



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, October 27, 2016

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

STAFF: Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner
Cindy C. Pearson, Economic Development Coordinator
A.J. Panebianco, Chief of Police
Ashley M. Bott, Town Treasurer

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, October 27, 2016 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Presentation – FY '16 Audit Report – Mitchell & Company

Sandy Tondreau, of Mitchell & Company, presented the results of the audit for the fiscal year ending June 30, 2016. She noted that the members had a draft of the audit report, as well as a summary; and, advised that she would not concentrate on the full report but rather would stick with the presentation. Ms. Tondreau reported that she met with the Town Administrator and Town Treasurer to review everything in detail. She noted that they knew what the auditors looked at and were given some adjustments that needed to be made.

Comparative Balance Sheet – Ms. Tondreau noted that this was broken down by funds (General Fund, Health Center Fund and Water/Sewer Fund). She reported that the General Fund's cash balance was up to \$3.8 million, in cash and investments, from \$2.7 million the year before. Ms. Tondreau noted that the only investments the Town had were certificates of deposit that were allocated over the three funds. She reported that receivables in the General Fund were down, primarily due to monies that were owed to the Town from grants. Ms. Tondreau noted that this was a timing issue. She reported that last year, the Town had more outstanding at the end of the year, which was why this number was higher. Ms. Tondreau advised that the remainder was the usual outstanding items, such as taxes and utilities, with some of the timing being due to when payments were received. She noted that the interfund balance was the transfer of debt payments between the funds. Ms. Tondreau reported that fixed assets went down due to depreciation. She noted that some were added, such as the new police vehicle. Ms. Tondreau advised that they capitalized some improvements, such as the streetscape and infrastructure improvements. She reported that they did not capitalize VDOT's recent work as that was their asset, not the Town's.

Ms. Tondreau advised that the other assets category consisted of deferred pension payments. She reminded Council of the new pension standards that went into effect last year, which changed how they recorded items related to the pension. Ms. Tondreau noted that these reports were always a year behind due to the actuarial calculations that must be done and advised that this deferred item reflected the payment that was made in 2016 that had not yet been counted because the calculations were as of June 30, 2015.

Ms. Tondreau advised that the liabilities category included accounts payable for the June utility bills that were not paid until July. She noted that it also included some retainage on what was owed on outstanding projects and some additional monies owed on the streetscape project.

Ms. Tondreau advised that the accrued expenses were for the payroll and related taxes that were for the end of June but were not paid until July. She noted that the long-term debt was for the piece of debt that was related to the General Fund. Ms. Tondreau advised that it started at \$165,000; however, it has been paid down some. She reported that the other obligations were \$705,000 - a small portion of which was for accrued vacation and sick leave and the large portion of which was for the unfunded pension liability that must be recorded. Ms. Tondreau advised that the latter increased this year.

Ms. Tondreau reported that the Town's equity total was up from \$4.2 million to \$5 million in the General Fund. She reminded Council that this was not money that was available to spend and noted that a large portion of it was tied up in fixed assets. Ms. Tondreau noted that the remainder was unrestricted for use by the General Fund. She reported that the Health Center Fund's cash was slightly down this year and noted that it had no new fixed assets to capitalize. Ms. Tondreau reported that the Health Center liabilities were minimal accounts payable and some deferred rent.

Ms. Tondreau advised that the Water/Sewer Fund's cash was down from \$1.9 million to \$1.7 million this year. She noted that the receivables were for utility bills for the May/June billing cycle that were due in July. Ms. Tondreau reported that there were some older balances on the books. She advised that the interfund advances were the water/sewer transfers that were related to the debt. Ms. Tondreau noted that fixed assets were capitalized for the improvements in Route 50 for the east end water line, for the West End Pump Station and for some miscellaneous equipment that was purchased. She reported that a large chunk of the liabilities was for what was owed at the end of the year for the West End Pump Station. Ms. Tondreau advised that the accrued expenses were primarily interest on debt and noted that this fund had three outstanding debts. She reminded Council that the Town did not take on any new debt this year and had paid down on some of the principle. Ms. Tondreau reported that the equity was fairly flat and advised that a large chunk was tied up in fixed assets, with some cash being available for spending.

Profit/Loss Summaries: Ms. Tondreau reported that the General Fund had revenues of \$3.2 million this year, down from \$3.4 million last year. She explained that this was due to grants in the prior year. Ms. Tondreau advised that real estate and personal property tax revenues were down slightly this year and explained that this was the product of changing assessments. She reported that expenses went down from \$2.4 million to \$2.1 million this year and noted that this had to do with some expenses for the large projects, such as the Madison/Marshall Project. Ms. Tondreau noted that the Town had prepaid the Streetscape Project expenses the previous year even though the work did not occur until this year. She advised that the Town had a surplus in the General Fund of over \$1 million, which was a good trend as had \$1 million last year.

Ms. Tondreau reported that the revenues in the Health Center Fund were down from \$77,000 last year to \$70,000 this year and noted that the big change was due to the Police Department not paying rent. She advised that expenses were up to \$80,000, with some extra repairs being done.

Vice Mayor Kirk questioned whether there was page in the audit report that was just for the Health Center Fund. Ms. Tondreau confirmed it was on Page 21.

Ms. Tondreau advised that in the past, there used to be an allocation of water/sewer from the Health Center Fund. She opined that the staff was keeping more track of the use this year; therefore, the utilities contributed to the increase. Ms. Tondreau reiterated that there were also a lot of repairs.

Ms. Tondreau advised that the Water/Sewer Fund revenues were fairly flat from the previous year. She noted that water revenues were down a little; whereas, sewer revenues were up. Ms. Tondreau advised that expenses were up \$1.3 million versus \$1.26 million last year. She reported a loss of \$101,000 in the Water/Sewer Fund, a large portion of which was due to the increase in the wastewater treatment plant contract for additional services.

Operating Revenue: Ms. Tondreau advised that they looked at the trends of the operating revenue in the three funds. She reported that the General Fund trend was good and noted that it was down a little from last year due to the timing of grants and when the money was received.

Councilmember Littleton requested an estimation of the amount if the Town captured the grants that it would typically capture. He asked that Ms. Tondreau net two years together and questioned whether the Town would be at, above or behind last year.

Ms. Tondreau explained that she was trying to address this on an accounting side. She noted that they brought the grant money in last year as that was when it was spent. Ms. Tondreau further noted that some of it was not received until this year and it was then reversed back into the fund. She explained that they were matching revenues and expenses to when they were committed. Ms. Tondreau noted that as soon as money was spent, the Town was owed grant money; however, it may not receive it for six months. She advised that netting two years would not help.

Councilmember Littleton asked that grants be removed from the equation. He questioned whether the General Fund was down, even or up. Ms. Tondreau advised that if the grants were removed for both years, it would be about even. She reported that if they were removed, the numbers would be \$3 million for last year versus \$3.1 million this year.

Councilmember Littleton noted that grants were out of the Town's control, whereas everything else was. He opined that it would be helpful to know that outside of the grants, the General Fund revenues were better this year than last.

General Fund – Other Revenues: Ms. Tondreau reported that personal property and real estate tax revenues were down a little; however, the other categories saw increases. She opined that this was due to Salamander; however, she suggested it was helpful to see the trends. Ms. Tondreau noted that the bank franchise revenues were not affected by Salamander, yet they were up \$5,000 from the prior year. She reported that the meals and occupancy revenues kept going up, as did the business license revenue.

Vice Mayor Kirk noted the \$50,000 increase in business license revenues, which was good.

Water/Sewer Fund Revenues: Ms. Tondreau reiterated that water revenues were down a little and noted that the Town had kept the rates flat. She reminded Council that usage would vary. Ms. Tondreau noted that the sewer rates increased, as had the revenues. She reported that tower rental revenues were up due to normal rate increases in the contracts.

General Fund – Budget to Actual: Ms. Tondreau noted that she provided a detailed schedule in the back of the report on the specific categories. She displayed a graph to show where the actuals were in relation to the budget and reported that the trends were good on both sides. Ms. Tondreau advised that revenues were up and expenses were down, which was where the Town got a surplus. She opined that the staff was pretty conservative in budgeting for revenues for meals, lodging and business license taxes. Ms. Tondreau advised that expenses were down; however, she noted that there were some capital improvements that were budgeted but that had not yet happened. She noted that there were also some engineering costs related to projects that were not needed. Ms. Tondreau advised that the Town was usually pretty in line with the budget, especially on the expense side.

General Fund – Surplus Fund Balance: Ms. Tondreau reminded Council that over time, the Town has moved toward a positive trend. She further reminded them that several years back, this balance was low; however, everyone worked hard to build it back up. Ms. Tondreau reported that it had gone from a low of less than \$400,000 in 2007 to a \$3.7 million surplus.

Revenues/Expense Summary: Ms. Tondreau noted, in looking at the Water/Sewer Fund, that she must do some accounting adjustments; therefore, the Council did not have a true representation of how the fund was operating. She explained that they pulled out some big things to get back down to the true operating costs. Ms. Tondreau advised that according to accounting standards, this fund suffered a loss of \$101,000; however, if the tower rental income was removed, the depreciation expense was added back and the debt service was removed, the Town would get to an operating profit of almost \$38,000. She noted that sometimes a loss was not a true representation of where the Town was from an operations standpoint. Ms. Tondreau reported that the Town experienced a negative cash flow this year and suggested the Council must watch those things. She noted that when she met with the staff, they talked about looking more at the rates and suggested the Town may need to make some adjustments to keep up with the operations costs.

Percentage of Gallons Billed to Pumped: Ms. Tondreau noted that this has always been a big issue for the Town as this percentage had not been very good in the past. She advised that with improvements to the system and with the staff keeping on top of this, the numbers have really improved. Ms. Tondreau reported that the Town was up to 88% of gallons billed to pumped, which was in line with other similar sized towns.

Town Issues: Ms. Tondreau noted that she liked working with the staff as they were very helpful; however, ultimately, she worked for the Council. She advised that if she had found any issues with management or fraud, she would have come directly to them; however, she did not find that. Ms. Tondreau reported that she was planning to issue a clean opinion for the Town.

Ms. Tondreau reiterated that the Health Center Fund's revenues were lower due to the relocation of the Police Department. She expressed hope that this spot could be filled soon. Ms. Tondreau noted that in prior years, the Council had been careful that the donations did not overstep what was available to spend.

Ms. Tondreau reiterated that the pension reporting was complicated as to what must be recorded. She noted that Pages 35-50 in the audit report were a single footnote on this item. Ms. Tondreau advised that the State has been great in that it provided a lot of information that could be used in

order to provide the required disclosures. She explained that everything was determined by the actuaries. Ms. Tondreau reminded Council that the State determined the rate the Town paid; and, advised that it always paid what it was supposed to pay. She reported that, according to the calculations, the Town's pension was underfunded on June 30, 2015 by \$562,000. Ms. Tondreau stressed that this was not the Town's fault and reiterated that it paid what it was supposed to pay and would continue to do so. She advised that no one knew how this happened for sure and opined that it could be because the actuarial calculations were not right from time to time or it could be the investments and the market. Ms. Tondreau noted that the Town had a small pool of employees and opined that there would not be a huge effect on them going forward.

Councilmember Littleton questioned the percentage that the pension was underfunded. Ms. Tondreau reported that the total liability was \$2.8 million versus assets of \$2.3 million. Councilmember Littleton estimated it was underfunded by twenty percent. He opined that if the interest rates increased, this would shrink.

Ms. Tondreau noted that it would also depend on what happened with the investments. She opined that the State may make an adjustment in the coming rates as a lot of jurisdictions were underfunded. Ms. Tondreau reiterated that a rate increase may be coming.

Ms. Tondreau reported that the Town had some delinquent receivables and noted that she spoke with the Town Administrator and Town Treasurer about them. She advised that an old receivable was related to the water tower and recommended it be written off. Ms. Tondreau noted that there were also some old water/sewer bill amounts that the staff was investigating. She suggested the older things that have been sitting be investigated or written off.

Mayor Davis thanked Ms. Tondreau and opined that her presentation was well done.

Ms. Tondreau thanked the Council for allowing Mitchell & Company to work with them. She asked that the members contact her if they had any questions.

Councilmember Littleton questioned whether the delinquent accounts could be turned over to a bill collector. Councilmember Snyder opined that by the time the Town turned them over, they would be stale. He further opined that there was a very low chance of getting back the money and suggested it would only be ten to twenty percent. Councilmember Littleton suggested the staff try this service.

Town Clerk North reminded Council that when the County sold property for unpaid County real estate taxes, it was required to collect the Town's delinquent taxes as well. She noted that this was at no cost to the Town.

Councilmember Littleton questioned the tower rentals that were not paid. Town Administrator Semmes reported that the company was now defunct; therefore, finding them would not be easy. She advised that the staff could not even ascertain if the money was actually owed.

Councilmember Daly questioned whether there was any follow-up with the homeowners whose water bills were delinquent for months. Town Treasurer Bott reported that she was working with the Town Attorney to put a lien on a property for one. She suggested the older amounts be written off. Ms. Bott noted that the account she mentioned had been shut off for non-payment for some time and opined that no one was living there. She reiterated that the staff was moving forward to record a lien.

Councilmember Snyder opined that the amount owed must be worth the Town Attorney's time. He suggested it was not worth spending five hundred dollars in attorney's fees to collect a one hundred dollar account.

Town Treasurer Bott advised that she was working with the Town Attorney to determine what the Town could do to collect what was owed.

Councilmember Daly questioned whether the Town could seize property. Town Treasurer Bott confirmed it could for things such as meals taxes; however, it could not for water.

Report – Christmas in Middleburg Committee

Jim Herbert, Chairman of the Christmas in Middleburg Committee, appeared before Council to report on the plans for this year's event. He noted that due to what happened last year, they have put the event into a different paradigm with the first focus being on public safety. Mr. Herbert noted the thick crowds and advised that the soft pedestrian ropes did not work. He reported that he had been working with the Chief of Police to come up with bike rack pedestrian barricades that would be solid steel. Mr. Herbert advised that they were securing 3,300 feet of them and noted that they would be placed along Washington Street, from Market Salamander to Liberty Street, on both sides of the street. He advised that the good news was that there would be a solid barrier to keep kids from running into the street or horses into the crowd; however, the bad news was the cost was \$8,800.

Mr. Herbert reported that they were also increasing the Sheriff's Department contingency that the Christmas in Middleburg Committee hired. He noted that this was in addition to the deputies and State Police officers that the Police Chief hired. Mr. Herbert reported that they would have dedicated workers for the parking ingress/egress. He noted what occurred with Officer Tharpe last year and advised that they were short staffed at that time as some of the deputies left early. Mr. Herbert reiterated that they were augmenting the Sheriff's contingent for parking. He noted that because the town had a crowd of twenty-four thousand visitors, they were working to have parking on the west side of town on George Wilshire's property. Mr. Herbert advised that this would also remove the parking from Route 50 between Virginia Lane and the town. He reported that they would use a small field for additional parking and would provide additional shuttles.

Vice Mayor Kirk asked whether these changes would be advertised. Mr. Herbert confirmed they would. He noted that there would also be trailer message boards that would be placed on the east side of Gilberts Corner and at Zulla Road.

Mr. Herbert reported that they were also trying to gate the parking by increasing the fee from \$5 to \$20/car. He noted that the fee had not been raised in six years. Mr. Herbert reminded Council that their expenses were increasing and needed to be mitigated. He advised that it was difficult to assume a 33% increase in expenses. Mr. Herbert reported that they currently had \$39,000 in revenue – an increase of \$7,000 over last year. He advised that they would still be left with a gap as the expenses have increased by \$12,500 this year. Mr. Herbert expressed hope that the increased parking revenue could cover some of this; however, if the weather was bad, it would not. He noted that they had some resources they could use, including the parking revenue.

Mayor Davis questioned the number of cars that could be parked. Mr. Herbert reported that 1,200 cars would be parked at the Mickey Gordon Park and eight hundred could be parked in the Salamander field. He opined that there was almost a 100% turnover rate at the Salamander field and reiterated that they could have eight hundred cars there on a great day. Mr. Herbert reminded Council of the continuing issues at the Mickey Gordon field, which was flat and did not allow for water run-off. He reported that they have moved the entrance for this parking to the driveway for

the playing field and designed a parking layout, which he presented to the Loudoun County Parks & Recreation Director for approval. Mr. Herbert noted that if it rained, this field would drain. He expressed hope to finalize an agreement with the County this week. Mr. Herbert opined that this would be a major improvement as they would be able to put up to one thousand cars there. He suggested that at \$20/car, the revenues would be in good shape.

Mr. Herbert reported that the other thing the Committee was doing to the parking was to set up the website so people could pay in advance. He noted that this would also allow them to count down the number of available parking spaces and, once they were all taken, would allow them to say “no parking was available”. Mr. Herbert advised that those paying online would produce their receipt and would get the incentive of having access to pre-paid parking in premium locations, which would allow for shorter walks to the shuttles. He expressed hope that the online parking system would allow for expedited parking.

Councilmember Miller questioned whether there would be an additional fee for the premium parking spaces. Mr. Herbert confirmed there would not and advised that individuals could only get it if they pre-paid for their parking. He noted that if they paid cash on the site, they would be parked at the back of the lot.

Councilmember Daly questioned whether the Committee would have enough attendants to direct people to where they needed to go. Mr. Herbert noted that there were not enough Aldie Ruritans to handle this job, especially with the extra field. He advised that he had been working with the Woodrow High School Athletic Association so they could provide up to twenty-five students and parents to help with the parking from 8:00 a.m. to 6:00 p.m. Mr. Herbert noted that the experienced Ruritans would be used to supervise and manage the Mercer, Salamander and Wilshire fields, with the Athletic Association serving as the labor. He advised that in exchange, the Committee would make a donation to the Athletic Association.

Mr. Herbert reported that their parking expense would increase from \$1,500 to \$3,000. He further reported that their insurance costs have increased due to the size of the crowd, which went from 6,000 to 24,000 attendees. Mr. Herbert advised that this year’s insurance costs would be \$4,150 based on last year’s attendance. He noted that they were dealing with the growth of the event from a public safety point of view. Mr. Herbert advised that they have worked hard to increase the revenue and were closing the gap. He opined that providing only a finite amount of parking would help to gate the size of the crowds, as would the increased fees and online sign up.

Mr. Herbert reported that last year, the 2:00 p.m. parade lasted for one hundred five minutes and involved eighty-two entries. He noted that in the past, some of those entries had twenty-five children but last year they had one hundred twenty-five. Mr. Herbert advised that there has been internal growth. He explained that the plan was to tell them they must keep up. Mr. Herbert reported that they would also have staff along the route who would tell them to “move along”. He advised that car clubs that previously brought six to eight cars were now bringing twenty-five. Mr. Herbert reported that he has communicated with those who were in the parade last year and told them they must limit their individual participation to twenty-five people. He advised that the plan was to run the parade for eighty to ninety minutes.

Mayor Davis questioned whether the Committee had marshals along the route to make sure the parade was moving and noted that there were huge gaps last year. Mr. Herbert reported that they were thin on volunteers. He advised that he told the entrants that they needed to keep up with those in front of them. Mr. Herbert suggested this message may need to be from a uniformed authority.

Chief Panebianco reported that this was part of his plan for this year. He noted that last year, some entries stopped and others danced for a long time. Chief Panebianco reported that one of the officers', who were stationed within the parade route, duties' would be to tell the entrants to move along and keep the parade going if they stopped and created a gap. He noted that, at one point last year, there was a block and a half long gap that was caused by dancing horses. Chief Panebianco opined that they did not need to do so for three minutes. He reiterated that it would be the officers' duty to keep the parade moving and to act as marshals.

Vice Mayor Kirk questioned whether Town Clerk North had experience in dealing with Christmas parades. She further questioned who they used as marshals. Town Clerk North confirmed that when she was the Executive Director of the Front Royal Downtown Business Association, she was responsible for their annual Christmas event, including the community Christmas parade. She agreed that it took a lot of volunteers and reported that they used police officers, auxiliary police officers and VIPS (Volunteers In Police Services) to assist with the parade.

Mr. Herbert advised Council that the problem they experienced last year was that a photographer tripped and fell at one of the intersections just before the start of the parade. He noted that she behaved as if she had a concussion, which delayed the start of the parade. Mr. Herbert reported that this year, the Chief of Police would issue press credentials and advised that people would not be able to just step over the rope. He reiterated that they must apply for a press pass. Mr. Herbert noted that only thirty press passes (vests) would be issued. He advised that this change was noted in their website.

Vice Mayor Kirk questioned what the press pass would allow an individual to do. Chief Panebianco reported that it would allow them into the parade route. He advised that there would be a limited number of reflective traffic vests that say "press". Chief Panebianco noted that if the individual acted up, he/she would not be issued a pass for the next year. He opined that this would provide the Town with the opportunity to gauge who was doing what. Chief Panebianco noted that in the past, everyone with a camera crowded into the street and advised that this would not be allowed this year. He reported that there would be an officer at each intersection, who would prevent it. Chief Panebianco reported that five or six individuals have already signed up for a press pass.

Mr. Herbert opined that the Committee ran a good parade and noted that people loved it. He reported that every year, something different occurred that required them to be more agile the following year. Mr. Herbert reported that they have expanded the food trucks. He opined that the restaurants hated turning away customers without recourse and suggested the food trucks provided better good will. Mr. Herbert advised that there would be eight trucks located at either the BB&T or the Community Center parking lots.

Mr. Herbert reported that they have reached out to Loudoun and Fauquier County bands to invite them to come. He noted that they created excitement. Mr. Herbert reported that they have developed posters that would be ready next week and up the following weekend. He noted that information had gone out regionally. Mr. Herbert reported that they had sponsors and full page advertisers. He opined that this event was good for business recognition and awareness. Mr. Herbert advised that they looked forward to an interesting, safe and economically successful day.

Vice Mayor Kirk questioned whether any of the restaurants worked with the food trucks. Mr. Herbert reported that last year, the trucks ran out of food and went to Safeway to purchase more ingredients and ran out of food again. He advised that last year, they had five trucks, whereas this year, there would be eight. Mr. Herbert suggested that if the weather was bad, they may not show up; however, he opined that there would be less people for them to serve.

Councilmember Miller questioned whether there was an increased cost for the buses. Mr. Herbert confirmed the cost increased from \$7,000 to over \$9,000. He noted that more buses were added for the east parking lot and new buses were added for the west parking lot.

Councilmember Miller questioned whether the Committee was working with the Police Chief on the traffic. Mr. Herbert reported that they had an emergency plan last year; however, when the traffic stopped, no one could get to Parsons Lane to implement it.

Councilmember Miller opined that the traffic was backed up for the entire day. Councilmember Hazard explained that this was the reason for doing parking sales in advance. He further explained that what took so long was collecting the money; therefore, people could not get into the lot quickly. Mr. Hazard opined that it would be better now that they would not have to stop. Mr. Herbert noted that Carters Farm Lane also offered more stacking space. He advised that in addition, they would have fifteen people directing traffic as opposed to eleven.

Mayor Davis questioned whether the parking receipts must be displayed in the car or whether the Committee planned to scan them. She noted that people could make copies for others. Mr. Herbert confirmed they could scan them; however, they were not going to in order to speed up the flow of traffic.

Councilmember Littleton suggested they count cars and receipts. He opined that if they were at 97-99%, this was not an issue.

Mr. Herbert advised that they would take the forms. He noted that if the volunteer took cash, they must turn it in at the end of the day and would turn the forms in as well. Mr. Herbert advised that this would allow him to double check how this worked. He opined that they could not enforce this 100%, nor did he want to put the volunteers in that situation.

Councilmember Daly questioned the income that the Town collected from the event. Mr. Herbert advised Council that Visit Loudoun reported that typically, a visitor left behind \$75 from food, gifts and shopping. Councilmember Littleton noted that this came to \$1.8 million in revenue for the businesses in one day. Mr. Herbert confirmed that the retailers he had spoken with said "this was their biggest cash register day in the calendar year". He noted that this varied depending on the weather and crowd; however, he opined that it was a major day for the businesses. Mr. Herbert reminded Council that those businesses then paid the Town a business license tax. He opined that this ranked as the major economic development revenue driver for a one-day event.

Councilmember Daly opined that the Town received benefit through the businesses. He questioned whether the Town provided funds for Christmas in Middleburg. Mr. Daly further questioned whether it provided enough. Mr. Herbert reported that the Committee had two partners - the MBPA and the Town, each of which contributed \$4,000. He noted that last year, the Town gave them an additional \$2,000, which was spent on gravel to improve the ingress/egress at the Mickey Gordon parking lot. Mr. Herbert reported a gap of \$5,500 this year between projected revenues and expenses and advised that anything the Town could do to provide additional funds would be helpful. He noted that they expected to make \$6,000 in parking revenue, whereas normally it was \$2,000-5,000; however, if the weather was bad, they may have less. Mr. Herbert reported that they normally had \$1,000-2,000 left after the event, which they used to seed changes and sometimes donated to an organization such as Seven Loaves. He advised that they did not try to retain their earnings and were happy to break even. Mr. Herbert noted that there were some foundations upon which he could call in an emergency if necessary.

Councilmember Snyder noted that this began many years ago as something fun for the community and to help the businesses. He opined that it had done well and advised that he was amazed that it had grown as large as it had.

Mr. Herbert opined that the crowds were an inconvenience for people; however, people talked about what a marvelous experience they had. He suggested this was an exercise in good will.

Councilmember Miller questioned whether the parking lots would be lit. Mr. Herbert reported that they have asked the County Parks & Recreation Director not only for the new field but to turn on the lights. He opined that Mercer Park could be lit up like daylight and suggested they would only need to rent a light trailer for the parking on the west side of town.

Councilmember Miller asked that the Committee make sure the lights were functional beforehand. Mr. Herbert opined that the issue was more whether the County would turn them on. He reiterated that they planned to use existing lighting and temporary lighting trailers.

Town Administrator Semmes reminded Council that the adopted budget included additional funds in the Christmas in Middleburg account as the Council thought about the barricades. She reported that Mr. Herbert requested an additional \$5,500 above the \$4,000. Ms. Semmes advised that the Economic Development Coordinator had confirmed the Town could afford this within the existing budgeted funds; therefore, the Town would give them \$9,500 in total. She noted that the budget included \$25,000 for the event, which included the cost for the tree lighting and installing the Christmas decorations.

Chief Panebianco noted that the Town received a donation for National Night Out that was not needed and could be used for this event to purchase the vests and extra signs. He advised that this would keep \$3,000 in expenses from coming out of the Town's budget.

Mayor Davis noted that the Committee was selling advertising for the barricades and buses. Mr. Herbert confirmed they have sold eighteen barricade slip covers at a price of \$400 each. He noted that the cost for the graphics was \$150 each; therefore, the net would be \$250. Mr. Herbert advised that this was a new product that they have introduced and expressed hope that when people saw it, they would take advantage of it next year. He noted that the advertising was not designed to create an opaque barrier from one end of town to the other that people could not see through and advised that they would be placed periodically throughout the route. Mr. Herbert announced that Greenhill Vineyards purchased all of shuttle bus signage. He noted that they would pay for their own advertising production costs; therefore, the Committee would get the entire \$500/bus for five buses.

Addition of Items to the Agenda

Vice Mayor Kirk moved, seconded by Councilmember Hazard, that the Council add Item 3A (Council Approval – Extension of Sewer Main – Reed Street), Item 3B (Council Approval – Water/Sewer Connections – 103 Reed Street), Item 3C (Council Approval – Bid – Health Center Renovations) and item 6A (Discussion – Tracker System for Action Items) to the agenda.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, 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 – Extension of Public Sewer & Connection to Sewer Main – Reed Street

Town Planner Moore advised Council that he would talk about both items, as they were related. He reminded them that the public sewer main for Reed Street ended at Martin Street. Mr. Moore reported that the applicant had purchased three infill lots on the east side of Reed Street, as well as the existing small house on the corner. He reported that the applicant had proposed to extend the sewer main north on Reed Street to provide for availability for his infill lots and the existing house, which was currently on septic. Mr. Moore noted that the house on the west side of the street, owned by Mike Morency, would also make a connection to the new main as the existing connection was through a long lateral. He advised that Mr. Morency would abandon that connection and connect to the new main. Mr. Moore reported that he had the plans for this project and noted that he and the Town Engineer have worked with the applicant for a number of months to review the drafts. He advised that while they were not final yet, the comments issued on the sealed plans were minor. Mr. Moore reported that he was comfortable bringing this to the Council. He advised that the applicant was moving forward with the development of the first of the three lots. Mr. Moore explained that the Council must approve the water connection. He noted that while the Council amended the Town Code to allow the Town Administrator to approve 5/8 inch sewer connections, this was not incorporated into the water ordinance; therefore, the Council must approve it.

Town Clerk North noted that she had drafted an ordinance amendment to allow the Town Administrator to approve 5/8 inch water connections. She further noted that this would be coming to the Council in the future for their consideration.

Councilmember Hazard questioned whether the applicant had paid the connections fee and would pay for the construction of the sewer main.

Councilmember Snyder opined that the applicant was paying for the sewer main extension and the one connection that was planned. He further opined that he would pay for the others later.

Town Planner Moore confirmed the Town had received the availability and connection fees for the one lot. He further confirmed the applicant would pay all of the sewer main construction costs, as well as reimburse the Town for the Town Engineer's review costs.

Councilmember Hazard questioned the timing of the installation and expressed concern about the timing in conjunction with the Christmas in Middleburg Parade.

Town Planner Moore noted that he was not sure; however, Mr. Eldredge wanted to move. He advised that he would talk with him about this to make sure his project would not affect the availability of Reed Street during that time. Mr. Moore noted that once the construction plans were finalized, Mr. Eldredge would need to secure a permit from VDOT and noted that this would take some time. He opined that Mr. Eldredge would move on the foundation work on the home and advised that he anticipated the sewer work would occur next year.

Councilmember Snyder moved, seconded by Councilmember Daly, that Council approve the extension of the public sewer main in Reed Street, in accordance with (1) Chapter 83.1 of the Town Code, the Town's Supplemental Water & Sewer Regulations and all other applicable regulations and (2) the Plans titled "Construction Plans and Profile, Reed Street Sanitary Sewer Extension" by Zicht & Associates, PLC dated August 15, 2016 and as to be further revised subject to approval by Town staff and the Town Engineer. Councilmember Snyder further moved, seconded by Councilmember Daly, that Council approve a request of University Communities, LLC for water and sewer connections for 103 Reed Street in accordance with Town Code Chapters 83.1 and 113 and all other applicable regulations.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, 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 – Health Center Renovations

Town Administrator Semmes advised Council that the staff had completed the bid process, with a total of three bids received for the work at the Health Center to renovate the hallways and old police department space that were gutted during the mold remediation. She reported that the low responsive bidder was Belfor Property Restoration, which offered a bid of \$26,950.57.

Councilmember Daly questioned whether they offered the best value or was the low bid. Town Administrator Semmes reported that they provided the most detailed bid. She reported that they could do all of the work; therefore, they were the best value. Ms. Semmes noted that they could start work within seven to ten days of the signing of a contract. She advised that she sent a draft contract to the Town Attorney for her review last week.

Councilmember Snyder opined that Belfor was fully responsive to the Town’s request, whereas the others’ costs would be raised once all of the components were added. Town Administrator Semmes confirmed this was correct.

Councilmember Daly noted that he was with the Facilities & Maintenance Supervisor when this group came in to look at the Health Center. He further noted that they were thorough.

Councilmember Daly moved, seconded by Vice Mayor Kirk, that Council authorize the Town Administrator to enter into a contract, as approved by the Town Attorney, with Belfor Property Restoration for renovations to the Health Center lower level hallway and Unit 5 in accordance with their estimate dated October 24, 2016 in an amount not to exceed \$26,950.57.

Councilmember Littleton questioned whether this was a fixed price bid or a time and material bid. He questioned whether the Town would pay only \$26,000 even if the price of the work increased. Town Administrator Semmes confirmed it was a fixed price contract and reported that the contract would state this.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Littleton, Miller, and Snyder
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Davis only votes in the case of a tie.)

Report – VDOT Maintenance Meeting

Town Administrator Semmes reported that she and the Mayor met with VDOT’s Northern Virginia staff to go over the Town’s concerns about maintenance of the streets in general, especially those impacted by the detours. She noted that they asked when the Town could expect to have the streets addressed. Ms. Semmes reported that VDOT’s representative indicated they were short on money and that they would get some of the work programmed during their fiscal year that started on July 1, 2017. She advised that subsequent to that meeting, she emailed

VDOT to reiterate the Town's concerns and inquired about the process that would be followed to make sure the funds were included in the coming budget and what exactly would be done. Ms. Semmes advised that VDOT assured her they have heard the Town's concerns and that the money would be in the budget. She suggested the Town stay on top of this to make sure it occurred. Ms. Semmes reminded Council that VDOT's funds started with the State and filtered down through the regions until they reached the smaller offices, such as St. Louis. She reported that VDOT had a manpower problem and brought in a separate crew to address maintenance. Ms. Semmes advised that they would be addressing North Madison Street this year to fix the eroded ditch going out of town and expressed hope that this would be done before the winter.

Councilmember Miller questioned whether they would do any work in general. Town Administrator Semmes reported that they indicated they would do pothole repairs; however, they would not do any major repaving.

Council expressed concern about the serious deterioration that had occurred. It was suggested that the Town lobby and stay on top of VDOT. The Council further suggested the staff contact Scott Kasproicz to solicit his assistance.

Council Discussion – Walk Middleburg Proposal – Go Green

Rebecca Poston, Chair of the Go Green Committee, advised Council that Go Green was taking care of the HEAL (healthy eating, active living) campaign and had a couple of things planned. She reported that starting January 1st, they wanted to get this program into the public eye with an advertising campaign. Ms. Poston advised that they would promote a 5k run/walk on March 4th at the Community Center. She noted that it would involve a speaker, local fitness instructors who were willing to do classes and businesses who were willing to set up displays. Ms. Poston reiterated that they planned to promote HEAL within the town.

Ms. Poston advised that as of January 1st, Go Green would like to start a Walk City Campaign. She displayed a news article on this program in Warrenton, which has hosted temporary signs within their town limits. Ms. Poston advised that the idea was that if signs were installed showing distances to different locations that people would be more inclined to walk. She opined that this would allow the community to become more walkable and businesses to take advantage of the people walking by. Ms. Poston advised that they wanted to make sure the Council approved of posting temporary signs and where they could do so.

Mayor Davis opined that this was a great idea. She questioned whether Go Green needed an immediate answer. Ms. Poston confirmed they did not.

Councilmember Snyder questioned the length of time the signs would be up. Ms. Poston reported that this would be based on the feedback they received; however, they would like to have them up from January 1st through March. She suggested that they would then receive feedback on whether people liked them or what else could be put on them. Ms. Poston noted that she asked her husband what it would take to get him to walk to the town and he said "history".

Councilmember Hazard questioned why Go Green wanted to start this on January 1st. Ms. Poston explained that they wanted to coordinate with people's New Year's resolutions and get people walking in January.

Councilmember Miller noted that January and February were the two slowest months for traffic in Middleburg. Councilmember Hazard suggested the program start in April when people were getting back outside. Ms. Poston confirmed the start date could be changed.

Chief Panebianco inquired as to the location of the 5k. Ms. Poston reported that it would be held entirely on private property at the Salamander Resort.

Vice Mayor Kirk noted that Salamander had a trail map that could be given out. She suggested the incorporated parts of the town be incorporated into that map as many people who stayed at the resort walked into town.

Councilmember Littleton questioned the number of signs that would be installed. Ms. Poston estimated there would be seventeen and reported that they planned to install one sign per location.

Vice Mayor Kirk noted that there were already signs identifying the food places. She questioned whether Go Green considered the use of plaques if they wanted to put up historical facts.

Councilmember Littleton opined that Go Green was talking about temporary signs that contained distances between locations. He further opined that they wanted people to know it was easy to walk to a location.

Councilmember Snyder suggested that, assuming Go Green received good feedback, they may want to do something that was permanent.

Councilmember Daly questioned whether the distances would be listed in feet or minutes to walk. Ms. Poston suggested it be minutes now that the Town had handicapped accessible sidewalks.

Mayor Davis questioned whether the signs could have a QR code that an individual could scan in order to get the walking distances. Ms. Poston explained that the QR Code would show any turns so the individual would know how to get to their destination.

Town Planner Moore opined that the sign would say “2 minutes to walk to xxx”. Ms. Poston confirmed this was correct. She noted that if the individual wanted more information, they would use the QR Code.

Mayor Davis questioned whether the plan was to have a sign for each location where someone may want to go. Ms. Poston confirmed it was for those places where the Town would want people to walk.

Councilmember Littleton inquired as to what the signs would look like, including their size and height. Ms. Poston displayed a photograph of an example.

Councilmember Littleton expressed concern that the Town would receive feedback from businesses that were not on a sign. He noted that the proposed list contained some for-profit businesses. Mr. Littleton suggested the Town should not provide free advertising. He recommended the signage be restricted to historical sites and government, educational or nonprofit organizations.

Councilmember Snyder suggested that for-profit businesses be allowed to purchase signage for a donation. Councilmember Littleton questioned how this would work if everyone wanted a sign. He suggested the need to make sure the process was well thought out and fair to all. Mr. Littleton opined that it may be easier to restrict this to public or nonprofit places.

Ms. Poston noted that the Committee was also discussing a pamphlet, with a map that identified the distances and listed all of the town’s businesses. She noted that the Pink Box had a map; however, it did not include distances. Councilmember Hazard suggested that map be used as a starting point.

Councilmember Miller questioned whether the Committee had discussed doing zones and breaking down what was available in each. He suggested the center be a two and a half minute walk no matter where someone wanted to go. Mr. Miller further suggested this would cover everyone and the Town would not have to worry about issues such as who was and was not picked for inclusion on the signs. He suggested it could say that “on this block, xxx is the most frequent destination”.

Mayor Davis opined that most of the locations on the proposed list were places and advised that only two – the Red Fox Inn and Salamander Resort – were not. She noted that those were both lodging establishments and advised that there were no others in town. Ms. Davis opined that, otherwise, all of the proposed locations were functional.

Councilmember Miller noted that the Red Fox and Salamander both made money off dining; therefore, they represented more than lodging.

Councilmember Littleton reiterated his suggestion that the sign not be used for for-profit businesses. He noted that Salamander already had a sign at their entrance. Mr. Littleton advised that, otherwise, he could see people asking how they could get on one.

Kathyjo Shea noted that the Committee had talked about offering QR codes in the store windows, which would be a way for the businesses to advertise.

Mayor Davis questioned when Go Green needed an answer. She also questioned whether the Council wished to discuss this further.

Councilmember Hazard agreed he did, including the size of the signs. Councilmember Littleton suggested the Council needed to know how many signs were being proposed.

Councilmember Daly questioned whether the signs would be installed in the sidewalk. Councilmember Littleton opined that they would be placed on the lamp posts. He questioned where the signs would be located.

Councilmember Hazard questioned whether Go Green would return with a plan. Ms. Poston confirmed they would. She noted that they wanted to find out whether the Town was open to this program. The members of Council agreed they were; however, they needed more details.

Councilmember Hazard noted that the Town was working on signage of its own. He suggested the staff and Go Green work together.

Town Administrator Semmes noted that the Town’s wayfinding signs would not have times/distances on them. She suggested that what was being proposed by Go Green was more pedestrian oriented; whereas, the wayfinding signs were designed for cars. Ms. Semmes suggested the two may be able to work together on the pedestrian kiosk. She noted that the idea was to encourage people to understand that where they wanted to go was not far away. Ms. Semmes advised that she liked the idea of having them.

Councilmember Daly questioned whether the time would be based on an individual walking three miles per hour. He noted that Ms. Poston mentioned the ADA and questioned whether they would also calculate times for individuals traveling in a wheelchair. Mr. Daly further questioned whether the signs would be helpful for those with a visual impairment. He suggested the need to think about these other things.

Councilmember Miller questioned whether the signs must go through the HDRC. Town Planner Moore noted that there was an exemption for signs erected by the governmental authority. He suggested, however, that if they were going to be up for a long duration that they go before the HDRC, as they were concerned about aesthetics.

Councilmember Miller suggested that, regardless of how long they were up, the sign design be presented to the HDRC for their feedback. He noted that the Town spent a lot of time, money and effort to beautify the main street and opined that even if they were temporary, the Town should have good looking signs that fit with the image the Town wanted to project.

Town Planner Moore suggested that if the program was successful and Go Green wanted a permanent solution, the Council would definitely want the HDRC's input.

Councilmember Hazard suggested this signage be linked with the Town's wayfinding signage if it became permanent so they could follow the same design parameters.

Council Discussion – Amendments to Parking Ordinance

Town Clerk North reminded Council that during their last meeting, they voted to go to a meter less parking system, which required amendments to the parking ordinance. She noted that she provided an initial draft that removed the references to parking meters and changed the two hour parking limit to three hours. Ms. North explained that the staff had questions on some items that it needed answers to before it could continue work on the revisions. She reiterated that the Council had agreed to change the two hour parking limit to three hours; however, she noted that the ordinance also mentioned eight hour parking. Ms. North questioned whether the Council wished to make changes to that as well.

Councilmember Littleton questioned whether the issue was street versus lot parking. Councilmember Hazard suggested the parking lots should remain as eight hour parking.

Chief Panebianco noted that there were also some parking spaces that did not have any time limits. He advised that the staff also discussed that on the weekends and holidays, currently the ordinance exempted the meters. Chief Panebianco opined that when there was limited parking, it should apply every day. He noted that this would make the signs less confusing and could prevent long-term parking.

Town Clerk North advised Council that currently, the eight hour parking limitation applied to the two municipal parking lots, the west side of Federal Street, South Pendleton Street, North Liberty Street and Washington Street west of Pickering and east of Liberty Street.

Mayor Davis questioned whether this all should be three hour parking since it would be free. She noted that the meters were being removed and questioned why the Town would allow eight hour parking.

Councilmember Hazard noted that the Town needed to provide parking for employees who worked eight hours a day.

Chief Panebianco noted that the one area was where employees currently parked.

Mayor Davis opined that they had parking passes that enabled them to do so. Chief Panebianco advised that the area he was talking about was a metered area on the back road. He confirmed that the employees fed the meters. Chief Panebianco reminded Council that there was only one row in the Liberty Street Parking Lot that had permit parking.

Councilmember Snyder acknowledged the need to address workforce parking. He questioned where the shop employees were supposed to park.

Councilmember Daly recommended the main street be three hour parking and anything off it be eight hour parking.

Councilmember Hazard questioned whether the current parking arrangement was viable. Chief Panebianco advised that there were some eight hour meters on Washington Street that should be changed to three hour parking. He noted that since this would be changed over to signed parking, the concern was that an employee may park in those spaces all day long. Chief Panebianco advised that this had not been an issue in the past; however, once the Town did away with the meters, long-term parking may become an issue.

Councilmember Hazard asked that the staff provide a recommendation to the Council for how each space should be designated. Chief Panebianco confirmed he could identify what was currently in place, as well as his recommendations for changes.

Councilmember Snyder noted that there were people who lived in apartments who needed to have parking.

Vice Mayor Kirk reminded Council that the Town also had some fifteen minute parking spaces. Town Clerk North confirmed there was fifteen minute parking on North Pendleton Street.

Council agreed it would be beneficial to have a recommendation from the staff on the parking limits.

Town Clerk North noted that the parking time limits currently applied from 9:00 a.m. to 5:00 p.m., Monday through Saturday, excluding holidays. She opined that having to include all of that information on a sign would make it very long. Ms. North questioned why a motorist should be allowed to park in a spot for eight hours on a Sunday, when they could not any other day.

After some discussion, the Council agreed to have the time limit apply every day of the week.

Town Clerk North reminded Council that if fines were not paid within seventy-two hours, currently a twenty-five dollar (\$25) late fee was applied. She further reminded them that they discussed having incremental late fees and noted that the Town Attorney was researching whether this was possible. Ms. North advised that for the purpose of the draft ordinance, she had continued to add another twenty-five dollar late fee after thirty days.

Councilmember Snyder noted that he reviewed the fees charged by other jurisdictions and advised that he did not want Middleburg's parking rate to be the highest in the County.

Vice Mayor Kirk noted that the Town Clerk was only talking about the late penalty.

Mayor Davis questioned the amount of the fees. Town Clerk North reported that they varied and advised that the parking meter violation was thirty dollars (\$30). She noted that in the future, this would be called an "overtime parking violation".

Mayor Davis reminded Council that they previously agreed that if the parking was going to be free that the fee would be higher for a violation.

Councilmember Miller reminded Council that they agreed they wanted to have more teeth in the ticket and to utilize DMV for collections of past due fines.

Town Clerk North reminded Council that they mentioned a fifty dollar fine; however, they also asked the staff to poll different localities in the County to determine their fees. She noted that this information was provided in the agenda packet. Ms. North questioned whether the Council wished to go with a fifty dollar fine.

Vice Mayor Kirk noted that the Town Clerk was also asking for guidance on the amount of the late fee if not paid within thirty days. She questioned whether the Council wanted to keep doing that.

Councilmember Miller suggested the fine double if not paid within thirty days and noted that the individual would be getting free parking. He advised that he liked a fifty dollar fine.

Councilmember Snyder questioned what he would be paying if he paid the fine within seventy-two hours. He further questioned whether he would simply be paying the fine. Vice Mayor Kirk confirmed he would. Town Clerk North noted that this was currently thirty dollars.

Chief Panebianco opined that the easiest way to address this would be to note that the three hour parking applied to the hours of 9:00 a.m. to 5:00 p.m. He suggested this would address those who lived in apartments as they tended to work during the day.

Vice Mayor Kirk agreed a 9:00 a.m. to 5:00 p.m. time limit would provide for those living in an apartment.

Council agreed they wanted the fine to be fifty dollars and that it would double if not paid within seventy-two hours.

Town Clerk North questioned whether the Council wished to have additional penalties if the fine remained unpaid after thirty days.

Councilmember Snyder advised that he would prefer to send the matter to DMV at that point.

Councilmember Littleton opined that if the ticket was not paid within thirty days, the violator was not local.

Town Clerk North reported that of the late notices she sent, approximately half were local residents and half were guests.

Mayor Davis opined that under the electronic parking system, the police officer would know if this was an individual's first offense, at which point they would be given a violation. Chief Panebianco reminded Council that one of their suggestions was to have incremental fines for repeat offenders and advised that the Town Attorney was researching whether this was possible.

Mayor Davis suggested that first offenders would be given a violation. Chief Panebianco advised that they could be given a violation or a warning. He advised that the parking technology had the ability to identify the number of times a vehicle had been entered into the system so he could determine whether to give them a warning ticket or a violation. Chief Panebianco suggested that if the vehicle received a warning but was still sitting there an hour later, it should then receive a violation notice. He reiterated that the Town Attorney was researching whether it was possible to increase the fine if the offender had multiple offenses.

Councilmember Snyder questioned what would happen if he received a ticket on a Friday and then repeated the offense on the following Wednesday. He further questioned whether the officer would know this occurred. Chief Panebianco advised that he did not know the technology well enough to confirm this; however, he believed that everything entered into the system would be accessible.

Councilmember Miller noted that the officer would be registering the license plate. Chief Panebianco confirmed it would be entered into the machine; however, he advised that different officers may have entered it each time. He advised that he was not sure whether the technology would tell the second officer that the first one issued a warning. Chief Panebianco opined that it would.

Councilmember Snyder noted that the system would take a picture of the license plate. He questioned whether it would capture the character of the license plate. Councilmember Littleton noted that the officer would manually enter the license plate number into the system. Chief Panebianco explained that the officer must enter the license plate number as the license plate reader (LPR) technology was not one hundred percent accurate.

Councilmember Littleton suggested the Town should increase the fee only if there were outstanding parking tickets that had not been paid. Chief Panebianco confirmed the system would show this information.

Councilmember Miller suggested that, if the Town Attorney confirmed this was doable, the Council should make this change.

Mayor Davis questioned the changes being proposed by the Council. Town Clerk North summarized that the Council indicated it wished the fine to be fifty dollars and, if the ticket was not paid within three days, the fine would double to one hundred dollars. She questioned whether the Council wished to leave it at that amount if it remained unpaid.

Vice Mayor Kirk questioned why the ticket must be paid in three days before a late fee was applied. She further questioned why it was not a week. Town Clerk North reported that this was the time period that was in place when she was hired. Chief Panebianco advised Council that they could change that if they wished. He opined that the idea was that the violator needed to pay it before he left town if he was a guest.

After some discussion, the Council agreed to give violators a week to pay the fine before a late fee was implemented. They further agreed that after forty-five days, the ticket would be sent to DMV for action. The Council summarized that they wished the fine to be fifty dollars, that this amount would double if not paid within a week and that the matter would be sent to DMV if not paid in forty-five days.

Town Clerk North advised Council that the Town must enter into an agreement with DMV for this program and noted that she was working on that. She questioned whether the Council wished every ticket that was more than forty-five days past due to go to DMV or whether they only wished this to happen if the violator had multiple offenses. The Council agreed it wanted every past due ticket to go DMV.

Town Clerk North noted that the staff's remaining question was whether the Council wished to impose an incremental fee system if a violator had more than one ticket. She further noted that the Council already discussed this and agreed that would be the case only if there were outstanding fines.

Town Clerk North summarized that the Council had agreed to a fifty dollar fine, which would double if not paid within a week, and would be sent to DMV if not paid within forty-five days.

Councilmember Hazard questioned how that compared to other jurisdictions. Chief Panebianco noted that it was twice as high. He opined that Occoquan, which was similar to Middleburg, had a fifty dollar fee.

The Council agreed to set the fine at fifty dollars and noted that the penalties needed to mean something. Chief Panebianco noted that the behaviors that needed to change were by motorists who lived, worked and came to Middleburg daily.

Councilmember Miller questioned where the staff was with the removal of the meters and the repairs to the sidewalk. Town Administrator Semmes reported that she asked A&M Concrete to give her a quote and the Facilities & Maintenance Supervisor was trying to get two more.

Councilmember Miller questioned when the meters would be removed. Town Administrator Semmes opined that the Council would not want them to be removed during the middle of the shopping season. Councilmembers Littleton and Daly suggested they be removed before Christmas in Middleburg. Councilmember Miller suggested they be removed immediately. He questioned whether they could be cut off at the brick.

Councilmember Littleton questioned where the barricades would be placed for the parades. He noted that they would hold people in and suggested the meters would be in the way, creating the inability to move behind the barricades. Chief Panebianco reported that the barricades would be located in the parking spaces.

Chief Panebianco suggested that, if authorized, he could cut the poles at the brick, with the Town worrying about the holes later. He noted that people were hitting the meters with their car doors. Chief Panebianco reported that parking spaces were also being lost because people were parking at the meter and straddling two parking spaces. He suggested that the sooner they came down, the better.

Mayor Davis questioned what would keep someone from tripping over what was left of the pole. Chief Panebianco advised that he would use a power grinder to grind the remaining pole flush with the sidewalk.

Vice Mayor Kirk expressed concern that someone could step in the holes that would be created if the poles were simply cut. Councilmember Hazard opined that this could be an OSHA violation. Chief Panebianco suggested the holes be filled with something.

Councilmember Miller expressed concern that if the staff took the meters down, this may make it more difficult later to remove the base. Chief Panebianco noted that the poles were set in concrete and opined that a square must be cut out of the sidewalk in order to remove the base.

Councilmember Miller suggested that if it was possible to have the meters/poles professionally removed within the next month that this be done; otherwise, the poles should be clipped.

Vice Mayor Kirk suggested the holes be filled if they were clipped.

Town Planner Moore expressed concern that discussion was occurring outside of the Council and staff's areas of expertise. He suggested the Council not commit to a plan that may create more problems. Mr. Moore noted that the HDRC had expressed concern about the meter removal and the quality of the sidewalk repair.

Councilmember Hazard questioned whether all of the meters were located in brick sidewalk. Town Administrator Semmes confirmed that some were in concrete.

Councilmember Littleton expressed a desire for the meters to be removed from the main street before the Christmas season. He suggested that their removal from the side streets and parking lots could be a secondary priority. Mr. Littleton further suggested the staff see whether the contractor could remove them from Washington Street and repair the sidewalk by Thanksgiving. He recommended that if the answer was “no” that they be asked whether a temporary solution could be to cut them. Mr. Littleton questioned whether, in that case, the holes could be sealed until after the Christmas season, when the bases could be removed and the sidewalk repaired.

Councilmember Hazard suggested the need to know the cost of doing so and noted that it may be more expensive if the bases were more difficult to remove.

Councilmember Littleton inquired as to the number of meters on Washington Street. Chief Panebianco reported that there were seventy-seven, less those lost during snow removal.

Councilmember Littleton asked that the staff secure answers to the questions by early next week. He suggested they identify the options and ask what it would take to accomplish this task.

Town Administrator Semmes noted that the contractor indicated that once the project was started, it could be done in a week. Councilmember Snyder opined that having the meters removed in thirty days was doable.

Mayor Davis questioned when the three hour parking signs would be installed in their place.

Town Clerk North reminded Council of the need to amend the ordinance to enforce three hour parking. She suggested the signs could be installed but not enforced. Ms. North reminded Council that the ordinance could not be amended without holding a public hearing as the Council had proposed to increase the fines. Councilmember Snyder suggested the ordinance be amended without the fees and that the increase in the fees be handled separately.

Councilmember Littleton questioned whether there was a proposal to place the fine amount on the sign. Chief Panebianco recommended it not be included.

Vice Mayor Kirk suggested bags be installed indicating the parking time limit. Chief Panebianco noted that once the meters were removed, there would be no place to put bags.

Mayor Davis questioned when the Police Department would enforce the new time limit. Chief Panebianco confirmed they would not until everything was done. He noted the need to amend the ordinance, install the signage and remove the meters before the three hour time limit could be enforced. Chief Panebianco further noted that he would come up with an enforcement method. He advised Council that as soon as the staff could get enough information about a system to order the parking enforcement device, he could start enforcing the parking limits.

Economic Development Coordinator Pearson reminded Council that they usually offered free parking until the first of the year. Mayor Davis questioned whether something could be installed to limit the free parking to three hours. She noted that one car had been parking in front of the Methodist Church for the entire day; however, the Police Department could not address it because the Town was offering free parking.

After some discussion, the Council agreed to direct the ordinance amendment, without the fee increase, to the next agenda for adoption. They asked the staff to secure some temporary signs for the holidays, with enforcement occurring through chalking.

Councilmember Snyder questioned whether there was a point to rushing enforcement since the Town usually offered free parking between now and New Year's Day. Councilmember Hazard noted that the Town would still be offering free parking – it would just be limited to three hours.

Mayor Davis questioned whether the bags currently indicated that the free parking was only for two hours. Chief Panebianco reported that the bags just said “free parking”.

Councilmember Miller questioned whether long-term parking was an epidemic or whether it was limited to a few cars. Chief Panebianco opined that it was two or three cars.

Councilmember Miller opined that it was outrageous to move quickly when the Town was not planning to do enforcement until the beginning of the year. He suggested this be done once and done right.

Vice Mayor Kirk noted that the Council agreed to offer free parking until after the first of the year. She questioned whether they were now saying it was only for three hours. Council agreed they were.

Chief Panebianco noted that, under those terms, the cars must be moved out of the parking spot after three hours.

Councilmember Snyder noted that the Council agreed with the need to offer some eight hour parking for employees.

Councilmember Littleton suggested the free parking be for a time limit, depending on location.

Councilmember Snyder proposed the Council address the three hour parking issue and signs at the next meeting, with the remainder of the issues being addressed in December.

Councilmember Hazard questioned whether standard signs would be installed. Chief Panebianco confirmed they would.

Councilmember Daly suggested the staff work on the removal of the meters and then the Council could worry about signs and the ordinance.

Councilmember Miller suggested this be considered in conjunction with the wayfinding sign plan. He further suggested the Town not spend money on signs that did not match.

Town Administrator Semmes noted that these would be simple regulatory signs. She confirmed the staff could try to get signs to match the wayfinding color scheme; however, she noted that they were typically green lettered signs that read “3 hour parking”.

Council Discussion – Tracker System for Action Items

Councilmember Littleton advised Council that after talking with the Town Clerk and Town Administrator about having a more visible way to track things that were discussed during Council meetings and what the staff was working on, he developed a tracker system. He opined that there was a lot going on and suggested the Council did not want things to fall through the cracks. Mr. Littleton advised that he was used to using a tracking list for action items. He suggested it not be

used for all of them and recommended it only be used for things that were important and that the Council wanted to make sure were closed out. Mr. Littleton opined that if the staff needed help, this would be an easy way to capture that information. He proposed a simple spreadsheet that contained key information and some formulas. Mr. Littleton explained that the idea was that as an action item was identified with a high priority, such as the removal of the parking meters, the Council would place it on the list so it could see how it went through the process. He suggested that an advantage of this would be that the Council could figure out how long it took something to get closed out and whether the staff needed help/decision from the Council. Mr. Littleton recommended this be kept on a secure on-line portal that the Council could check so there would not be a need for a lot of emails to be sent as the members of Council could just go in and check it. He suggested that each Friday, the staff update any action items for which they were assigned. Mr. Littleton noted that once closed out, the item could be removed; however, it would still be listed so the Council would have a history.

Vice Mayor Kirk suggested closed out items be moved elsewhere, so the Council would not see lots of items when looking at the report.

Councilmember Littleton demonstrated how the proposed system would work. He suggested it be easy to use and opined that it would only take the staff a few minutes each week to update. Mr. Littleton noted that he used a service called Word Press, which offered a free version. He advised that a paid version was available for twenty dollars a month for as many password protected logins as desired. Mr. Littleton explained that if someone did not have an account, they would not be able to get into the system. He advised that this was a live web application so multiple updates could occur at the same time. Mr. Littleton questioned whether this was something the Council would find useful. He suggested it could be modified over time.

Councilmember Snyder advised that he found it to be interesting and useful; however, he would like the staff's recommendation on how to implement it and make it accessible.

Councilmember Hazard questioned whether the Council would decide during a Council meeting whether an item should go on the list. Councilmember Littleton noted that the system was designed around input from the staff. He opined that at the beginning, more would be put on the list. Mr. Littleton suggested the Council would then find the right balance of things that they did not need to worry about. He opined that there were some things that should always be on the list, such as if a resident asked a question during a Council meeting.

Mayor Davis noted that when someone appeared before Council with a public comment, they did respond to some items; however, they would check on others. She questioned how this was followed up.

Councilmember Littleton opined that this was how the members would know it had been followed up as they would know the complaint had been cleared.

Town Administrator Semmes opined that this system was developed just for project tracking. Councilmember Littleton opined that it did not necessarily have to be all complaints and could just be those where someone asked for help.

Mayor Davis suggested they could be coded to what they pertained to and whether it would be in the office or by a customer. Councilmember Littleton suggested there be a drop down list for important maintenance items, resident requests and Council action items.

Councilmember Hazard questioned how the Council would know who entered the information. Councilmember Littleton explained that Word Press logged the user ID of the individual who last changed a cell. He suggested he insert a column for information on who was entering the data. Mr. Littleton further suggested the staff could add items to the list for the Facilities & Maintenance Supervisor so he could look at it. Mr. Littleton advised Council that if they were okay with what he proposed, he would continue to work on it.

Councilmember Hazard suggested that only a few items be placed on the list in the beginning and that it be expanded after the bugs were worked out.

Councilmember Littleton noted that he currently emailed questions to the staff that someone else may have also asked. He opined that it would be easier if the Council could go in and look at a list rather than bothering the staff. Mr. Littleton noted that Word Press also had an app for phones.

Council Discussion – Annual Holiday Luncheon & Gift Certificates

Mayor Davis explained that the Council has held an annual holiday luncheon for the staff on the second Friday in December. She noted that this would fall on December 9th this year. Ms. Davis questioned whether the Council wished to do so again this year and whether someone would like to volunteer to coordinate it. The Council agreed it would like to do the luncheon. Councilmember Littleton volunteered to coordinate it.

Councilmember Snyder suggested the Council offer the gift certificates again this year in the same amounts as last year. Councilmember Miller opined that the amounts seemed low and questioned whether the Town could do better. After some discussion, the Council agreed to give the Town employees one hundred dollar (\$100) gift certificates and the board/commission members' fifty dollar (\$50) gift certificates.

The Council agreed to cancel the November and December work sessions.

Town Council Reports

Councilmember Littleton reported that the Pink Box Advisory Board met last week. He announced that the Middleburg Museum Foundation purchased the Pink Box property from the National Sporting Library. Mr. Littleton advised that their goal was to integrate all of the functions of the Pink Box and add a museum facility in the existing green space. He explained that the thought was that the addition would be a one-story structure that would be built in a historic colonial theme, like the Pink Box. Mr. Littleton noted that it would not be brick; however, it would have the same roof. He reported that demonstrations and the history of the town and surrounding areas would be provided. Mr. Littleton advised that another goal was to not change the Pink Box itself or the benefit it provided as an information center. He noted that they were going to add in a component around the history of Middleburg and advised that the Foundation was in the planning stages and would report to the Council with updates. Mr. Littleton stressed that this would be done in cooperation and consultation with the Pink Box Advisory Board. He advised that a meeting was held to let them know they would be an integral part of how this unfolded. Mr. Littleton noted that the building currently had two bathrooms, neither of which was handicapped accessible. He advised that the Foundation's thought was to include two handicapped accessible bathrooms in the addition and to renovate the existing restrooms into one nice, private restroom for the docents; however, their comments were that they wanted two restrooms that were open to the public in their space. Mr. Littleton advised that this was not a problem and confirmed the Foundation could make that happen.

Councilmember Hazard questioned whether the HDRC would be involved in the project. Councilmember Littleton confirmed they would and noted that the Foundation contracted with Bill Turnure for the design work.

Vice Mayor Kirk reported that she and the Town Administrator met to review staff salaries and found that all were spot on with the exception of one employee, whose salary would be discussed in closed session. She reported that the other salaries were in the middle of those offered by the County and those paid by other towns of Middleburg's size.

Vice Mayor Kirk reported that the Health Center Advisory Board met and noted that they were sad. She explained that they received requests totaling over \$47,000 and suggested everyone needed money. Ms. Kirk opined that these were great groups that did a lot for the town. She reported that she had asked the Economic Development Coordinator to take over the management of the Health Center and suggested the need to come up with a better plan for how to turn it around so it was better able to support itself. Ms. Kirk noted the need to do a lot of work on the building this year.

Councilmember Miller suggested the need to assess the issues and make a plan for the future. He noted that the auditor said the Town needed to stick to its budget; however, it would be exceeded if the Council approved the funding requests that were received.

Mayor Davis noted that the previous Council decided to only give out what was allotted. Councilmember Miller opined that this would be nothing this year. Vice Mayor Kirk agreed the Center would not make money this year and would be in the hole.

Councilmember Miller noted that the building was a "charity". Councilmember Snyder suggested the need to take care of the asset before anyone else.

Vice Mayor Kirk reminded Council of the requirement to make charitable donations from the Health Center Fund. Councilmember Hazard reminded Council that this was only when there were excess proceeds.

Vice Mayor Kirk advised Council that this item would be brought to them in November, with the amounts requested and why. She noted that she did not know that the Windy Hill Foundation worked with one hundred thirty people, including children and adults. Ms. Kirk further noted that they fed them. Councilmember Miller noted that he did not know of the existence of Backpack Buddies.

Councilmember Snyder opined that these were great programs; however, he encouraged the Council to be aware that this would involve Town funds, not Health Center money.

Vice Mayor Kirk noted that this was coming to the Council and opined that they may have to go back to the organizations and say "it did not have the money". She suggested that if possible, it may give to a couple of them.

Councilmember Miller opined that the Council must watch the Health Center's income and expenses to make sure they were in line with each other. He suggested the need for a plan/budget for maintenance, including a slush fund.

Town Administrator Semmes noted that the rents charged have been low for years. She further noted that some of the tenants have been there for many years and were paying rents that were far below market rents.

Vice Mayor Kirk reminded Council that the Mayor suggested the development of a foundation to purchase buildings that could be used to bring in businesses so their rents would not be as high. She opined that this was something that was partially done with the Health Center.

Councilmember Miller suggested that Councilmember Littleton provide input into the plan since he was a landlord. Vice Mayor Kirk agreed and asked that he attend a meeting of the advisory board.

Councilmember Littleton reminded Council that a building was only worth the rent it generated in cash flow. He noted that Dr. Falkenstein only paid \$1,700/month for half a floor.

Councilmember Miller suggested the need to look at the rents on a per square foot basis.

Councilmember Littleton suggested Dr. Falkenstein was paying a quarter of what someone else paid; however, he acknowledged that there was a benefit to having a doctor in town. He encouraged the Council to be careful that the Town did not become a charity that subsidized failing businesses. Mr. Littleton opined that the Council did not want to pick “winners and losers” and noted that this was not the role of government. He suggested the rents should be set at the market rate.

Discussion

Mayor Davis noted that she talked to Councilmember Littleton about the possibility of getting the Council packets electronically. She advised that this was previously discussed; however, there were some issues. Ms. Davis opined that the technology was now better and suggested this could be done via a portal that would allow the information to be updated immediately. She questioned whether the Council was interested in this. The Council agreed it was.

Town Clerk North reported that she had a folder containing information on Council agenda software that was available. She noted that she was just waiting for the Council to say “this was something they were ready to pursue”.

Councilmember Snyder advised Council that he would like to see the Council become less promiscuous about adding items to the agenda and opined that this was being done a lot. Mayor Davis opined that the things that were added were important. She noted that the items that were added to this agenda were things that needed to move quickly. Councilmember Littleton noted that three of the items were staff generated.

Councilmember Snyder expressed concern that the Council was adding more items over time. Mayor Davis suggested that if this was done electronically, the Council could be emailed the updated agenda so they could immediately see what was added.

Vice Mayor Kirk noted that it was difficult to not add items as the Council did not have as many meetings this time of year.

Town Clerk North noted that the items that were added did not come into the Town Office until after the agenda was published. She advised that had she known of them beforehand, she would have listed them on the agenda cover with a note that the back-up materials would be distributed later.

Town Administrator Semmes noted that the Council previously discussed purchasing iPads for the Council so they would not have Town business on their personal equipment if they did not want it to be. Councilmember Littleton noted that each member of Council had a computer.

Town Clerk North noted that not everyone may have an iPad. She reminded Council that they would need to have something that would either stay in the Town Office or that the members could bring to the meeting as they would no longer have paper agendas.

The Council agreed this was something they wished to explore. Councilmember Snyder suggested the Council allow the members to decide whether they wished to bring their own device or use one provided by the Town. Councilmember Hazard noted that usability and security would be two major concerns related to that decision.

Closed Session – Lease of Town Property, Advice of Legal Counsel & Personnel

Vice Mayor Kirk moved, seconded by Councilmember Littleton, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(3), (7) and (1) pertaining to the discussion or consideration of 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; consultation with legal counsel retained by the public body regarding specific legal matters requiring legal advice by such counsel; and, 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 Littleton, that these matters be limited to the lease of the Health Center property and the salaries of certain Town employees. Vice Mayor Kirk further moved, seconded by Councilmember Littleton, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes. Vice Mayor Kirk further moved, seconded by Councilmember Littleton, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Littleton and Miller

No – Councilmember Snyder

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 moved, seconded by Councilmember Snyder, that the Council make an adjustment in the salary of the Town Clerk to \$62,000/year. Vice Mayor Kirk further moved, seconded by Councilmember Snyder, that the Council approve a \$500 bonus for the Economic Development Coordinator in recognition of being a ten year employee.

Councilmember Littleton amended the motion to make both effective immediately.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Littleton, Miller and Snyder
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Davis only votes in the case of a tie.)
(On motion as amended)

Mayor Davis reminded Council of the ribbon cutting ceremony for the Route 50 Project on November 2nd at 10:00 a.m. at the Community Center.

There being no further business, Mayor Davis declared the meeting adjourned at 9:35 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk