanation of the expenses and why the rates needed to be where they were. He advised that the fifth step was the implementation or the adoption of the rate plan.

Basic Outline of Rate Setting Process – Mr. Callocchia reminded Council of the need to identify the annual revenue requirements, which included both operating and debt service, for the system to run on a day-to-day basis. He noted that any debt incurred must be repaid. Mr. Callocchia advised that the planned capital projects were the major things that must be done once every five, ten or twenty years. He reminded Council of the need to account for them and to decide whether to pay for them with cash or borrow money and pay for them over time. Mr. Callocchia advised that another component of the annual revenue requirements was the contributions to reserves, which included both operating cash flow reserves and capital reserves – the latter of which was needed if the Town did not borrow money in the future. He explained that due to the size of Middleburg’s system, the dollar amount for capital projects was big relative to the Town’s operating budget.

Mr. Callocchia advised that after taking other revenues, such as cell tower revenues, from the annual revenue requirements, the Town was left with the net revenue requirement that needed to be raised from user rates. He explained that this number was compared to the current revenues and a plan was created based on that.

Current rate model assumptions – Mr. Callocchia advised Council that no future customer consumption growth was proposed, which allowed for a conservative estimate. He noted that any additional customers would put the system in a better position; however, the desire was to be conservative. Mr. Callocchia reminded Council that the future operational costs were projected to increase by 2.1% per year as an inflationary increase. He advised that the rate model assumed one hundred percent funding of the utility fund’s debt, which must be done. Mr. Callocchia noted that the Town’s CIP included several major capital projects over the next five year cycle, which were listed in the appropriate fiscal year. He reminded Council that one of the major projects was the replacement of the water lines in the Ridgeview area. Mr. Callocchia noted that the number in last year’s rate model was less and explained that he wanted to account for the cost increases, as the Town went out to bid for some things. He reiterated that the costs were increased in the rate model and advised that he would tell the Council how those additional costs could be accounted for. Mr. Callocchia reminded Council of the need to replace the West End Pump Station, with an estimated cost of \$585,000. He noted the need to replace the membranes at the sewer treatment plant and advised that this was programmed for FY ’22. Mr. Callocchia reminded Council that the membranes were expensive to replace. He advised that the rate model also included ongoing asset maintenance in the operating budget, which totaled \$100,000.

Mr. Callocchia noted the major funding assumptions for projects and advised that like the expenditures, this number was lower last year. He reported that going forward, the model assumed the Town would borrow \$900,000 from the General Fund that was to be paid back with interest. Mr. Callocchia reminded Council that the Utility Fund was an enterprise fund, meaning it was self-supporting; therefore, the loan must be paid back with interest. He advised that the loan was for the combination of the two projects, with the assumption that any other projects would be funded using cash.

Current Rate Model Water Pro Forma (User Rates) – Mr. Callocchia reminded Council that while they used a combined fund, the revenues and expenses were targeted for water and sewer individually. He reported that they were balanced going forward. Mr. Callocchia reminded Council of the four building blocks used to identify the rates. He reported that at the current rates, the water system would operate at a deficit, which was the same as last year. Mr. Callocchia recommended the Town continue with the same recommendation as last year, which was for a three percent (3%) increase to the minimum charge and the per unit rate. He reported that even with this, the water system would continue to incur deficits over the next couple of fiscal years before breaking even. Mr. Callocchia reminded Council of the need to have a line for reserve contributions and reported that when the fund broke even, it would include reserve contributions in the expenses, which would help the cash balance.

Current Rate Model Sewer Pro Forma (User Rates) – Mr. Callocchia advised Council that the sewer system was trickier. He reported that its cash capital fluctuated from year-to-year. Mr. Callocchia noted that the reserves have leveled out. He reported that in general, this fund showed heavy deficits. Mr. Callocchia noted that under the three percent (3%) rate increases, the Town would pull out of that. Mr. Callocchia reminded Council that the fund was sustaining itself without a doing one-time large increase by using some of the reserves.

Utility Fund Cash Balance Projection - Mr. Callocchia presented a slide showing the combined utility fund cash flow projection. He advised that the gray line was the recommended target balance, or the level the Town needed to keep in reserve on an annual basis, which was equal to one times the operating budget. Mr. Callocchia acknowledged that this was high and advised that he usually recommended it be based on ninety to one hundred days of operating costs. He explained that in Middleburg's case, the operating budget was not large for the size of its system and suggested that if the Town experienced an emergency capital need that was not accounted for, the reserves could take a hit and then be rebuilt in the future. Mr. Callocchia explained that the green bar was the operating reserve and the blue bar was the three R's (repair, rehab and replace), which was the capital reserve. He noted that the Town would draw down on these reserves from FY '17 to FY '20. Mr. Callocchia further noted that the Town had been using its reserves to pay some expenses. He reported that in FY '20, it would be in balance, the reserves would be above the minimum requirement and money would be put into the capital reserves. Mr. Callocchia reminded Council that there would always be new projects that would draw down on the reserves. He reported that the red line showed the total fund reserves if the Town did not increase the rates. Mr. Callocchia further reported that if there were no rate increases, by FY '21 the Town would fall below the reserve policy. He noted that during the five-year timeframe, three percent increases were required to maintain the operating capital and reserve policies.

Projected Inside Town Rates and Sample Bills - Mr. Callocchia reminded Council that the minimum charge included 2,000 gallons of usage on a bimonthly basis. He further reminded them that everyone was billed the minimum charge, with the per thousand gallon charge being incurred for any usage above 2,000 gallons. Mr. Callocchia reported that the average bill was for 7,000 gallons. He noted that approximately one-third of the Town's customers were only billed the minimum charge. Mr. Callocchia reiterated that going forward, the rates would increase.

Mr. Callocchia advised that he was happy to answer any questions. He opined that because of the work that had been done in the past, the Town had made positive changes. Mr. Callocchia advised that he was very comfortable with the financial condition of the utility system going forward.

Councilmember Hazard inquired as to the amount of excess water treatment capacity the Town had currently. He further questioned whether that played into the rate model.

Town Administrator Semmes reported that the Town was only using 34-40% of its water capacity and was not even at 50% on the sewer side. She advised that there was plenty of room to grow.

Councilmember Snyder opined that the Council did not have a good enough discussion when it decided it wanted the wastewater treatment plant to be its current size. He further opined that they ended up with a "bigger is better" mentality. Mr. Snyder reiterated that the Council, at that time, did not discuss how much the additional cost would be to operate and maintain the plant.

Mayor Davis opined that the decision regarding size was based in part on Salamander and the potential houses. She noted that the Council wanted to make sure there was plenty of capacity for them.

Councilmember Snyder opined that the capacity of the wastewater treatment plant more than doubled, even though the model did not show Salamander consuming that much capacity. He reminded Council that the capacity increased from 135,000 gallons/day to 250,000 gallons/day. Mr. Snyder noted that, at the time, the Town was only using two-thirds of the capacity of the old wastewater treatment plant without Salamander. He opined that based on the projected Salamander usage, it would not reach 250,000 gallons/day even with their houses. Mr. Snyder suggested the Council was "a little eager" when sizing the plant.

Mayor Davis reiterated that the Council did discuss the size quite a bit. Councilmember Snyder acknowledged it did; however, he opined that it did not discuss the operating costs.

Mayor Davis noted that there were a lot of unknowns and opined that the Council did not want to be tied down and not have what it needed.

Town Administrator Semmes reiterated that the staff was conservative in the rate model and did not assume the Town would get a lot of new connections, as it did not know when it would get them. She noted that a few houses have been added; however, they were not enough to make a difference.

Mr. Callocchia reiterated that the Salamander houses were not included in the rate model.

Councilmember Hazard noted that there would be \$400,000 in reserves if the Town did not increase its rates in the next 5 years. He questioned how that compared to other localities. Mr. Hazard further questioned whether it was unusual for towns of Middleburg's size to go that high.

Mr. Callocchia advised that Middleburg was one of his best clients in terms of that metric; however, he noted that he did not a lot of clients that were Middleburg's size. He explained that normally, he recommended having half a year in reserves. Mr. Callocchia advised that some of his clients, such as the Towns of Vienna and Lovettsville, had a policy of having only ninety days' worth of operating expenses in reserve; however, that was low. He noted that they also billed bimonthly. Mr. Callocchia advised that Purcellville was one of his smaller customers and noted that they had a reserve equal to ninety to one hundred eighty days; however, their capital costs were not a lot bigger than Middleburg's in terms of magnitude. He noted that the cost to extend a mile of line was the same regardless of the number of customers.

Councilmember Miller noted that they had ten times the number of users; therefore, their budget was larger. Councilmember Snyder noted that they could spread the costs over ten times the number of customers.

Mr. Callocchia advised that Purcellville had the highest availability fees in the State, at \$40,000-45,000. He explained that the reason was they received a mandate from the EPA, which cost \$10 million, to upgrade their wastewater treatment plant to reduce their phosphorous and nitrogen levels.

Town Administrator Semmes reminded Council that there was no grant funding to help with those mandates.

Mr. Callocchia noted their capital costs, as well as the cost to operate their system. He advised that part of their high cost was due to their location and hydrology.

Town Administrator Semmes reminded Council that Purcellville had to build their wastewater treatment plant; whereas, Middleburg's was given to it.

Councilmember Snyder noted that the Council did, at least, insist on current technology so it would not be caught with an obsolete plant. He advised that the Utility Committee challenged the Town Engineer to price out the major utility assets and identify their safe engineering life. Mr. Snyder noted that this was then used to project the future replacement costs in the rate model in order to ensure no major expenses were overlooked.

Councilmember Littleton expressed an understanding of where the rates were going with the modeling and opined that the members should anticipate increases each year. He noted, however, that part of this was public perception and some was assumptive. Mr. Littleton advised that the rate model was used to do budgeting; however, when the Town counted on a three percent increase in revenue each year, it operated toward that rather than finding savings. He suggested it would be helpful to identify the rates as "potential" or "recommended"; otherwise, it looked like the Council was locking into rate increases for the next five years.

Mr. Callocchia advised that this was a balance. He recommended the Council consider adopting five years' worth of rates and noted that they could always be changed. Mr. Callocchia advised that any expense incurred should be analyzed to make sure it needed to be and noted that the Town did not need to incur any expenses that were not. He explained that the model offered revenue predictability.

Councilmember Littleton suggested the need to find savings. He further suggested it may be possible that the membranes could cost less in the future. Mr. Littleton expressed concern about the perception of locking into rate increases for the next five years. He opined that it kept the Town honest to look at the rates annually. Mr. Littleton questioned whether there were alternate sources of revenue for water and noted that he saw different things in other towns, such as reclamation. He advised that some towns were reclaiming 20-30% of the water they put back and sold it to other towns that were water strapped.

Mr. Callocchia noted that Purcellville was looking at that.

Councilmember Littleton advised that he called DEQ and found that they had a program to access reclaimed water. He suggested that if the Town could reclaim 20,000 gallons of the 100,000 gallons/day of water that it put back and sold it for a couple of cents per gallon, the revenues would add up.

Mr. Callocchia noted that he worked with Loudoun Water, which did that. He opined that it would be good to do if the Town had the capacity, which it sounded like it did. Mr. Callocchia advised that there was a debate in the rate making industry of where the price should be. He explained that from a customer's point of view, they felt that a locality would only throw the water in a stream; therefore, they would propose to build a pipe, with the jurisdiction giving the water away for free. Mr. Callocchia further explained that from a town standpoint, they believed the other party should build their own treatment plant. He opined that the fee for reused water should be 30-40% of the retail rate. Mr. Callocchia advised that the water was expensive to tank. He agreed there were a lot of options and that this was a legitimate extra revenue source.

Councilmember Littleton opined that it would take months to figure out. He questioned whether Mr. Callocchia could do the rate modeling if the Town found it was a potential source for additional revenue. Mr. Callocchia confirmed he could. He advised that he could model the financial impact of an extra \$100,000 in revenue in the sewer fund.

Town Administrator Semmes questioned whether it was possible to sell nutrient credits. Mr. Callocchia explained that localities had a NPDES permit that identified a certain amount of TMDLs, which was how much could be in the Town's effluent. He advised that if a locality was doing better, which Middleburg was, it could take its excess and sell it to another utility. Mr. Callocchia compared this process to carbon credits. He advised that this would save the other locality money and make the Town money; however, he noted that it was incredibly complicated to organize. Mr. Callocchia advised that it would involve DEQ and legal counsel.

Mayor Davis opined that these were great ideas that needed to be explored.

Councilmember Hazard noted that the Town was looking for businesses. He suggested that if the Town had excess capacity that it could sell to businesses, even if it did not have to be potable, it should sell it at a good rate.

Mr. Callocchia reminded Council that federal grant funding had dried up; although, it may be possible to get a low interest loan. He further reminded them that one of the things that were discussed on the federal level was the removal of the ability for municipalities to have a tax advantage when refinancing its loans. Mr. Callocchia advised that an alternative was to sell the tax credits on the private market. He noted, however, that Middleburg was already set on its debt profile; therefore, the Town would not be impacted by such a change.

Mayor Davis opened the public hearing. No one spoke and the public hearing was closed.

Addition of Item to the Agenda & Approval of Meeting Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council add item XE (Council Approval – Letter to Governor and State Legislators – 5G Bills) to the agenda and approve the March 8, 2018 Regular Meeting and March 22, 2018 Work Session Minutes as amended.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Staff Reports

Stuart Will, of IES, introduced Mark Inboden, the General Manager of IES, who was in the audience.

Councilmember Daly advised Mr. Inboden that Mr. Will was doing a great job.

Vice Mayor Kirk questioned whether there was anything the Town needed to do related to the filter rehabilitation at Well 4.

Mr. Will advised Council that they were working on this and noted that it would be costly. Town Administrator Semmes reported that there was money in the budget to address it.

Mr. Will reported that he found some ways to save money and explained that rather than replacing the filter media, they would remove and reuse it, which offered a significant savings. He noted that there were other things that could be done to reduce the costs.

Vice Mayor Kirk expressed appreciation for all Mr. Will did to save the Town money.

Councilmember Snyder advised that one of the challenges of the Utility Committee was to do this as cost efficiently as possible.

Town Administrator Semmes reported that the issue of blight abatement would be brought to the Council during the April work session. She further reported that she and the Town Clerk have been conducting staff training on the new Employee Handbook and advised that it had been well received.

Vice Mayor Kirk inquired as to when the invitation for bids would be released for sludge removal services. Town Administrator Semmes reported that the Town Attorney was reviewing the draft IFB and advised that it would be issued as soon as he gave her any comments he may have. She reminded Council that the Town had existing haulers; however, Mr. Will felt it would be good to have some alternatives. Ms. Semmes noted that the Town may also get a better bid. She opined that it would be nice to have a secondary hauler and advised that this bid process would give the Town a primary and a secondary one, plus a tertiary hauler. Ms. Semmes reminded Council that the Town must get rid of its sludge and that the hauler must be licensed to remove it. She reported that it was taken to the Frederick/Winchester Service Authority's reclamation system, where it was turned into energy to run their plant. Ms. Semmes noted that it saved them money on electricity and they gave the Town a good deal as they wanted the sludge.

Councilmember Littleton noted that the members of the Museum Foundation's Board of Directors were excited about the Asbury Church bell and questioned how the Council wanted to handle it. He further questioned whether they wanted to offer it on a permanent loan basis to the museum.

Councilmember Snyder suggested it be offered under a permanent loan, with a kick-out clause in the event it was needed as a part of the church restoration, even though that was not likely.

Councilmember Leonard-Morgan inquired as to its size. Councilmember Littleton advised that while it was a good size, it could still be displayed indoors. He further advised that it was approximately the size of a mini refrigerator. Councilmember Leonard-Morgan agreed it should be offered to the museum under a permanent loan.

Vice Mayor Kirk questioned whether a decision was needed on what the Town would do with the church before making a decision on the bell. She opined that it could weigh in on an individual's decision to buy it. Councilmember Leonard-Morgan suggested this could be addressed in the loan contract.

Mayor Davis reminded Council that it could not be seen in the belfry. Vice Mayor Kirk advised, however, that it could be heard.

Councilmember Snyder opined that the cost of rebuilding the belfry would not be insignificant. He suggested it be offered to the museum on a contingent loan, which could be permanent.

Town Administrator Semmes reported that the bell tower had been restored. She further reported that the bell could be reinstalled; however, it could not be seen. Ms. Semmes suggested it be placed in the museum where it could be seen. She noted that they planned to build a story around it on religious life in Middleburg.

Councilmember Littleton noted that the Board had talked about cleaning it up and having stories around it. He advised that they may also have a small mallet so people could ring it.

Councilmember Snyder opined that it would be a fantastic asset for the museum.

Town Administrator Semmes opined that it would be possible to get examples of loan contracts from other museums.

Councilmember Littleton questioned whether the Council would be in favor of working with the Town Attorney on the terms of the loan. The members agreed they would.

Councilmember Hazard asked that it be contingent on what the Town did with the church. He suggested the contract contain language to the effect that if the buyer demanded it, it would be returned.

Councilmember Leonard-Morgan noted that the Town renewed its contract for trash collection. He questioned whether the staff asked the company about additional service options as an add-on. Town Administrator Semmes advised Council that the staff would ask about that. She reported that the company was just purchased and advised that while it would still be called ESI, it would be a subsidiary of Waste Management.

Town Clerk North reported that Swagit would be in the Council Chambers on April 13-14 to install the new audio/video equipment. She expressed hope that by the end of the day on April 14th, the equipment would be operational so the integration with the Granicus system could then begin.

Vice Mayor Kirk questioned whether the Town Clerk would be here for the installation on April 14th, which was a Saturday. Town Clerk North confirmed she would and noted that she changed her day off to April 16th. The members of Council thanked the Town Clerk for doing that.

Councilmember Leonard-Morgan questioned whether the Council would be able to use the system soon. Town Clerk North expressed hope that it would be operational by May. She noted that she had been doing the agendas both in paper form and electronically during the test period. Ms. North advised that she had not been able to do much with the minute's portion of the system because the video equipment had not yet been installed.

Councilmember Leonard-Morgan noted that he already installed iLegislate on his device and could not wait to use it.

Town Clerk North advised Council that she would be getting them information soon on the electronic agenda software. She noted that she was continuing to work on acquiring the Surface Pro devices and opined that she may get a better price from Microsoft.

Councilmember Littleton questioned whether training would be held for the Council. Town Clerk North confirmed it would. She noted that STS would also be available to assist anyone who needed help downloading iLegislate. Ms. North opined that the agenda system was pretty intuitive to use. She advised that the only piece that was not was the minutes' piece.

Vice Mayor Kirk suggested an evening training session be scheduled.

Vice Mayor Kirk noted that she was getting push back from people regarding the Farmers Market and advised that the vendors did not want it to be on the front steps of the Community Center. She further advised that they wanted it to remain in the back, as they could not park their trucks in the front.

Business & Economic Development Director Gaucher reported that the staff was also exploring moving it to the parking lot at the National Sporting Library & Museum. Councilmember Miller opined that it would not be as visible. Business & Economic Development Director Gaucher opined that it would be as visible as it was at its current location. Vice Mayor Kirk noted that people were used to it at its current location.

Councilmember Miller opined that the market was held on South Madison Street at one time. He questioned whether it was successful there. Business & Economic Development Director Gaucher advised that he was told by people that it was not. Cindy Pearson, the former Economic Development Coordinator, advised Council that it was successful at that location.

Councilmember Snyder confirmed it was successful; however, VDOT had a problem with closing the street one day every week. He further opined that the permit process was onerous.

Mayor Davis reminded Council that they talked about the possibly having it in the back parking lot of the Middleburg Bank. She noted that the vendors would then be able to park next to their stands. Councilmember Miller noted that the bank was not open on Saturdays. Councilmember Leonard-Morgan noted that this location would capture people who were going to the Post Office.

Business & Economic Development Director Gaucher advised Council that he would check into that location. He opined that he could grow the Farmers Market.

Vice Mayor Kirk advised that she would like to have arts and crafts at the market, as well as musicians. Councilmember Leonard-Morgan noted that the market at Little Washington had a fiddler.

Business & Economic Development Director Gaucher advised that the location was up in the air. He reiterated that he would check on the bank parking lot as an option. Mr. Gaucher advised that he had spoken with Paul Eden, the Farmer's Market Manager, four times in the past two days and advised that they were working on this season's market. Vice Mayor Kirk noted that she had been contacted twice by him.

Councilmember Hazard suggested the staff check with VDOT on the use of South Madison Street and opined that it would be the ideal location. Councilmember Miller suggested the Town secure a recurring permit for that location.

Mayor Davis advised that when the Town held it there, it had issues with the store owners. She opined that closing the street every weekend on a Saturday was asking a lot of them. Councilmember Snyder opined that the Council would have merchants yelling at the Town.

Councilmember Miller suggested the staff check with the merchants before exploring this option.

Councilmember Littleton reported that he had spoken with all of them and all said “they did not want the farmers market there”. He noted that the road closure affected two-thirds of the shopping day on a Saturday.

Councilmember Snyder reiterated that the merchants hated it. Mayor Davis reiterated that it was asking too much to have the road closed every Saturday.

Business & Economic Development Director Gaucher advised that Mr. Eden suggested keeping the market open later, possibly until 1:00 p.m.

Vice Mayor Kirk noted that one vendor arrived early, usually around 6:30 a.m.

Councilmember Snyder questioned whether there had been any movement on the list of businesses that were very interested in locating in the town. Business & Economic Development Director Gaucher reported that a brewing company was ready to go – they just needed to find a location. He further reported that the nonprofit that wanted to expand had some urgency. Mr. Gaucher advised that they were looking at the options on Federal Street.

Councilmember Littleton noted that there were two brewing companies listed on Mr. Gaucher’s monthly report. He advised that he had heard a lot of concern from existing businesses about the overflow of breweries. Mr. Littleton noted that he was not saying they were good or bad; however, he suggested the Business & Economic Development Director needed to go to the businesses to address their concerns and to explain what was being proposed. He advised that the businesses needed to be heard. Mr. Littleton strongly recommended that Mr. Gaucher visit all of the businesses in town on a regular basis to chat with the owners about the list. He suggested that the last thing the Town wanted to do was to create an environment where seven businesses did not like an idea.

Councilmember Littleton advised that it was great that new businesses were being recruited; however, he questioned what was being done to engage with the existing ones. He suggested that be included in the monthly report. Mr. Littleton reported that a lot of the businesses have told him that they would like to see the Business & Economic Development Director more. He noted the recent closing of the chocolate shop and Olio and questioned whether Mr. Gaucher did an exit interview when a business closed.

Business & Economic Development Director Gaucher confirmed he did with Olio; however, he advised that this was usually a conversation he had with them before they left. He opined that when a business closed, it usually came down to sustainability. Mr. Gaucher advised that the owner may not be able to afford to be in business anymore; he/she may have expanded too quickly or prematurely; or, the market may have changed and the reality was that the revenues could not meet the expenses. He noted that he was trying to share information with the Council without disclosing specifics.

Councilmember Littleton acknowledged that there may be some reasons that were beyond the Town’s control; however, he noted that by interviewing them, a theme could arise that the Town could address. He suggested this should not be missed because of a lack of knowing.

Mayor Davis noted that some of the recent closures were due to people retiring and advised that this was something the Town could not stop. Councilmember Miller noted that they were retiring without a succession plan.

Councilmember Littleton opined that this was an important distinction. He noted the news article on the empty store fronts; however, three of them were due to retirement.

Town Planner Moore reported that the Planning Commission was busy with the Comprehensive Plan update. He noted that they had a work session scheduled for earlier in the week; however, it had to be canceled at the last minute due to schedule conflicts. Mr. Moore reported that the Commission had endorsed an outline of the plan and was moving forward with the vision, goals and objectives.

Town Planner Moore reminded Council that the Shiloh Baptist Church applied for National Historic Register recognition this past fall and noted that the HDRC sent a letter on their behalf. He reported that the Town had been notified that the application was approved; therefore, Middleburg had another property that was individually listed on the National Register. Mr. Moore advised that Pastor Nelson stopped by the Town Office earlier in the week to express his thanks to the Town for their support, in particular for their support during this process. He noted that he also expressed appreciation for Mayor Davis' attendance during their anniversary celebration.

Town Planner Moore reported that VDOT had issues with the plans for the Marshall Street Sidewalk Project, which he addressed along with the Town Engineer. He explained that this occurred because of someone who not familiar with small towns who was looking at their general standards. Mr. Moore reported that they were able to work those issues out and the plans were approved by VDOT. He advised that he was currently preparing the bid documents.

Councilmember Miller inquired as to when the construction would begin. Town Planner Moore advised that the staff had not discussed how long the bid period should be; however, he was hoping it would be under construction in June.

Town Planner Moore reported as a follow-up to Ms. Lee's comments that he was working with Care of Trees, a company the Beautification Committee used and who also worked for the Town on occasion, on tree removal. He noted the need to fund some of the work with them. Mr. Moore further noted that one of their members volunteered on the Committee. He advised Council that in working to update the Town's tree inventory, the Streetscape Committee determined there were thirty-three willow oak trees that had approached the end of their life span, which must be planned for replacement, four of which were critical. Mr. Moore reported that they could come down within the next month and advised that they were working to plant three new trees immediately thereafter. He reminded the Council that the tree in front of the Southern States would not be replaced, but rather the Committee was working with Southern States to dress up the area. Mr. Moore expressed hope to have a planting plan that would be implemented in May. He reminded Council that the main street and North Madison Street would get dressed up where there were expanses of dirt and around the tree wells. Mr. Moore advised that the plantings would have posts and chains around them and noted that a sample was located in front of the coffee shop. He advised that they were going to go with a black post/chain as opposed to green ones. Mr. Moore reported that the Facilities & Maintenance Supervisor had just completed refinishing the trash cans and noted that the cigarette butt containers were now on them.

Councilmember Leonard-Morgan noted that Go Green asked him to thank the staff for all it did in getting the cigarette butt receptacles.

Town Planner Moore advised Council that they would make some progress within the next month on the main street.

Councilmember Hazard questioned what would be planted in place of the Willow Oaks. Town Planner Moore reported that the Committee was looking for a Hornbeam, which was more vertical, for the location in front of the former chocolate shop. He further reported that the other two would be Black Gum trees.

Councilmember Hazard inquired as to the caliper of the trees. Town Planner Moore advised that it would depend on their source; however, they would be a minimum of two inches. He noted that the Black Gum trees would provide a splash of color in the fall. Mr. Moore reminded Council that one was included in the Washington Street Project.

Councilmember Leonard-Morgan opined that it was interesting to hear about Waste Management taking over ESI. Town Planner Moore agreed it was, particularly since ESI just acquired CSI; however, he opined that there would be some operational improvements. He advised that toward the end, CSI became slow in filling requests for new containers. Mr. Moore noted that ESI was better; however, because Middleburg was in a remote area, it still took a few weeks. He reported that Waste Management would allow some to be kept at the Town Shop so the Town could deliver them, which would allow for a quicker response time for the citizens.

Councilmember Leonard-Morgan advised that Go Green expressed a desire to have Waste Management due to their programs. He noted that he would talk with the Town Planner about them.

Vice Mayor Kirk questioned whether the pod had been removed. Town Planner Moore confirmed it had not. He advised that he sent a notice of violation; however, he may have to take the next legal step. Vice Mayor Kirk encouraged him to do what was necessary.

Town Treasurer Bott reported that thanks to the new software and the Administrative Assistant taking over some things, she was able to focus on collections of past due bills. She noted that she was doing well with the collection of real estate taxes; however, she was struggling with the business licenses. Ms. Bott advised that unless there were some objections, she would like to start including a list of those businesses that were extremely past due in her monthly report. She noted that she would not include the amount, just the business name. Ms. Bott advised that she was thinking about those that were more than ninety days past due. She reported that there were a couple of businesses that were extremely past due that she was having difficulty getting to pay. Ms. Bott advised that she polled other treasurers and asked the Town Attorney what could be done; however, she wanted to raise this with the Council before doing it.

Councilmember Leonard-Morgan noted that this would be a public forum. Vice Mayor Kirk opined that it would embarrass the businesses into paying.

Councilmember Miller asked that the staff make sure that its collection efforts were well documented before doing so. Town Treasurer Bott advised that she sent certified letters and had a record of when she called them. She noted that the Town could also do a lien on their bank accounts. Ms. Bott advised Council that she contacted the County to use their resources when possible.

Councilmember Miller inquired as to the step after this. Town Treasurer Bott reported that it would be to seize their assets and place liens on their wages. She noted that if they collected rents, the Town could tap into those; although, she was not sure of the techniques for doing so. Ms. Bott noted that she did not enjoy doing this.

Councilmember Miller requested a rough estimate of the amount that was past due. Town Treasurer Bott noted that there were two businesses, that she was aware of, which were significantly past due. She advised that based on the records she could find, they were two to three years past due. Ms. Bott noted that some businesses had not renewed their business license for this year; however, they were not yet ninety days late. She reiterated that she was sending letters and making phone calls, which took a lot of time.

Councilmember Littleton inquired as to the liability for a business that operated without a license. Town Treasurer Bott reported that it was a Class 1 Misdemeanor. She further reported that each day without a license was a separate violation.

Councilmember Leonard-Morgan questioned whether those businesses were open to any insurance liabilities. Town Attorney Crim advised that this would depend on the nature of the business. He explained that if they had a requirement to have a local license but did not and their insurance company required it, this would be an issue for them. Mr. Crim suggested that with regard to the notifications, he would update the letters to state that the staff would be putting this out in a public report. He advised that this often had an effect regarding collections. Mr. Crim reported that the third party collection was also effective and explained that if anyone owed the business money, the Town could send them a notice and collect it. He advised that if needed, the Town could seize their assets, set a date for an auction and, if the fees were not paid by the auction date, auction the business.

Mayor Davis opined that the most important thing, no matter what, was to give them a final notice that this would happen. Councilmember Miller suggested that it include a timeline to explain what would happen if they did not pay within the next five days.

Mayor Davis reiterated that they should be given a final notice so they could not say they did not know. She noted that the businesses were not picking up the certified letters the Town was sending and questioned what could be done about that. Ms. Davis suggested the staff walk the final letters into the business and hand it to the owner so they could not say they did not get it.

Vice Mayor Kirk suggested the police deliver it. Town Attorney Crim explained that the Police Department could not be involved in the delivery of the letter; however, they could go along for moral support.

Councilmember Hazard questioned the dollar value of the past due amounts. Town Treasurer Bott advised that she could not find a historical record in order to have an idea. She noted that it could be very little. Ms. Bott reported that the County called her today regarding one of the businesses, as they were also having a difficult time with their collections.

Vice Mayor Kirk suggested the businesses be given notification that this would be listed in a public record that would be open to the press and citizens starting with next month's report.

Mayor Davis noted the occupancy tax revenues for March and questioned whether these were collected monthly. Town Treasurer Bott reported that they were collected quarterly, with the ones for the first quarter of this year being due April 20th.

Councilmember Hazard noted that the water and sewer revenues were at sixty percent; however, if the General Fund transfer and bond proceeds were added, they would be at seventy-five percent. He questioned whether this was tracking correctly. Town Treasurer Bott confirmed it was.

Chief of Police Panebianco reported that a tree, located on Martin and Reed Streets, fell on an ESI truck this week. He commended Facilities & Maintenance Supervisor Cole who recruited the assistance of a tree company that was working at the Community Center. Chief Panebianco noted that they chopped up the tree and he reported the incident to the property owner. He reported that she then contacted the tree company and worked out a deal with them to remove it that day. Chief Panebianco opined that it was a smooth process aside from the forty-five minutes it took to get the tree off the truck. He noted that he had been waiting for it to fall and opined that it dropped on the truck. Chief Panebianco suggested it would have completely dropped; however, the truck held it up.

Chief Panebianco opined that the recent candidates' debate was good, informative and civil. He advised that it kept the community and Town employees informed.

Chief Panebianco reported that he visited the Middleburg Charter School earlier in the day when they received an award, which was presented by one of the stars from Wicked, for their anti-bullying campaign. He advised that he took a lot of pictures of the event, which were posted on Facebook. Chief Panebianco noted that Councilmember Littleton was also in attendance to represent the Council. He opined that it was a nice event. Chief Panebianco reminded Council that Lieutenant Hollins was in the video. He opined that it was good as it showed that the community was pulled together.

Chief Panebianco reminded Council of the Town-wide Clean-Up scheduled for April 14th, beginning at 8:00 a.m. He reported that he and Officer Putnam would be there to keep the participants as safe as possible, with the on-duty officer being available to assist if needed. Chief Panebianco noted the large crowd during last year's event and opined that this year's should be good if it had that many people.

Councilmember Miller noted that he missed the delta from the Chief's old monthly reports. Chief Panebianco acknowledged that the current report only provided a snap shot of one month; therefore, he was not sure of its value. He opined that the new version was cleaner. Chief Panebianco reminded Council that it calculated differently under the new software and advised that he was willing to return to the old format if the Council wanted.

Councilmember Snyder noted that the old format was the only one used for a long time. He opined that one could not determine the trends from it. Mr. Snyder recommended that if the Chief had any trend advice that he would like to offer that he do that instead.

Chief Panebianco noted that Middleburg did not have a lot of major crimes; therefore, it was difficult to track them. He cited the example of a breaking & entering, which occurred this week, and advised that it was the first one in five years.

Councilmember Snyder explained that he was thinking of things the Council should pay attention to, such as hit and run accidents, which were a problem for decades. He noted that he did not know how significant they were today. Chief Panebianco noted that there were a few and advised that he would look at that. Councilmember Snyder reiterated that he was thinking of things where the Chief could see an upward or downward trend.

Chief Panebianco confirmed he would do so. He reiterated that he believed the new format was cleaner. Chief Panebianco reminded Council that the former format included all of the things that must be reported to the State Police under the IBR system – most of which Middleburg did not have a call for. He opined that the old form came from the Virginia State Police and reiterated that the new one was cleaner and more concise.

Councilmember Leonard-Morgan advised Chief Panebianco that Go Green appreciated their support during the 5K. Chief Panebianco opined that the event went well. He noted that there were a smaller number of participants this year; however, that could have been due to the cold weather and because of the conflict with Easter. Chief Panebianco opined that it could be a core event for Middleburg. He further opined that this year's event was better.

Councilmember Leonard-Morgan noted the horrible accident that killed a lady a couple of months ago. He further noted that there was another one further out of town. Chief Panebianco confirmed the officers were still working Route 50. He advised that they tried to educate the drivers and were asking them to slow down; however, if they did not, they were given a ticket. Chief Panebianco reported that the number of speeding tickets being written was reducing. He opined that motorists were slowing down, which was what they wanted.

Councilmember Miller thanked the Police Department for their assistance. He noted that three weeks ago, he called 911 for a family emergency and by the time he was done making the call, Chief Panebianco and Officer Putnam were at his door. Mr. Miller advised that the officers were here for the residents no matter what. Chief Panebianco advised that they loved the community.

Town Attorney Crim reported that there was a dramatic development in the wireless bills when the Governor submitted amendments. He noted that a letter had been added to the agenda. Mr. Crim reported that he had some minor edits he wanted to offer when this item came up for discussion.

Town Attorney Crim reported that he received the sludge pump and haul IFB earlier in the week and had reviewed it. He advised that he would have his comments to the staff early next week at the latest.

Vice Mayor Kirk advised the Town Attorney that she liked getting a written report from him.

Reports of Town Committees/Council Liaisons

Councilmember Leonard-Morgan reported that during its last meeting, Go Green requested an increase in its membership from seven to nine members. He advised that they had a lot of work to do and could use the extra volunteers.

Councilmember Leonard-Morgan noted that Go Green did not have a line item in the budget. He acknowledged that there was one for committee support in the amount of \$2,000. Mr. Leonard-Morgan reminded Council that Go Green did events and reported that they would like to do more on the environment and sustainability. He asked that the Council increase this line item to \$4,000.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that the Council adopt an amendment to the ordinance establishing the Go Green Committee to increase its membership to nine.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Action Items (non-public hearing related)

Council Approval – County/Town Cooperative Agreement RE: Confidential Data

Town Treasurer Bott explained that this was related to confidential data that would be going back and forth between the Town and the County.

Councilmember Miller moved, seconded by Councilmember Daly, that the Council approve the Cooperative Agreement between the Commissioner of the Revenue of Loudoun County and the Town of Middleburg. Councilmember Miller further moved, seconded by Councilmember Daly, that the Mayor be authorized to sign the agreement on the Council's behalf.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Bid – Ridgeview Water Main Upgrade Project

Town Administrator Semmes reported that the low bidder was the same contractor that worked on two water line projects in Middleburg – the Route 50 Project and the East Washington Street Water Line Project. She noted that the staff was very happy with them as they knew what they were doing.

Town Administrator Semmes advised that the bad news was that the engineers under estimated the cost, with the bid being \$175,000 over the budget.

Vice Mayor Kirk questioned whether the Council needed to put that amount in the budget now. Town Administrator Semmes reminded Council that these expenses would be split between this fiscal year and the next. She advised that she would return with a recommendation, as this was not the only additional cost. Ms. Semmes noted that the Town Engineer was coming up with a tentative budget, which she would have for discussion during the work session. She reported that she was tentatively recommending that the money come from an additional loan from the General Fund, as the Town could not borrow money from a bank for the same interest rate that it could borrow it for from the General Fund.

Councilmember Littleton questioned whether this would take the General Fund loan to \$500,000. Town Administrator Semmes confirmed it would. She reminded Council that money was also included in the other budget. She estimated that sixty percent of the work would be done during this fiscal year and forty percent in the next.

Councilmember Hazard questioned why the Town was not funding it all through the loan.

Councilmember Snyder reminded Council of the cost savings the Town would realize because it was piggybacking on the VDOT repaving project.

Town Administrator Semmes agreed the cost to the Town would have been much higher otherwise. She noted that in looking at the utility rate model presentation, the estimated project cost was the all-in cost. Ms. Semmes reported that there would be additional costs as the Virginia Department of Health was requiring the Town to install temporary water service on Walnut Street and there would be project inspection fees for the services that IES would provide. She noted that the cost for some oversight was already budgeted for Stantec to review the submittals.

Councilmember Littleton inquired as to the timeframe for construction. Town Administrator Semmes reported that it would be two months from start to finish. She advised that she would know more following the pre-construction meeting. Ms. Semmes noted that if the Council approved the contract, she would schedule a meeting with the contractor for next week before the Utility Committee meeting. She advised that they would talk about the schedule, the additional costs, mobilization and the potential to provide service lateral replacement services to homeowners in the event they had an old service line.

Councilmember Snyder noted that it would be addressed similar to how it was done on Washington Street. He suggested the property owners be given the benefit of the Town's contract rate.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council award a construction contract in the amount of \$974,650 to A&M Concrete of Dulles for the Ridgeview Water Mains Upgrade Project. Councilmember Snyder further moved, seconded by Vice Mayor Kirk, that Council authorize the Town Administrator to execute a contract agreement for this project on behalf of the Town, subject to final contract approval by the Town Attorney.

Councilmember Hazard noted the bid form from Stantec. He questioned whether anyone looked at the unit costs to see if they were out of line. Town Administrator Semmes reported that Stantec compared them with the other bid and their estimate. She advised that the only thing that was out of line was the mobilization costs submitted by the high bidder.

Town Attorney Crim noted that a large part of the cost was for the rental of the mobile signs. He reported that the Town was looking to see if it could save some money there. Mr. Crim noted that VDOT had pages of traffic control requirements, which was why the number was so high.

Councilmember Littleton opined that one of the biggest problems would be the connector lines. He reminded Council that when the Town did the main street project, water laterals burst because of the increased pressure. Mr. Littleton questioned whether the Town could mandate the property owners to update their laterals if they were fifty years old in order to get ahead of this. He suggested the Town go to them now to explain that the Town was doing this project, which could cause their lateral to fail, and to suggest they have it replaced by the contractor, which would be at a cheaper rate than they could get. Mr. Littleton further suggested they be encouraged to do this now.

Mr. Inboden advised Council that they would take the service off the old connections and make a new one. He noted that they would be handling the laterals and would be disturbing what had been in place for a long time. Mr. Inboden confirmed there would be lines that would have to be replaced as a result.

Councilmember Hazard noted that many laterals would be under pressure for the first time in a while.

Mr. Inboden recommended the laterals be replaced and advised that this would be cheaper for the Town in the long run. He opined that many of them were copper. Mr. Inboden advised that while the Town's water chemistry did not have a high corrosive index, some corrosion would happen. He reiterated that copper lines that have been in the ground for sixty years would be need to be replaced. Mr. Inboden reminded Council that they would handle the laterals from the main to the meter as the Town was only responsible for them to the meter.

Councilmember Littleton noted that the service lateral to the house was the homeowners' responsibility. He further noted that it was expensive to replace, which could be difficult for a person of modest means. Mr. Littleton suggested the staff let them know now that they had an older line and advise them that they needed to replace it in the next two or three months so they could plan for it financially. He opined that otherwise, they may miss the opportunity to replace it if they were not given the ability to plan and budget for it. Mr. Littleton suggested this not be sprung on them.

Town Administrator Semmes reported that the staff was already talking about doing this. She noted, however, that the Town did not know whose lateral needed to be replaced and had no way of knowing.

Councilmember Hazard questioned whether the Town was just replacing the mains. Mr. Inboden reported that it was replacing the mains and the laterals, but would only go to the meter. He advised that the portion between the meter and the house would be undisturbed; however, he acknowledged that it may burst due to the increased water pressure. Mr. Inboden advised that how often this would occur was hard to determine.

Councilmember Hazard noted that the Town did not know which laterals were good and which were bad. Mr. Inboden suggested that some may have already been replaced. Councilmember Snyder noted that he replaced half of his.

Town Administrator Semmes advised Council that the staff intended to let the property owners know this was a possibility.

Mayor Davis questioned how this would work. She further questioned what would happen if forty people wanted their laterals replaced. She questioned how much more time would be needed to complete the project and advised that this could involve a lot of work.

Town Administrator Semmes explained that she wanted to talk to A&M about this as the Town had a deadline. She opined that they may be able to follow-up and do the lateral replacements later.

Mr. Inboden noted that IES owned some utilities. He reported that they offered insurance that their customers could purchase to replace laterals. Mr. Inboden advised that Dominion Power offered the same insurance program.

Councilmember Hazard questioned whether there would be a valve box. Mr. Inboden confirmed there would.

Councilmember Hazard opined that if there was an issue, the water could be turned off to the property and A&M could keep going with the water main replacement. He noted that the Mayor made a good point and suggested the staff talk to A&M about having a backup crew as there would be leaks.

Mayor Davis suggested that if needed, the property owners could replace their laterals now. Mr. Inboden confirmed they could.

Councilmember Snyder opined that most property owners were not aware of the need, as the leaks were usually pin holes.

Mayor Davis opined that Vice Mayor Kirk's lateral was sixty years old. She suggested she may want to call a plumber and have it replaced now.

Councilmember Hazard opined that it would not be as cost effective.

Mayor Davis agreed; however, she noted that she did not understand how the contractor could do the lateral replacements given VDOT's timeline.

Councilmember Hazard questioned whether the crocks were in the rights-of-way. Mr. Inboden reported that they were in an easement, with some being in yards.

Councilmember Hazard suggested that those that were in yards could be done after the fact; whereas, those in the rights-of-way must be done now.

Mayor Davis noted that the Town could warn the property owners that if they had old laterals, they could burst. Vice Mayor Kirk agreed and suggested the insurance also be mentioned.

Mayor Davis questioned whether there was a way to contact those properties that would be involved in the project. Town Administrator Semmes confirmed the Town would be contacting everyone involved.

Councilmember Littleton questioned whether this was part of the contact plan. Town Administrator Semmes confirmed it was. Councilmember Snyder noted that it was discussed by the Utility Committee.

Town Administrator Semmes opined that A&M could do the replacements cheaper. She further opined that IES could do them as well.

Mr. Inboden advised Council that IES' employees were not licensed plumbers. He further advised that only a licensed plumber could go onto private property to replace a lateral. Mr. Inboden reported that they could do any work in the road; however, they could not replace service laterals to a house, as their insurance company would not allow it.

Town Administrator Semmes advised Council that the staff would get the education going as quickly as possible. She agreed it would also be good to give property owners information on the insurance that could be purchased through Dominion Power.

Councilmember Littleton suggested the staff also provide a list of plumbers that could do the work. Councilmember Hazard suggested the staff ask A&M whether they had any plumbers that could do it.

Councilmember Miller suggested the homeowners' insurance policy may cover the cost.

Mayor Davis inquired as to the length of a service lateral. Councilmember Hazard advised that it depended on the house.

Councilmember Littleton advised that when he replaced his, the cost was \$2,000. Mr. Inboden opined that this was not out of line.

Councilmember Littleton advised that his lateral had pinholes in it. He noted that they replaced the line in a day or two.

Councilmember Snyder advised that he replaced his due to pinhole leaks and holes. He noted that he also rerouted his water supply. Mr. Snyder reported that the cost was between \$1,500 and \$2,000.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Contract – Branding

Business & Economic Development Director Gaucher advised Council that the Town had an opportunity to partner with Native Collaboration.

Vice Mayor Kirk questioned how this firm was chosen. She further questioned whether it was based on money or their work. Business & Economic Development Director Gaucher advised that it was their work. He noted that during the RFP process, twenty firms expressed an interest in the project; however, only thirteen proposals were received. Mr. Gaucher advised that those proposals were reviewed by a committee of five people, who graded each one. He further advised that the top four ranked firms were invited to Middleburg to give a ninety minute presentation, followed by a question and answer period. Mr. Gaucher reported that the group decided that this firm was head and shoulders above all of them.

Vice Mayor Kirk noted that their submission did not include a fox. Councilmember Miller advised that those were just concepts and were not the product.

Vice Mayor Kirk advised that she liked their work; however, she reiterated that it did not include a fox. Business & Economic Development Director Gaucher explained that the slides were just representative of the potential ideas that were put forth to the review committee.

Mayor Davis noted that this firm also did websites.

Councilmember Miller noted that they had scalability. He suggested that having them do the Town's website was a possibility as they had the in-house ability to do it all. Business & Economic Development Director Gaucher noted that there was a person on their team with this type of certificate; therefore, they could do websites.

Mayor Davis suggested that if chosen, they may give the Town a good deal on a new website. Business & Economic Development Director Gaucher advised Council that he did not ask them about this and reiterated that they were chosen solely on their abilities and skills in branding.

Councilmember Miller reminded Council that the biggest cost driver of a website was what the Town wanted and its structure. He noted that the requirements would complicate it in terms of how many layers must be built.

Business & Economic Development Director Gaucher advised that at Town Clerk North's suggestion, the staff had already started a list of things that were appropriate for the website.

Councilmember Miller noted that it was important to engage the public so the Town would know what they expected of the website. He opined that people wanted to pay bills, report water issues, etc.

Councilmember Hazard noted that the branding contract was for \$64,000.

Dan Morrow, a member of the audience, opined that this was cheap.

Councilmember Miller reminded Council that they were spending \$93,000 for traffic control and opined that this was a bargain.

Councilmember Hazard questioned whether it was possible to prioritize what was in the contract. He further questioned whether some things were more important than others.

Business & Economic Development Director Gaucher explained that the contract was for a brand strategy, action plan, story and messaging and a logo, which were as important as the messaging matrix. He explained that in order to do the top section, all of the items were required. Mr. Gaucher noted the need to research operations in order to get to the next step. Councilmember Miller noted the need for stakeholder interviews.

Vice Mayor Kirk opined that it could not be broken into pieces.

Councilmember Hazard noted the cost of the contract. He questioned whether the staff had checked it against other localities. Mr. Hazard noted that Middleburg was a small town and opined that \$64,000 was a lot of money.

Business & Economic Development Director Gaucher advised Council that he could not tell them that. He reminded them that this was the budget he inherited and noted that it included \$75,000 for marketing and communications.

Councilmember Hazard questioned whether this was a part of marketing. Councilmember Miller explained that it was a marketing tool that would empower businesses to work together in order to market the entire town experience. He noted the need to get in front of the people who came to Middleburg to spend money. Mr. Miller explained that this would give the Town the tools to do so and advised that it would go deeper in the messaging matrix.

Mayor Davis expressed an understanding of Councilmember Hazard's concern about spending this much money for a town of Middleburg's size; however, she reminded him of the number of businesses that were in Middleburg and the desire to increase what they brought in. She opined that Middleburg had some "good stuff" for a town of its population. Ms. Davis advised that while she was not sure of the cost for these services, what was broken down seemed reasonable.

Councilmember Littleton noted that it was an investment.

Councilmember Hazard noted that when Salamander came into town, one of the points they sold the Town on was that they would work with and help the Town with branding. He questioned whether they had been involved in this project.

Business & Economic Development Director Gaucher reported that a representative from the resort was a member of committee that reviewed and recommended the contract with Native Collaboration. He advised that their General Manager was comfortable having their Chief Operating Officer engage with him on this project.

Councilmember Miller advised that he had a conversation with the resort and noted that they were happy to see this happen. He opined that it was necessary and advised that he saw it as the next step of the Town in supporting other businesses.

Councilmember Hazard suggested that given as much as Salamander did, the work of the two should be done in concert. Councilmember Miller confirmed it would. Vice Mayor Kirk advised that the COO worked with all branches of Salamander. Business & Economic Development Director Gaucher reiterated that she was their representative and participated on the committee.

Mayor Davis reminded Council that the Town promoted Salamander and they promoted the Town immensely. She opined that Middleburg received an investment from their branding.

Councilmember Miller advised that the committee could have recommended a firm that was less expensive and still gotten the project done. He compared Middleburg to something on the National Historic Register and noted that the Town must pay for a level of craftsmanship in order to get a quality product that was related to the town. Mr. Miller opined that it would be more expensive. He advised that the result would be that the public would be involved in the process, would have buy in and would have approved the look and feel of the branding so it would not just be for visitors.

Vice Mayor Kirk advised that she did not want to get into a situation of going with the low bidder like was done on the website. She further advised that she wanted quality.

Councilmember Daly expressed a desire for the best value for the Town's money.

Councilmember Snyder opined that it was wrong to look at this in terms of a town Middleburg's size. He advised that he was not aware of a town this size that had this business community. Mr. Snyder noted that he worked with a different Council twenty years ago and advised that they struggled to get their heads around the idea of doing a utility engineering study that cost \$30,000-\$40,000. He opined that that was the equivalent to this contract. Mr. Snyder reminded Council that this contract was for real expertise. He suggested that if the Town wanted professional advice, it must pay the going rate and opined that it was reasonable.

Councilmember Miller inquired as to what the Town was spending on the contract for the Comprehensive Plan update. Town Planner Moore reported that it was \$99,800, with some options.

Councilmember Snyder agreed the Council would get criticized for spending this much money; however, he noted that it was criticized when it spent \$20,000 to replace a truck.

Councilmember Miller moved, seconded by Councilmember Daly, that Council authorize the Town Administrator to sign a Contract Agreement for Professional Services between the Town of Middleburg and Native Collaboration, LLC, in the amount of \$64,610, for the development of a municipal/community brand identity.

Councilmember Littleton noted that the contract referenced attachments that were not included. He questioned whether the contractor would bill based on milestones or by the hour. Business & Economic Development Director Gaucher confirmed it was milestones.

Councilmember Littleton suggested the contractor be asked to condition the contract so the last twenty-five percent would not be paid until final delivery and acceptance by the Town. Vice Mayor Kirk agree. Councilmember Miller accepted that as a friendly amendment to his motion.

Town Attorney Crim advised that the Council could make that a condition of their approval and if the contractor did not like it, this item would return to them.

Councilmember Littleton reiterated that the last twenty-five percent should not be paid until the Town accepted the product.

Vote: Yes – Councilmembers Kirk, Daly, Leonard-Morgan, Littleton, Miller and Snyder

No – Councilmember Hazard

Abstain: N/A

Absent: N/A

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

(as amended)

Council Approval – Resolution – Refer Amendments to Zoning Ordinance to Planning Commission

Town Planner Moore reminded Council that this was a follow-up to their previous discussion and explained that it would formally refer the matter to the Planning Commission. He noted that he gave the Commission a heads up during their last meeting that it was coming. Mr. Moore reported that they would start work on the sign ordinance amendments and the implications of establishing square footage requirements for businesses.

Councilmember Miller moved, seconded by Councilmember Daly, that Council adopt a resolution to refer a proposed amendment to the Town Zoning Ordinance, namely a rewriting of the sign ordinance and adoption of a minimum square footage for businesses, to the Planning Commission for public hearing, consideration and recommendation to the Town Council.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Letter to Governor and State Legislators – 5G Bills

It was noted that Delegate Wendy Gooditis was in the audience.

Councilmember Littleton advised Council that both the House and Senate had the exact same bills going up separately, all of which passed and were sent to the Governor. He reminded the members that they sent letters to him encouraging him to veto them. Mr. Littleton reported that the Governor proposed amendments, which were worked out in negotiations with his office, Senators, Delegates, VML and VACO. He noted that as to the bills to cap fees that local municipalities could charge, the bills discussions occurred only with VDOT. Mr. Littleton advised that the municipalities were never engaged even though the bills would affect all fees for everywhere in the State. He reported that while they were still trying to work out the language, the essence of the amendment was to make the bills and fee caps that were negotiated with VDOT applicable only to VDOT rights-of-way and no one else. Mr. Littleton explained that under the amendment, if the 5G cell structures were placed in town rights-of-way, they would be subject to town fees.

Councilmember Littleton advised that as to the second bill related to expedited administrative approval of applications for 5G infrastructure in town rights-of-way, the amendment would remove the applicability of the bill to cities and towns. He noted that it would still be applicable in counties or VDOT rights-of-way; however, the rights-of-way in cities and towns would be exempted from the law. Mr. Littleton explained that in essence, if a wireless provider wanted to come to a city and town for 5G service, they would have to go through the normal process, as opposed to getting an administrative approval. He explained, however, that unless there was a hazard to public health and safety, it would automatically be approved. Mr. Littleton noted that a letter was drafted by VML and VACO urging Delegates, Senators and the Governor to support the amendments.

Delegate Gooditis advised Council that she voted against the bills. Councilmember Littleton advised Council that Delegate Gooditis was great.

Delegate Gooditis reported that with the other bill, she put forth an emergency stop gap measure; however, it was not approved. She advised that she supported the letter before Council as the legislators did not have detailed knowledge of how this infrastructure would work on a mountain side or in protected areas.

Councilmember Littleton advised that a land use lawyer from Fairfax made the argument to the Governor that the 5G companies wanted to have the authority of utilities, but the municipalities would get nothing in return. He further argued that utilities were required to provide power even if they lost money; however, the State would not be getting that with 5G providers.

Councilmember Littleton advised that the other good thing about the amendment was that it required a study on how the bills may or may not provide connectivity to underserved areas. He further advised that a report must be given in a year and a plan drafted outside of the bills as to how it could be effectuated. Mr. Littleton reminded Council that Middleburg did not have broadband.

Delegate Gooditis advised that her main objection to the bill was that it did not mandate or require providers to come into a community.

Councilmember Littleton noted a news article on the cost to lay line that explained that unless there were a certain number of customers, utilities would not lay it. He suggested the Council send letters asking the Delegates and Senators to support the amendments. Mr. Littleton expressed appreciation to Governor Northam for making them.

Delegate Gooditis advised that she was happy to see the amendments.

Councilmember Littleton reported that the Governor's office received over a thousand letters objecting to the bills and opined that at least three hundred fifty came from the Middleburg community.

Mayor Davis thanked Delegate Gooditis for her efforts.

Councilmember Littleton moved, seconded by Councilmember Daly, that Council direct the Town Clerk to prepare letters for the Mayor's signature to be sent to our local State Senators and Delegates and Governor Northam related to the wireless public rights-of-way fees bills and wireless infrastructure bills on zoning.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Councilmember Littleton encouraged the audience to give Delegate Gooditis a round of applause for her assistance in getting approval of the Town's charter amendment, which the audience did.

Delegate Gooditis noted that it was a great learning experience.

Discussion Items

Intersection of Marshall/Federal Street

Councilmember Snyder advised Council that this went back to a letter to the editor in the Middleburg Eccentric that was addressed to his Ask a Councilmember column. He noted that he was delighted to discuss this because, unlike many things that came before the Council, the Town Planner and Police Chief had already addressed the principle concerns by improving the signage at this intersection. Mr. Snyder reminded Council that this intersection was a real safety challenge because of its grade and noted that motorists must stop on one side but not the other. He opined that this was because the Madison Street side could not stop on the hill during the winter. Mr. Snyder advised that he did not know if this would entirely satisfy the concern and expressed a belief that there was still a safety issue. He reiterated that he did get the Chief and Town Planner's input and was happy to report that they had implemented their suggestions. Mr. Snyder reminded Council that the reader only asked for improved signage; however, he suggested this be monitored. Mr. Snyder asked the Police Chief to bring a sense of how well the signage was addressing the safety issue to the Council.

Mayor Davis noted that the Town painted a stop bar at this intersection many years ago; however, it was worn out. She opined that it had not been repainted because of the planned VDOT repaving project. Ms. Davis suggested it would make a big difference if it was repainted once the repaving was completed.

Vice Mayor Kirk questioned whether this could also be done at the intersection of Pendleton/Marshall Streets. Town Administrator Semmes reported that a bar had been painted; however, it may need to be repainted.

Mayor Davis opined that VDOT was supposed to install rumble strips at that location.

Town Planner Moore confirmed the painting was programed to occur after the repaving. He reported that he was working with VDOT to install a taller sign post for the stop sign so a secondary sign, reminding motorists that through traffic did not stop, could be installed.

Mayor Davis noted that signage would not fix people who were not paying attention.

FY '19 Budget

Town Administrator Semmes reminded Council that they were tentatively scheduled to have a public hearing on the budget on May 10th. She reported that as to the Utility Fund Budget, she would have better numbers during the April 26th work session. Ms. Semmes opined that what was in the rate model was a good estimate of the Ridgeview project. She reminded Council that the only other unknown was the West End Pump Station.

Mayor Davis noted that the Town would be paying the County for the collection of its real estate tax revenues. She questioned whether there should be a separate line item for those expenses in order to show the amount the Town was paying the County.

Town Treasurer Bott confirmed this could be done. She noted that the County would remit the payment less the percentage.

Mayor Davis questioned whether it would be more accurate to show what the Town was receiving in tax revenue if there was a line item for the payment to the County. Councilmember Snyder agreed it should be looked at as revenues and expenses.

Town Treasurer Bott reiterated that she could do it that way and noted that it was only a matter of how the Council wanted to see it. She advised that she was fine doing it either way. Ms. Bott agreed it would be good to know the costs of the collection.

Councilmember Littleton questioned whether the staff had better clarity on the real number for the bank franchise tax. Town Treasurer Bott reported that she was still missing a report from one bank; however, she was comfortable with the number in the proposed budget. She reminded Council that it was lower than in the past.

Councilmember Hazard questioned whether the Council needed to do anything on the expenditure side with regard to the A&M contract. Town Administrator Semmes confirmed it would and reiterated that she would make a recommendation during the work session. She advised that she would recommend an increase in the transfer from the General Fund in terms of the loan.

Councilmember Hazard questioned whether the loan amount would increase from \$300,000 to \$500,000. He further questioned whether this would result in capital expenditures of \$894,000.

Town Administrator Semmes confirmed it would. She advised that she would have a better idea of the additional cost once she met with the contractor and received a more accurate cost on the remaining items.

Town Administrator Semmes advised Council that the only remaining unknowns were the cost of the West End Pump Station Project and the Marshall Street Sidewalk Project, as well as anything that could come out of the space needs study.

Councilmember Hazard inquired as to the repayment details for the General Fund loan to the Utility Fund. Town Administrator Semmes reminded Council that they talked about an interest rate of two percent, which had been built into the debt payment model. She further reminded them that they talked about a twenty year repayment due to the life of the project.

Mayor Davis opined that the loan would be repaid in five years. Town Administrator Semmes recommended the Council amortize the cost over a longer term as water lines lasted a long time.

Councilmember Snyder reminded Council that the goal of the rate model was to stabilize the utility rates. He opined that it was incumbent on them to not take too short a period to amortize a debt. Mr. Snyder advised that, on the flip side, it would get lost if it was amortized for fifty or sixty years.

Town Administrator Semmes advised Council that she would double check this.

Councilmember Hazard noted that it would change the depreciation costs.

Vice Mayor Kirk questioned what the staff needed from the Council at this point. Town Administrator Semmes advised that it needed to know what they wanted to do with regard to offering health insurance to members of the Council. She reminded them that the staff had provided the information they requested.

Mayor Davis summarized that the individual could donate money to the Town; however, the Council could not mandate that they do so. She advised that they could be strongly urged to do so.

Vice Mayor Kirk noted that it would not go to the same place.

Councilmember Snyder advised that he was uncomfortable with a public official taking advantage of the Town's health system service and potentially affecting the costs to Town residents.

Councilmember Littleton questioned why Councilmember Snyder voted to allow it in 2013 and 2014.

Councilmember Snyder advised that he had not given it the level of thought that he now had. He further advised that he did not understand the costs and noted that he was under the impression that the Councilmember would reimburse the Town for the entire cost. Mr. Snyder explained that his vote was because it was really only applicable to a single member of the Council. He reiterated that he did not understand the scope of the cost and how that could transfer to the taxpayers.

Councilmember Leonard-Morgan questioned whether the insurance premiums were less at that time. Councilmember Snyder advised that he was not sure. He explained that he became aware of the premium costs as this was discussed over the last few months, at which point he realized that it was a lot of money.

Vice Mayor Kirk opined that the Council had talked about this before, including the cost and where the money came from. She further opined that in 2013 and 2014, the Council knew it could not get the money back. Ms. Kirk suggested the Town could do so in 2000.

Town Clerk North reported that she reviewed the 2013 and 2014 minutes and advised that they clearly stated that the Town would have to cover half of the cost.

Councilmember Littleton expressed concern and opined that it was not good to go forward with a policy and within a year or two, rescind it completely when it was the same. He noted that in reviewing the meeting minutes, the discussion was about supporting the community and health coverage. Mr. Littleton reminded Council that eighteen months ago, they made a motion to send a letter to the Governor asking him to accept the Obama Care funding. He opined that the Council needed to be consistent and suggested it either needed to help people with health care coverage or not.

Councilmember Snyder explained that the reason he was concerned was because this was a benefit that was only available to public officials, not Town residents. Councilmember Littleton advised that it was the same as with Medicare and Medicaid.

Councilmember Snyder noted that Medicare and Medicaid were not restricted to public officials. He advised that health insurance was a benefit to the Town staff because they were employees and the Council was responsible for them. Mr. Snyder further advised that he did not share that sense of responsibility for his fellow members of Council nor did he feel it was an obligation of the taxpayers to support it.

Councilmember Littleton questioned why Councilmember Snyder voted in favor of providing health insurance to members of the Council twice when it was clear from reading the minutes that the costs were discussed.

Councilmember Snyder noted that he had served on Council for twenty years and had made mistakes. He opined that this was an oversight and suggested he had not given it the level of consideration as to whether it was appropriate for taxpayers to support members of the Council. Mr. Snyder advised that when he looked into it, he decided the answer was “no he cannot ask the taxpayers to provide health care to members of Council for the half price”.

Councilmember Miller reminded Council that this was the legally allowed standard. He opined that they were not giving anything away. Mr. Miller advised that he felt a sense of responsibility to members of the Council, as they were also members of the community. He opined that it would be horrible if a Councilmember who gave so much back had a health situation but did not have proper coverage. Mr. Miller reminded Council that they were considered to be employees of the Town.

Councilmember Daly concurred with Councilmember Miller. He noted that the members were serving the public good and opined that they were not asking for anything huge. Mr. Daly reminded Council that the members gave up a lot of time and their own money to do what they did in support of the town. He noted that it was not like a councilmember normally retired from this position. Mr. Daly opined that the Council wanted the best and brightest to come forward to take a leadership role. He noted that they may be retired school teachers or be on a small disability pension from the military.

Councilmember Miller noted that the Council was not talking about a lot of people and advised that the benefit had only been used in limited instances. He reiterated that not all of the members were on the Town’s insurance. Mr. Miller further reiterated that they were employees and this was a benefit. He reminded Council that policy wise, they have allowed this in past and that there had been members who wanted it on several occasions. Mr. Miller advised that he would not feel right going backward.

Councilmember Hazard questioned why the Council was discussing this. He further questioned why it was an issue. Mr. Hazard advised that they were not talking about a lot of money and suggested that even if everyone took it, it would still not be a budget breaker. He noted that it was something the Council agreed to in the past. Mr. Hazard advised that he did not have an issue with it.

Councilmember Miller advised that, election notwithstanding, the Council usually tried very hard to get people involved and to take on responsibilities. He suggested that receiving this benefit would not be a reason for someone to join the Council. Mr. Miller advised that if someone found themselves in the position where they needed health insurance and happened to serve on the Council, it would be there for them.

Councilmember Hazard noted that the first time the Council approved this policy, it was a necessity for one of the members.

Councilmember Miller advised that he would not want to find himself in that position.

The Council agreed to leave the money in the budget.

Town Treasurer Bott reminded Council of the request to increase in the budget for Go Green. Vice Mayor Kirk suggested the amount be changed to \$4,000.

VML Policy Committee Nominations

Town Clerk North advised Council that the Town Treasurer was not available to attend the VML Finance Committee meeting this year and questioned whether they wished to nominate someone else for this committee. The Council suggested that Tina Staples be asked whether she would be willing to serve. Councilmember Littleton volunteered to serve in the event that Ms. Staples declined.

Information Items

Councilmember Snyder announced that the Bluemont Concerts were closing their doors as their funding had disappeared. He reported that they were paying off their debts, which they were close to doing, and would then close. Mr. Snyder noted that they have served the community for forty-two years and advised that he would be sad to see them go; however, at the end of the day, they were not sustainable.

Vice Mayor Kirk announced that there would be a paint night at the Mount Defiance Cidery on May 11th beginning at 7:00 p.m. She noted that she has had to travel to these and advised that the organizer was an excellent artist who was good at teaching people. Ms. Kirk noted that she had a code that would allow people to purchase their tickets for \$27. She advised that people generally laughed and talked during these events and opined that it did not matter what their pictures looked like.

Mayor Davis noted that it was limited to forty people; therefore, people needed to make a reservation. Vice Mayor Kirk advised that they could do so as www.paintnite.com and search for Middleburg. She noted that this would be the first such event held in Middleburg and expressed hope that it would be a success.

Councilmember Hazard reminded Council that Shakespeare in the Burg was held last weekend. He reported that it was a good event and noted that it sold out. Mr. Hazard advised that it was done by a company out of New York that contained young, good actors. He reminded Council that they performed three of the one-act plays that were selected out of the three hundred submissions and advised that they were amazing to watch. Mr. Hazard noted that he and the Town Administrator were on the committee that read them. He reiterated that it was amazing to watch the actor make the words on a page come to life. Mr. Hazard thanked those who attended. He noted that the committee would attend the May meeting to talk about the event. Mr. Hazard thanked the Council for their support.

Councilmember Littleton announced that there would be a memorial service for Yvonne Miller on April 28th at The Hill School amphitheater. Mayor Davis noted that Arbor Day would be held at 9:00 a.m. that same day. Councilmember Leonard-Morgan announced that the battery collection and drug take back day would also be held that same day.

Councilmember Littleton announced that a Town-wide Clean-Up would be held on April 14th at 8:00 a.m. beginning at the Community Center.

Closed Session – Property Acquisition/Disposition and Appointment to Planning Commission

Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A) (3) and (1) pertaining to the discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and for the discussion,

consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees and employees of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that these matters be limited to (1) the acquisition of property within the town; (2) the disposition of publicly held property for economic development purposes and (3) an appointment to the Planning Commission. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes, Martin Crim, Will Moore, Jamie Gaucher and Rhonda North for the first part and Martha Mason Semmes, Will Moore and Rhonda North for the second part. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Mayor Davis asked that Council certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Vice Mayor Kirk announced that the Community Center would hold a fundraiser on April 14th, which would consist of refreshments and Beatle’s music, to benefit their pool.

Councilmember Snyder suggested they should raffle off some pool memberships. Vice Mayor Kirk noted that she suggested that and other things to their Executive Director. Mayor Davis suggested Ms. Kirk also speak with members of their Board of Directors. Councilmember Hazard noted that this was a Board initiative.

Appointment to Planning Commission

Councilmember Hazard moved, seconded by Councilmember Snyder, that Council appoint Rachel Minchew to the Middleburg Planning Commission for a four-year term, said term to expire December 31, 2021.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

There being no further business, Mayor Davis declared the meeting adjourned at 9:34 p.m.

APPROVED:

Betsy A. Davis, MAYOR