



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



May 8, 2014

PENDING APPROVAL

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

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator
Debbie J. Wheeler, Town Treasurer
A.J. Panebianco, Chief of Police

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, May 8, 2014 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Public Hearing

Zoning Text Amendment 13-03 – Active/Inactive Zoning Applications

No one spoke and the public hearing was closed.

Action Items related to Public Hearings

Zoning Text Amendment 13-03 – Active/Inactive Zoning Applications

Town Administrator Semmes advised Council that she recommended this originally, otherwise the applications could hang around forever.

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council adopt an ordinance amending the Middleburg Zoning Ordinance (ZTA 13-03) pertaining to Active and Inactive Zoning Applications.

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

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Special Recognitions by Mayor and Council

Mayor Davis congratulated Councilmembers Hazard, Kirk and Snyder on their re-election and Erik Scheps on his election to the Council. She thanked Tom Dionne on his willingness to serve on the Council; and, noted that she asked him to consider serving on a Town committee.

Councilmember Murdock congratulated Mayor Davis on her re-election.

Mayor Davis noted that she attended the Visit Loudoun Awards Ceremony and advised that Middleburg had a number of nominations. She announced that Susan Koch won the Tourism Event of the Year Award for an event whose attendance was under 3,000 for the Middleburg Film Festival; Tom Sweitzer, of A Place To Be, won the Humanitarian of the Year Award; Sandy Lerner, of Ayeshire Farm, won the Judy Patterson Tourism Award; Linda Boyer, of the Goodstone Inn, won the Tourism Employee of the Year Award; and, Peter Wood of the Middleburg Arts Council won the Volunteer of the Year Award. Ms. Davis noted that the Salamander Resort was nominated for their grand opening.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the April 10, 2014 Regular Meeting and April 24, 2014 Work Session Meeting Minutes as amended.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea, Snyder and Stewart
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Davis did not vote as there was no tie to require her vote)

Staff Reports

Economic Development Coordinator Pearson announced that the Pink Box would hold an Open House on May 13th and 14th.

Councilmember Murdock inquired as to the details of the Ice Cream Social listed in the Economic Development Coordinator’s monthly report. Ms. Pearson reported that it would be held at the Home Farm on May 10th.

Mayor Davis noted that she attended a ribbon cutting ceremony at the Middleburg Events Studio. She opined that they had a lot of nice things.

Councilmember Murdock questioned whether the Town had received any applications for the **Town Planner** position. Town Administrator Semmes reported that the deadline was not until May 23rd. She noted that she had received two good resumes and hoped to have more before the deadline.

Town Administrator Semmes advised Council that the Ramsey house, located at the intersection of Pendleton/Marshall Street, was being renovated. She noted that it would initially be rental property; however, it would eventually be commercial.

Councilmember Hazard questioned whether the difference in the water and sewer revenues was due to the change in billing cycles. **Town Treasurer Wheeler** confirmed it was.

Town Administrator Semmes suggested this data be reported as year-to-date numbers instead.

Councilmember Shea inquired as to the reason the Health Center Fund revenue was only at 42%. Town Administrator Semmes opined that it was because the Town did not receive enough revenue to cover expenses. Town Clerk North suggested it may be because one of the tenants paid his rent annually, as opposed to monthly. Economic Development Coordinator Pearson confirmed he just paid it monthly for the first time this month.

Councilmember Shea questioned whether the Pink Box repairs were reflected in the monthly report. Town Treasurer Wheeler confirmed they were not and noted that they would be in next month's.

Vice Mayor Kirk inquired as to what the "miscellaneous" revenue line item under the General Fund entailed. Town Treasurer Wheeler advised Council that she would check and let them know.

Chief of Police Panebianco reported that the investigator made a lot of head way in the Hill School case and has come up with a suspect. He further reported that this suspect has been tied to a string of jewelry thefts along the east coast; however, he could not be tied to Middleburg's case. Chief Panebianco advised that twenty-one felony cases were being assigned to this individual, whose arrest was the direct result of Lieutenant Prince's investigation. He reported that he was still working Middleburg's case and has not given up. Chief Panebianco noted the need to find a way to tie someone to the case.

Chief Panebianco noted the recent visit to Middleburg by the First Lady and advised that this stressed the Police Department. He reported that Officer Putnam worked an extra twenty hours to provide the level of security the Department was required to provide. Chief Panebianco noted that the Department had someone in the Secret Service Command Center the entire time Mrs. Obama was in town. He expressed an expectation that she would return in the future.

Chief Panebianco opined that *Art in the Burg* was good, with a lot of people in town. He announced that the first Drug Take Back Program was a huge success, with fifty-five pounds of expired drugs having been received. Chief Panebianco advised that he was telling people to plan ahead and to even save their pet medication for the next event. He noted that he had a sharps container with a few items in it.

Chief Panebianco announced that *Middleburg Life* had a great story on Officer Fadely. He expressed pleasure with how she was portrayed in the article and opined that she did a great job.

Councilmember Shea noted that the Go Green Committee members did not like the DEA poster for the Drug Take Back Program. Chief Panebianco advised that he planned to do his own poster next year. Councilmember Murdock opined that the poster sent a negative message. She further opined that the Police Department's flyer was much better.

Councilmember Shea noted that a DEA poster on the Community Center's bulletin board did get attention. She advised that Go Green would like to write a letter to the DEA suggesting the posters be more explanatory in the future.

Chief Panebianco agreed it was important to make them aware of this concern. He noted that this was the first time Middleburg has participated in this program; therefore, he did not know what to expect. Chief Panebianco reiterated that the Department would make their own poster for the future and would also do more pre-emptive advertising. He reiterated that the program was a success, with the Department collecting more drugs than expected. Chief Panebianco noted that people were grateful to get rid of them.

Councilmember Murdock suggested residents be encouraged to start a container of expired drugs in their basements. Chief Panebianco advised Council that he would do another drug take back in April. He noted that this was done so the expired drugs did not end up in the water system.

Vice Mayor Kirk inquired as to what was meant by “selective enforcement”. Chief Panebianco explained that this occurred when an officer was assigned to work radar on a certain street. He noted that they were currently doing radar enforcement on Chestnut Street and advised that the sign has been up for a day. Chief Panebianco noted that it would be removed for the weekend; however, officers would continue to work the street. He reminded motorists that the speed limit on the back streets was twenty-five mph and that they needed to stop for the stop signs.

Councilmember Snyder noted the request in IES’ **utility report** for the establishment of a water and sewer committee. He reported that Terry Inboden and Bob Krallinger were donating their time to the committee. Mr. Snyder suggested the Council appoint one or two members to serve on it and advised that he would like to be on it. He advised that the Town Administrator would like Councilmember Hazard to be on it as well. Mr. Snyder noted that if two Councilmembers served on a committee, the meetings must be advertised. He expressed concern about the expense of advertising and the difficulty in rescheduling a meeting if necessary.

Town Clerk North advised Council that the meetings would simply be placed on the monthly meeting calendar, which would serve as the public notice. She confirmed that if a meeting was changed after the calendar was published, she would need to send an e-mail to the media alerting them of the change.

Councilmember Hazard expressed a willingness to serve on the committee.

Terry Inboden, of IES, reported that progress was being made on the Well 4 treatment plant, with the media having been removed and the system having been checked by the engineer and contractor. He expressed hope to have the plant working soon. Mr. Inboden reported that they would do a directional hydrant flushing to eliminate the iron manganese plum. He explained that they would use a directional line flushing for the entire town, consisting of a mile at a time, as this did not use as much water. Mr. Inboden advised that when a hydrant was simply opened, there was no way to know where the water would go; therefore, it was best to utilize a directional line flushing.

Mr. Inboden reported that he met with the contractor who originally built the Stonewall water treatment plant. He noted his concern that the brine system was not automated. Mr. Inboden advised Council that the contractor told him that when Siemens’ was here to work on the Well 4 plant, he would try to get him to the Stonewall plant as well.

Mr. Inboden reported that he experienced a problem at the wastewater treatment plant with the SCADA system. He explained that a couple of weeks ago, he started getting an alarm call every ten minutes and it would not stop. Mr. Inboden advised that he finally had to shut down the system. He noted that he prepared a check sheet for the Police Department, who watched some things for him; and expressed appreciation for their assistance. Mr. Inboden reported that Instralogic has installed new software and were putting more equipment tags in the system.

Mr. Inboden advised Council that the most important issue that needed to be addressed was I&I (inflow and infiltration), which nearly overwhelmed the treatment plant recently. He explained that I&I came from rain entering the collection system through cracked pipes and storm drains and gutters connected to the system. Mr. Inboden confirmed that Middleburg had both inflow and infiltration. He advised that a lot of things could be done to address this; however, it would take time. Mr. Inboden reported that the first thing to do was to inspect the manholes and determine the type of construction and their depth. He advised that the next item to inspect was the lines. Mr. Inboden

advised that this information could then be documented on maps. He suggested annual inspections be done. Mr. Inboden noted that smoke testing could also be done during the dry months, plus the lines could be televised and flow monitoring done. He suggested that flows be measured in basements and sub-basements to determine where the Town should put its money.

Councilmember Snyder questioned whether the Council needed to appoint the water/sewer committee. The Council held some discussion regarding its Town Council committee structure and the use of committees of the whole.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, to change the Public Works Committee from a committee of the whole to a committee consisting of one or two members of the Council, along with Terry Inboden and Bob Krallinger, who have volunteered.

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

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Mayor Davis noted that she appointed the Council committees.

Councilmember Shea questioned whether the Town Administrator should be appointed as the staff to the Public Works Committee. She further questioned whether the public should be represented on it.

Mayor Davis noted that these were Council committees.

Town Administrator Semmes explained that this would be a Council committee with staff support. She noted the need to refine the Town's CIP program and to prioritize and determine what the Council needed to know, such as the extent of the I&I. Ms. Semmes explained that the staff could then get programs in the budget that could be operated through IES. She noted that when looking at funding alternatives, the Council could have confidence the items were being funded in the best way possible.

Councilmember Snyder noted that the Committee would bring recommendations back to the Council. Mayor Davis asked that the Committee report on its progress during the regular work sessions.

Mayor Davis appointed Councilmembers Snyder and Hazard to the Public Works Committee, along with Town Administrator Semmes, Terry Inboden of IES and Bob Krallinger.

Councilmember Shea questioned whether Mr. Krallinger would be a permanent member of the Committee. Councilmember Snyder suggested the Town use its professional staff as available.

Reports of Town Committees/Council Liaisons

Councilmember Shea reported that Go Green talked about contacting the DEA to secure a poster that had more to do with the green element of the Drug Take Back Program. She further reported that they were looking at a fall agenda and hoped to do something on composting. Ms. Shea advised Council that Go Green was working with the Facilities and Maintenance Supervisor on recycling; and, noted that CSI has expressed interest in increasing recycling participation. She further noted that they were interested in the businesses being more involved in recycling. Ms. Shea advised that they have prepared some questions and goals for CSI. She noted that they also invited CSI to attend a meeting to discuss this issue. Ms. Shea advised that rather than have CSI go out into the community alone, Go Green has offered to go with them to introduce them to the community.

Councilmember Murdock inquired as to the status of her request to implement a battery recycling program. Councilmember Shea reported that Safeway’s manager was not as interested in this as the previous one. She further reported that the gentleman who spoke with Councilmember Murdock had not attended a Go Green meeting to talk about it. Ms. Shea advised that Go Green wanted to ask CSI where they were going with that in the future, as they were doing a tremendous amount of recouping and selling of items.

Vice Mayor Kirk suggested a container be placed at the Town Shop so residents could drop off their batteries; however, she expressed concern that other things could be put there as well. Councilmember Shea noted that the drop-off location needed to be monitored. She opined that Go Green could find a location; however, they delayed this until they could find out what CSI was doing.

Action Items (non-public hearing related)

Council Appointments – Middleburg Arts Council

Vice Mayor Kirk moved, seconded by Councilmember Littleton, that Council re-appoint the following individuals to the Middleburg Arts Council for two-year terms, said terms to expire June 14, 2016: Peter Wood, Nicole Stribling and Wendy Roseberry.

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

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Council Approval – Resolution of Support – Wellhead Protection Implementation Grant

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt a resolution supporting the Town of Middleburg’s 2014 Wellhead Protection Implementation Grant application for the construction of a security fence around Well #2.

Councilmember Shea questioned why the application was not for a fence around Well 4. Councilmember Snyder noted that Well 2 was the farthest from the town limits; therefore, it was difficult to monitor. Town Clerk North noted the construction surrounding Well 4 and advised that she was not sure they could have a fence installed before the grant’s required completion deadline. She noted that the Town could apply for a grant for Well 4 next year. Town Administrator Semmes expressed concern about the remoteness of Well 2.

Councilmember Shea expressed concern about the openness of Well 4. Councilmember Snyder assured her it would not be left off the list.

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

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Discussion Items

Draft FY '15 Utility Budget

Town Administrator Semmes advised Council that they had a revised draft budget on their desk. She explained that she and Councilmember Snyder talked earlier in the day and felt comfortable that they have made changes to reflect their best usage estimate based on another billing period for the Salamander Resort. Ms. Semmes noted that they increased the user fee revenues a little; and, advised that they were enough to off-set some additional expenses. She reported that the draft budget included additional expenses for the IES contract; and, noted that the previous version only included their monthly fee. Ms. Semmes reminded Council that the Town has already seen an example of additional services that were needed due to the high rains, which required an operator to spend the night at the plant. She reported that she put \$25,000 in the budget for those types of instances.

Councilmember Snyder advised that they tried to be conservative; however, they also did not want to under estimate the expenses. He suggested this additional cost may be removed from next year's budget; however, he believed it would be prudent to add it this year.

Vice Mayor Kirk expressed concern that there was no money included in the budget for I&I abatement. Town Administrator Semmes confirmed there was some money in the budget for it; however, it was not listed as "I&I abatement". She explained that \$25,000 was included for water line system maintenance and suggested this money could be used for I&I abatement.

Vice Mayor Kirk questioned whether that money was scheduled for some other purpose. Town Administrator Semmes confirmed it would be needed if the Town experienced a water line break. She advised that the thought was to let the Committee work on making sure the Town had good estimates of what it wanted to spend for I&I abatement.

Town Administrator Semmes suggested the Council may find it more economical to develop a package for a bond issue in the fall. She noted that the Town could do a lot of capital projects in the next year or two and spread the cost over twenty to twenty-five years.

Councilmember Snyder reported that this could be a mid-year budget adjustment once the information was received. He suggested the need to identify the most pressing items that needed to be addressed.

Town Administrator Semmes reported that the draft budget did not include additional debt; however, the debt service did increase under the regular schedule of payments. She noted that the proposed budget included two capital projects that the staff proposed to pay for with cash. Ms. Semmes suggested those projects could be bundled with the bond. She reminded Council that they included the water main improvements and the relining of the sewer main on Washington Street, both of which would take advantage of VDOT's project.

Town Administrator Semmes advised Council that she had hoped the Town would not have to move forward with the rate increase the consultant recommended last year; however, he was still recommending it. She opined that it was important to do so. Ms. Semmes noted that the increase was half of the amount that was approved last year.

Councilmember Snyder noted that the staff worked with MSFG to develop the last page in the Utility Fund Budget, regarding the updating of the rates. Town Administrator Semmes explained that it contained a summary of the current rates and the recommended ones based upon the rate model.

Councilmember Snyder noted that he and the Town Administrator were proposing an overall 2.4% increase in the utility rates. Town Administrator Semmes explained that there would be no increase in the water rates and a five percent (5%) increase in the sewer rates. She reminded Council that last year's increase was ten percent for the sewer rates. Ms. Semmes noted that this would give the Town one more year with Salamander in terms of their usage and advised that they felt they had pushed the projections as far as they could without over estimating them. She reported that they were projecting Salamander would use a little over twelve million gallons of water per year, with the remainder of the Town using nineteen and a half million gallons.

Councilmember Murdock questioned the meter report. Town Administrator Semmes explained that this was provided for information purposes only. She advised Council that they could discuss it in a future work session or now.

Councilmember Snyder advised Council that he would like to meet with the Town Treasurer after the budget cycle to go over the report and see if it could be improved to be more useful. He noted that he would like for it to be included in the regular report every month.

Councilmember Murdock questioned how the system worked. Town Treasurer Wheeler reported that the Logics software generated the report by comparing the current reading to the previous one.

Town Administrator Semmes explained that the Treasurer must review each account listed on the report to determine the cause of the change. She noted that in doing so, she may look at a longer use period. Ms. Semmes advised that she may then contact the owner to tell them they may have a leak.

Town Treasurer Wheeler noted that if a customer had a huge water bill versus previous periods, she would have the utility operator check the meter to see if it was running and if so, would contact the owner.

Councilmember Shea questioned whether the Town Treasurer did the same for the low readings. Town Treasurer Wheeler confirmed she did not as they were usually not a huge difference.

Town Administrator Semmes noted that the practice has been to catch water leaks so the customer did not receive a huge bill and so the Town did not lose water.

Councilmember Hazard questioned the parameters for when the software declared a reading to be high or low. He suggested the need to change them if the program was reporting too many readings that were too low.

Town Administrator Semmes noted the need to do so by percentage. She opined that Logics could tell the staff what percentage the software was currently set at and suggested the Town Treasurer explore this.

Mayor Davis noted that several of the accounts indicated a zero reading. Town Administrator Semmes noted that the occupant of one home had died. Town Treasurer Wheeler noted that another explanation was the house was vacant and advised that she knew when this occurred. She noted that she was working with the Maintenance Supervisor on some of them to see if there was a problem with the meter.

Councilmember Murdock opined that it would be a good idea to fine tune the report. Councilmember Snyder reiterated that he would do so in June or July.

Town Administrator Semmes reminded Council that the Town would take a revenue hit next year due to the loss of the Nextel lease and advised that it would lose \$37,000, or 25% of the tower lease revenues. She noted that there was a chance that Sprint and T-Mobile could merge.

Town Administrator Semmes advised Council that she also provided a summary of the entire budget, including the Utility Fund, in the form of the budget public hearing ad. She reported that the overall budget total was \$3.94 million, compared to \$3.7 million for the current budget. Ms. Semmes asked for approval to advertise the budget public hearing.

Vice Mayor Kirk moved, seconded by Councilmember Snyder, to advertise the budget public hearing.

Councilmember Snyder requested an explanation during the work session of the equalized budget and the increase in the real estate tax rate. He questioned the desire for a higher budget.

Town Administrator Semmes confirmed she would provide this information during the work session. She noted that she would provide a list of items that could not be funded without the tax increase that the Council previously considered, as well as a list of other things that could possibly be cut.

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

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis did not vote as there was no tie to require her vote)

Amendments to Solid Waste Collection Ordinance

Town Administrator Semmes advised Council that the Town Clerk researched this issue. She reminded them that during the RFP process, the four companies who attended the pre-bid meeting made recommendations regarding the Town's system. Ms. Semmes noted that one of the recommendations was to utilize a dumpster for some of the commercial customers that put out a lot of cans, as it would be more efficient and sanitary. She advised that the staff has drafted an amendment to the ordinance, some of which were needed to reflect the definitions in the contract. Ms. Semmes further advised that some of the proposed amendments were to address the recommendations the vendors made with regard to the number of cans set out for collection.

Town Administrator Semmes noted that all of the properties were different and advised that it would require that each be reviewed on a case-by-case basis. She advised Council that she had a discussion with Charles Carroll regarding his properties. Ms. Semmes noted that Julien's had a wall behind it that made it difficult to collect the trash there; however, he could not take the trash cans out the front door due to Health Department regulations. She advised that the staff has been working with them to allow Julien's to place their trash on the Health Center property. Ms. Semmes reported that they also had bottles that could be recycled; and, noted that the Maintenance Supervisor was getting them stickers for some of their cans so they could do so. She noted that the issue was that the trash was previously placed on the wall, with the collectors having to climb a ladder to reach it. Ms. Semmes reiterated the need to work with the individual property owners to determine individual solutions and to encourage businesses to recycle so there was less trash. She noted that Go Green was willing to talk to the individual property owners about recycling.

Town Clerk North reminded Council that as the Town Code chapters have been updated, purpose sections have been added; and, noted that she was proposing to do so in the Solid Waste Ordinance. She advised that a definitions section has also been proposed that would include the definitions that were in the CSI contract so the public would be aware of them. Ms. North further advised that

amendments have been proposed for the section regarding “Days & Frequency of Collection; Placement & Removal of Containers” to clarify where containers are to be placed for collection and noted that the Town has experienced problems with containers being placed on private property as opposed to public property. She noted that they needed to be placed in such a location that they did not interfere with pedestrian or vehicular traffic. Ms. North advised that amendments have been proposed to the section on “Establishment of Specific Days & Hours of Collection” to add language to address what happened to collections during inclement weather or when they fell on a holiday and noted that the language was in conformance with the CSI contract/RFP.

Town Clerk North noted that the changes proposed to the “Restrictions on Service” section would probably affect the most customers. She advised that the proposed amendments would restrict the number of refuse containers the Town would collect at any given property; and, explained that it has been suggested that this be limited to two ninety-gallon containers for single-family residential customers, two ninety-gallon containers per unit per address for multi-family properties and four ninety-gallon containers for non-residential customers per parcel. Ms. North noted that if the customer had more volume than that, they would be required to contract with a private solid waste hauler for their refuse collection service. She advised that the amendments also recommended that should be it deemed necessary for public health reasons, the Town Administrator could require restaurants to contract with a licensed refuse hauler for collection services. Ms. North advised that the proposed changes would also identify materials that should not be placed out for collection such as dangerous materials and construction materials.

Town Clerk North reminded Council that the current ordinance required that the containers not weigh more than fifty pounds when filled; however, it did not identify what happened in the event they did. She noted that it would be up to CSI to identify instances in which the containers were too heavy for them to remove. Ms. North advised that amendments have been proposed to both the refuse and recycling sections to clarify that if this occurred, the customer was responsible for the proper disposal of the items.

The Council held some discussion regarding the weight limit. It was noted that if customers were recycling, two ninety-gallon containers plus an unlimited amount of recycling would provide for the disposal of a large volume of solid waste.

Town Clerk North noted that a section has been proposed to be added to the ordinance entitled “Refuse Collections at Restaurants, Hotels & Other Lodging Establishments, Apartments and Commercial Establishments” and explained that this section identified what would occur in instances in which a customer’s volume exceeded that allowed under the previous section.

Town Clerk North advised that a section has also been added entitled “Special Bulk Collections”; and, explained that while the Town has been offering this service, there was nothing in the Town Code to establish the regulations associated with it.

Councilmember Murdock questioned whether a customer could put a large item, such as a washing machine, out for collection every Tuesday night. Town Clerk North confirmed they could as long as they contacted CSI twenty-four hours prior to the collection day to arrange for its pick-up.

Councilmember Shea noted that she pointed out a typo to the Town Clerk that needed to be corrected.

Town Administrator Semmes noted the need to look at the list of properties that needed to be addressed so a determination could be made as to how much of their volume was trash and how much was recycling. She advised that the Maintenance Supervisor has been following the trucks to get an idea of the number of totes being set out for collection and has noted that the amount varies. Ms. Semmes suggested the need for more history.

Councilmember Snyder advised Council that he would like to address properties that contained multiple businesses. He noted that one property may have one business; however, another equivalent size building may contain three. Mr. Snyder questioned whether the Town should make allowances in such a case.

Town Administrator Semmes reminded Council that the issue was the volume of refuse and recycling being placed out for collection on that property. She advised that the issue was volume and space.

Councilmember Snyder advised that he was not sure the draft ordinance made enough allowance for multiple businesses on one property.

Councilmember Snyder noted that the proposed ordinance prohibited the collection of dead animals, pets and manure. He questioned what would occur with dog waste and noted that the Town Code required that it be picked up. Mr. Snyder suggested the incorporation of a definition for “manure” and “dog waste”.

Vice Mayor Kirk suggested the section on dog waste be changed to apply to horses as well.

The Council held some discussion regarding dead animals and the application of the dog waste ordinance to other animals. Town Clerk North noted that Jim Bishoff, of J2 Engineers, has researched the requirements related to the bagging of horses in resort communities. She suggested she secure this research from him and draft some language for the Council’s consideration. After some discussion, the Council agreed to allow the Town Clerk to propose amendments to the ordinance related to dead animals and the bagging of horses.

Councilmember Hazard advised Council that he wanted to talk to CSI about recycling. He opined that when they took the cans, they took the contents to a transfer station and shifted through them.

Town Clerk North noted that only the recycling went to the MRF. Town Administrator Semmes advised that the trash went to the County landfill/transfer station.

Councilmember Shea noted that the Go Green Committee was making a field trip to visit CSI’s MRF. She suggested the Council may want to join them and advised that she would notify them when the tour was scheduled.

Councilmember Hazard reiterated his opinion that CSI shifted through the trash as a rule. Councilmember Shea noted that the trash and recycling were collected by two separate trucks. She noted that only the recycling was going to the MRF, not the trash.

Councilmember Murdock reiterated her concern about the distribution of recycling containers that did not contain lids. Councilmember Shea reminded Council that the Town Code required the citizens to make sure the contents did not blow. She reported that CSI has said that the tops were too light, would not stay with the container and were more trouble than they were worth. Ms. Shea suggested that Go Green and the Maintenance Supervisor be allowed to work on this issue and noted that Go Green may do fundraising to purchase containers with lids.

Councilmember Shea questioned whether the twenty-five pound weight limit for yard waste applied to all of the yard waste that was set out for collection or per bundle. Town Clerk North confirmed it was per bundle. Councilmember Shea asked that this be clarified in the ordinance.

Councilmember Hazard suggested that if CSI was not recycling, the Town should look at it as part of the RFP. He noted that he was required to recycle on his construction sites. Mr. Hazard suggested the Town require its customers to recycle; and, noted that the Town may want to ease into it.

Town Administrator Semmes advised Council that CSI wanted people to recycle more as they made money from it.

Councilmember Shea reported that Go Green would work with CSI and would return with some recommendations.

Way Finding Signage

Vice Mayor Kirk inquired as to who would determine the order of the names on the signs. Town Administrator Semmes advised Council that the design had not gotten that far. She suggested the Council could appoint a committee to make recommendations.

Vice Mayor Kirk questioned whether the signs would include the wineries that were not located in the town limits or whether they would only include items within the town. Town Administrator Semmes reported that typically, directory signs only included items that were in town or right on the edge. Councilmember Snyder noted that VDOT already had directory signs for the wineries.

Town Administrator Semmes reminded Council that directory signs mostly tried to direct people to parking lots and attractions in town. She advised that she would like to move forward with the design and the sign agreement.

Councilmember Shea expressed a preference to have lots of names on one sign so there were fewer signs. Town Administrator Semmes reminded Council that signs were limited to how much a motorist could read.

Mayor Davis noted that the Council must approve the design. Town Administrator Semmes suggested the staff determine what one would look like and develop a plan.

The Council agreed to move forward with this item.

Vice Mayor Kirk asked that the signs be easy to read. She noted that sometimes the colors/reflections made them difficult to see.

Town Administrator Semmes noted that the staff would not recommend implementing Salamander's proposal as there was not enough contrast to read the sign when driving.

Information Items

Vice Mayor Kirk announced that the Upperville Volunteer Fire Department would hold a breakfast on May 11th.

Councilmember Shea announced that Brad Parks, a mystery writer, would be at Salamander on May 9th as part of a writers retreat. She noted that her book store would be selling books at the retreat.

Mayor Davis announced that the Middleburg Library would hold its Annual Book Sale on May 10th.

Closed Session – Appointment to Planning Commission

Vice Mayor Kirk moved, seconded by Councilmember Hazard that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Hazard, that this matter be limited to discussion of an appointment to the Planning Commission. Vice Mayor Kirk further moved, seconded by Councilmember Hazard, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes, Rhonda North and Angie Plowman. Vice Mayor Kirk further moved, seconded by Councilmember Hazard, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea, Snyder and Stewart
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Davis did not vote as there was no tie to require her vote)

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 moved, seconded by Councilmember Hazard, that Council appoint Trowbridge M. Littleton to the Middleburg Planning Commission to fill an unexpired term, said term to expire December 31, 2015.

Vote: Yes – Councilmembers Kirk, Hazard, Murdock, Shea, and Stewart
No – Councilmember Snyder
Abstain: Councilmember Littleton
Absent: N/A
(Mayor Davis did not vote as there was no tie to require her vote)

There being no further business, a motion was made and approved to adjourn the meeting at 7:45 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk