



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, February 25, 2016

PRESENT: Mayor Betsy A. Davis
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Erik J. Scheps
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
A. J. Panebianco, Chief of Police
Cindy C. Pearson, Economic Development Coordinator

ABSENT: Vice Mayor Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, February 25, 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.

Public Hearing – Ordinance to Amend Articles I & II of Town Code Chapter 91 Pertaining to Streets and Sidewalks

Town Clerk North reminded Council that the majority of the changes were intended to bring the ordinance into conformance with the practices as they currently exist. She explained that while the ordinance currently stated that Town employees plow the streets, VDOT actually plowed them, with the Town employees plowing the public parking lots and public parking spaces. Ms. North noted that language has also been proposed with regard to the removal of snow and ice from sidewalks in the business district should the property owner fail to do so to allow the Town Administrator to arrange for the clearing and possibly charge the property owner for the cost of doing so.

No one spoke and the public hearing was closed.

Public Comment

Tony Pearce, 608 West Washington Street, appeared before Council to announce his candidacy for the Town Council. He noted that he would attend the Council meetings in the future.

Mayor Davis announced that Town Administrator Semmes has been nominated by the Virginia Chapter of the American Planning Association and elected to the College of the Fellows of the American Institute of Certified Planners in recognition of her accomplishments. She noted that she would formally become a fellow upon induction during the APA National Planning Conference in April. Ms. Davis advised Council that she saw the application and noted it involved a lot of work.

Town Administrator Semmes thanked Mayor Davis for writing a letter of support. She noted that the journey of going over her career was rewarding. Ms. Semmes reported that fellowships were awarded every two years and advised that sixty-one individuals from all over the nation would be inducted this year, including four from Virginia. She noted that Delegate Tom Rust was among them, as was Bill Frazier of Frazier & Associates in Staunton, Virginia.

Committee Annual Report – Go Green

Nelina Loiselle and Rebecca Poston, of Go Green, appeared before Council to offer their annual report. Ms. Loiselle, Co-Chair, reported that the Committee has been very busy this year. She reviewed their accomplishments in 2015, as well as their goals for 2016. Ms. Loiselle advised that Go Green's accomplishments included: the organization and hosting of Spring Clean-Up, which they planned to do again this year; the presentation of a proposal to the Town Council to add recycling bins, which was approved; assisting the Police Department with Drug Take-Back Day, which they hoped would occur again this year; the hosting of three students from Foxcroft School for an internship, during which they helped to develop a green shopping guide; and, the creation of a green educational kit, which could be taken to events and which they tested during Arbor Day. She explained that the kit contained different products that were green so people could see how easy it was to change to eco-friendly products.

Ms. Loiselle reported that Go Green's top goal for 2016 was to work on battery recycling. She advised that they have worked on creating a recycling plan. Ms. Loiselle reported that there was not a good location to drop off household batteries and advised that the Committee determined that there must be a collection point in town. She suggested it be hosted by the Town Office. Ms. Loiselle reported that the Committee received good tips and hoped to bring a proposal to the Council for the operation of a collection site. Ms. Loiselle advised that the problem was larger than they thought it would be to solve. She advised that another goal for Go Green was to host an educational event as a part of the HEAL initiative and noted that they would get more details to the Council for their consideration. Ms. Loiselle reminded Council that HEAL stood for "Healthy Eating, Active Living" and was based on a resolution that many cities have adopted, including Middleburg. She explained that they planned to encourage people to become physically active and eat healthy. Ms. Loiselle advised that Go Green would like to coordinate their efforts with events such as the National Night Out, so they could present training on sharing roadways. (Go Green Committee Member Mary Woodruff arrived at the meeting at 6:10 p.m.) She noted that biking was eco-friendly and advised that the Committee would like to encourage Middleburg to have a bike friendly feel so people would not be afraid to ride bikes in town. Ms. Loiselle suggested they could also offer a similar event on the benefits of walking. She advised that another goal was to help integrate the green shopping guide with some of EDAC's initiatives. Ms. Loiselle suggested that Go Green could calculate the Town's carbon footprint and present it to the Council so they could determine where there were areas for improvement. She reiterated that Go Green could work on the Spring Clean Up event again this year, a program that they hoped to coordinate with the Boy Scouts. She further reiterated that they would like to help again with the Arbor Day celebration and Drug Take Back Day.

Ms. Loiselle reported that Go Green spent this year developing a draft Middleburg Sustainability Plan, which she distributed to the Council. She noted that it contained three sections, including recycling, transportation and health & wellbeing. Ms. Loiselle suggested that more be added over time. She asked the Council to review the draft plan and provide feedback. Ms. Loiselle advised that while Go Green developed the plan, they did not think they could execute it alone. She suggested they spearhead the implementation; however, she noted the need to work with others to help implement the initiatives. Ms. Loiselle reiterated the desire to add sections in the future.

Councilmember Shea inquired as to what other sections were suggested. Ms. Loisel suggested the desire to focus on Town policies, such as procurement. She further suggested that a section be added on energy. Ms. Loisel opined that there were many sections that could be included and advised that they had more information they could send to the Council. She suggested they start with the three core areas that have been proposed.

Mayor Davis thanked the members of Go Green for their hard work. She noted that she liked the recycling chart that was included in the plan.

Councilmember Snyder suggested the chart be scanned so it could be included in a Friday E-Mail Blast. Ms. Loisel confirmed she would send the staff an electronic copy. She suggested that once the draft plan's review was complete, she could provide a final copy for placement on the Town's website.

Councilmember Shea suggested the plan include a list of contributors. Ms. Loisel confirmed they would add an acknowledgement page.

Councilmember Murdock inquired as to what was being done with batteries. Councilmember Shea reported that the Committee put hours into finding a source and noted that it was difficult to do. She explained that it had to do with storage and advised that they had no final plan. Ms. Woodruff opined that no one wanted the small batteries. She advised that there were locations to recycle car batteries; however, recycling small batteries cost more.

Ms. Loisel noted that Home Depot would accept small batteries; however, she would like to have something in town.

Ms. Woodruff noted that she spoke with an official from Loudoun County, who suggested the Committee encourage people to buy rechargeable batteries. She advised that the Committee could get prepaid boxes that would allow the batteries to be sent away for recycling; however, the storage was dicey. Ms. Woodruff explained that the batteries needed to have tape over the ends or they could interact and explode. She advised that insurance would be an issue for whoever collected and stored them.

Councilmember Murdock suggested the need to get the word out about recycling and opined that it has not "computed" with people. She advised that she was at two events that offered recycling bins; however, both were full of trash. Ms. Murdock noted the need to educate people on the need to recycle. She advised that she would work on this at the Middleburg Community Center. Ms. Murdock suggested she may ask Go Green to do a training session with their personnel.

Ms. Poston noted that while Jilann Brunett resigned from the Committee, she was an active member of the Committee for years.

Mayor Davis thanked all of the Committee members. She noted that they have done a tremendous amount of work to get people to recycle. Ms. Davis further noted that this would be an evolving process. She asked that Go Green let the Council know if there was anything it could do to help them get the word out. She suggested that if they had information for distribution that they get it to the staff.

Committee Report – Christmas in Middleburg Committee

Jim Herbert, Chairman of the Christmas in Middleburg Committee, reminded Council that he submitted a written after-action report on December 29th. He opined that this past year was an interesting one and suggested it was a confluence of multiple years of marketing and the effect of it being a warm day, which brought a crowd estimated at 28,000 people. Mr. Herbert suggested this was way too many people.

Mr. Herbert opined that the partnership between the Christmas in Middleburg Committee, the Town and the Middleburg Business & Professional Association was phenomenal. He noted that the Town gave every resource it could to the event. Mr. Herbert further noted that the MBPA had feet on the ground and contributed financially. He acknowledged the major partners involved in the parking, which included the Salamander Inn and the County Park Authority, who made the parking possible. Mr. Herbert reminded Council that they charged for parking, which helped to neutralize the expenses. He acknowledged the site partners, which included the National Sporting Library & Museum, the Hill School and the VFW.

Mr. Herbert reminded Council that Christmas in Middleburg has always been a community celebration that offered a positive experience. He reported that the Committee has begun to plan for the next event; however, it would be within a public safety paradigm. Mr. Herbert stressed that public safety must be first. He noted that one of Middleburg's police officers was struck by a car on Route 50 last year. Mr. Herbert advised Council that the Committee had a bus route contingency plan that would allow the buses to go into town; however, because of the traffic backups and the fact that they were running low on public safety officers, they could not implement it. He reiterated that they had an emergency contingency plan; however, it could not be implemented and the buses could not move. Mr. Herbert noted that the bus drivers then had to go off the clock as it was illegal for them to operate a vehicle for more than eight hours; and, advised that the replacement buses could not get into town due to the traffic backup. He reiterated that the Committee was thinking about public safety and have talked with the Chief of Police. He suggested consideration be given to bringing in the National Guard so they could be at hand if needed. Mr. Herbert opined that there were only so many off-duty police officers that could be secured and reiterated the need to address the safety aspect. He advised that the Committee's insurance carrier provided some information on best practices, which they were reviewing from a public safety standpoint. Mr. Herbert reported that the Committee would install steel pedestrian barricades to keep people back and noted that when looking at the photographs of the hunt and the parade, there was no day light between the horses and the people.

Mr. Herbert reported that the Committee was considering increasing the parking fees and advised that they have looked at how the Redskins managed their parking. He noted that people could go online to purchase and print a ticket; and, once the allotted number of spaces was sold, the site would display a "sorry parking full" message. Mr. Herbert opined that the Committee should not be afraid to do that and that people must realize it was too late to sign up. He reiterated that 28,000 people were not needed in town. Mr. Herbert reported that they were looking to achieve public safety and would do what was necessary to strengthen the partnership as it worked well. He reiterated that they were looking to provide more gating for the audience that would improve the quality and reduce the quantity of people. Mr. Herbert advised that he was open to any thoughts and suggestions the Council may have.

Councilmember Shea noted that she previously suggested the Committee make the Christmas celebration a month long endeavor as opposed to an event. She opined that this occurred to some degree this year. Ms. Shea suggested the event be expanded so that people would be invited to come to town more frequently, with only one activity that they were being invited to attend being a parade.

Mr. Herbert opined that this was not a bad idea and noted that the Salamander Inn already had a different event. He further noted that there were other special events. Mr. Herbert opined that promoting Christmas in Middleburg as a full season was a sound idea.

Councilmember Shea noted the need to flush out who was responsible for what.

Mr. Herbert advised that some people have suggested that there was not enough going on between the Hunt and the Christmas Parade. He noted that the Committee was playing with the idea of closing Madison Street for public safety reasons and turning the section adjacent to the Pink Box into a public arts festival. He questioned how the Committee could add more content to the day and the entire month. Mr. Herbert suggested that during the months of October and November, the campaign should not just be focused on the Christmas in Middleburg day, but should focus on other things during the Christmas season. He noted that the Committee upgraded the program guide to utilize a smaller format and color printing, and added pages on other things, such as a history of the town and a calendar of events throughout the year. Mr. Herbert advised that he did not notice that the programs were being tossed away and noted that they ran out of them. He opined that Councilmember Shea's idea of spreading the focus was a good one.

Councilmember Shea suggested it be limited to the period between Thanksgiving and Christmas, otherwise, it would be too much for the businesses. Mr. Herbert agreed. He opined that the Committee's interactions with Economic Development Coordinator Pearson and Councilmember Hazard were good. Mr. Herbert advised that he was happy to attend a Council meeting anytime to discuss their plans and ideas.

Councilmember Scheps opined that Middleburg was not large enough to incorporate enough events for 28,000 people who may be waiting between the Hunt and the Christmas Parade. He suggested the need to cut off a lot of the streets to dissipate things.

Councilmember Shea reminded Council that the original intent of Christmas in Middleburg was to bring people to town to shop. She stressed that this could not be lost. Ms. Shea agreed that having activities was important; however, she suggested this must be balanced with doing what was good for the town's economic health.

Mr. Herbert opined that they were not doing things to threaten that health. He noted that the Committee added food trucks to the event. Mr. Herbert advised that he initially resisted doing so because he wanted the restaurants to be full; however, they were already full. He opined that it was bad PR for businesses to turn people away. Mr. Herbert noted, however, that the food trucks did not work well as they ran out of food, purchased more from the Safeway and ran out again. He reiterated that this did not work. Mr. Herbert opined that they received a great day of business; however, the town got little out of it. He noted that the courtyard for the food trucks was packed the entire day. Mr. Herbert opined that the Committee did not have to do a lot more that would take away from the businesses and suggested they did not need multiple activities. He suggested the need to let people know what to expect and advise them that there were other times when they could come to town with an equally successful result.

Councilmember Scheps opined that people staked a claim as to where they were sitting. He further opined that the chance that they would move and risk losing their spot was small.

Mr. Herbert advised that he would take a look at anything that made sense. He noted that he and the Police Chief needed to figure out if the detour should be where it was located. Mr. Herbert advised that he would like to stick with the timing of things as people have come to expect the Hunt would be held at 11:00 a.m. and the Christmas Parade would be held at 2:00 p.m.

Mayor Davis suggested it would be nice if parking could be offered on the west end of town as well. She acknowledged that this may not be possible.

Councilmember Murdock noted that she has been concerned every year but more so this year about the amount of horses and people in the Red Fox Inn parking lot. She opined that this area was getting too tight. Ms. Murdock suggested the need to have a discussion about relocating the horses as a starting point. She acknowledged that this would break with tradition; however, she opined that safety was the primary concern.

Mr. Herbert confirmed this could be discussed. He opined that if the insurance carrier saw what was happening, they would cancel Christmas in Middleburg's policy.

Councilmember Murdock reiterated her suggestion that the horses assemble somewhere else and suggested it be in the parking lot of the Salamander Inn. She noted that the horses could then go out the front drive. Prem Devadas, of Salamander Development, confirmed that "anything was possible".

Councilmember Murdock noted that this would eliminate traffic issues. She reiterated that continuing to use the Red Fox Inn parking lot made her nervous. Ms. Murdock suggested that moving to the school would not be any better.

Mr. Herbert suggested that another option was the Community Center's parking lot where the Farmer's Market was held. Councilmember Murdock opined that having the parking at the Salamander Inn worked well.

Mr. Herbert agreed. He noted that the Salamander property could turn into a mud bog. Mr. Herbert advised that there were fifty-five caps during the last event and noted that it was not just normal Hunt traffic.

Councilmember Murdock noted that some participants only came for this one event.

Mr. Herbert advised that he was open to moving the assembly of the Hunt to Salamander and agreed it should not be left at its current location. He noted the need for a public safety response and advised that the responders did a phenomenal job. Mr. Herbert advised that he heard comments about starting the parade late and explained that a photographer tripped and fell; and, because it was believed that she had a neck injury, emergency responders were called. He further explained that this caused a ten to fifteen minute delay. Mr. Herbert opined that the Committee was blessed that the other things that they were concerned about have never happened. He suggested the need to be prepared and advised that they were changing their mentality so that public safety came first, with a community event occurring within it.

Mayor Davis expressed appreciation for the amount of work everyone put into the event. She presented Mr. Herbert with a signed copy of a Resolution of Appreciation. Ms. Davis noted that given the large number of volunteers for the event, in the future, the resolution would only mention them as volunteers. She explained that this was being done because when someone was left out, it could cause hurt feelings. Ms. Davis thanked Mr. Herbert, the Committee and the volunteers for helping to make the day a special one and noted that the work that was put into it meant a lot to everyone.

Council Approval - Ordinance to Amend Articles I & II of Town Code Chapter 91 Pertaining to Streets and Sidewalks

Town Clerk North reported that the Town Attorney recommended the insertion of the phrase “those located in” into Section 91-15(A) so it would read “...in the town beginning with those located in the snow emergency route.” Councilmember Snyder agreed to accept the amendment as proposed.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council adopt an ordinance to amend Articles I and II of Town Code Chapter 91 pertaining to streets and sidewalks.

Councilmember Shea noted that Section 91-9(d) referred to the property owner. She further noted that many people rented their property and questioned whether this should refer to the business owner. Town Clerk North reminded Council that the Town could only assess and lien the owner of the property for the removal costs. She advised that it would be up to the owner of the property to make arrangements with the tenant for snow removal.

Councilmember Shea suggested the staff develop guidelines for the circumstances under which charges would be imposed.

Councilmember Hazard noted that he owned property on Route 50 and advised that when VDOT plowed twenty-four inches of snow, it ended up on the sidewalk and could be six feet deep. He opined that there was no way he could shovel it. Mr. Hazard questioned what would happen in those situations and opined that it would be unfair if the Town shoveled it and then charged him. He opined that the existing staff would not do so; however, he noted that this was legislation that would be binding in the future.

Councilmember Snyder advised that he liked Councilmember Shea’s idea of having a policy for the staff’s guidance.

Councilmember Scheps reminded Council that the property owner had six hours to remove the snow. He questioned whether more time was needed.

Councilmember Hazard questioned whether it was the Town’s or the property owner’s responsibility if the snow plow put the snow on the sidewalk. He opined that the issue was not that there was snow but was where it came from. Councilmember Scheps agreed.

Councilmember Shea noted that the term “ashes” was included in the ordinance. She questioned whether this was something the Council would want to be spread on a sidewalk. Town Administrator Semmes noted the inclusion of the term “cinder” as well. Councilmember Snyder opined that the point was to allow a lot of leeway.

Councilmember Hazard noted the use of the term “tenement” in Section 91-9. He questioned whether this was the correct term. Councilmember Snyder suggested it be changed to “tenant”.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

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

(on ordinance as amended)

Council Discussion – Ordinance Pertaining to Tours

Town Clerk North reminded Council that during their last discussion, they asked that an application process through the staff be included in the resolution, as well as a process that would allow for the permit's revocation, if necessary, with an appeal process to the Council. She advised that after consulting with the Town Attorney, the staff believed that if there would be a permit that could be revoked, this needed to be in the form of an ordinance; therefore, she took the information from the draft resolution and placed it into an ordinance format.

Councilmember Shea noted that Section 103-5 required tours to be completed no later than 10:00 p.m.; however, there was no start time. She suggested one be included that matched the noise ordinance. After some discussion, the Council agreed to include a start time of 8:00 a.m.

Mayor Davis noted that this ordinance was for any tour that was being conducted on a public right-of-way. Town Clerk North reminded Council that it was limited to the Historic District.

Heather Kyle, who was starting a tour business, noted that under the ordinance she would be required to secure a permit and a business license. She inquired as to the cost. Town Clerk North confirmed there would be no cost for the permit and that the cost of the business license would be based upon her gross receipts. She noted that Ms. Kyle would estimate her gross receipts for the first year, with the fee being based upon actual receipts thereafter.

Ms. Kyle questioned when the application form would be ready, what the content would be and whether there would be provisions for denial. Town Clerk North confirmed the content would be based upon the requirements in Section 103-4, which included the name, address and contact information for the tour operator and a statement agreeing to comply with the terms of Section 103-5. She advised that the application form would be ready at the time it was anticipated that the Council would adopt the ordinance. Ms. North confirmed there were no provisions for denial of an application as long as the applicant complied with those conditions. She noted, however, that the permit could be revoked if the holder fell out of compliance with one of the terms of the ordinance at some point in time.

Ms. Kyle inquired as to how long it would take, once the ordinance was approved, to receive the application form and to receive a release from the Town Attorney. Town Clerk North explained that the applicant would prepare the release and provide it to the Town Attorney for review.

Ms. Kyle noted that she provided one back in September. She questioned whether she needed to resubmit the form. Town Clerk North advised that if that was what Ms. Kyle wanted to submit, it could be submitted to the Town Attorney. She noted that it contained some typos and suggested she may wish to review it before submitting it.

The Council held some discussion on whether to adopt the ordinance during this or the March meeting and agreed to do so during this meeting.

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council adopt Town Code Chapter 103 pertaining to Tours with the amendment as discussed.

Councilmember Shea questioned whether the ordinance required a public hearing. Town Clerk North opined that it did not since there was no fee involved. She noted that the only fee involved in this ordinance was the penalty and advised that what was proposed was the same penalty as already existed in the Town Code for the violation of any section. Ms. North opined that the ordinance did not require a public hearing.

Vote: Yes – Councilmembers Hazard, Littleton, Murdock, Scheeps, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Vice Mayor Kirk
(Mayor Davis only votes in the event of a tie.)
(on ordinance as amended)

Council Discussion – Parking Meters

Chief Panebianco explained that he used a worst case scenario for both the cost and the earnings. He advised that he used three swipes as the basis based upon two vendors' comments. Chief Panebianco explained that under the worst case scenario, he figured the meter may only be used one and a half hours based on an annual average of all of the meters. He reiterated that the numbers were based on a worst case scenario. Chief Panebianco opined that the meters would be used for more than one and a half hours per day and suggested it would probably be closer to four hours. He advised that as to fees, he used the same numbers as were already adopted in the Town Code. Chief Panebianco distributed photographs of the meters that were being proposed and advised that while there were other brands, he would only talk about the two that were the best as far as what the Town may wish to consider.

Councilmember Hazard inquired as to the current income generated by the meters. Chief Panebianco noted that it was not much at this time; however, the Town received \$80,000/year when they were working.

Mayor Davis noted that she prepared calculations of the potential revenue. She questioned the assumption that the meters would be used only one and a half hours a day and noted that the Chief's figures were only based upon twenty-five cent meters. Ms. Davis reported that she calculated the revenues based upon ninety-four meters at fifty cents and one hundred five meters at twenty-five cents. She opined that the revenue for the fifty cent meters, if they were maxed out, would be \$376/meter and \$210/meter for the twenty-five cent meters. Ms. Davis suggested the Town would receive \$586/day on all of the meters if they were maxed out at eight hours. She advised that this would total \$160,000 annually. Ms. Davis noted that if only half was collected, this would result in \$80,000 in revenue. She opined that with meters that were in proper working order, the number would be more like \$80,000-\$160,000. Ms. Davis noted that the Town was not doing this to make money but rather was doing it as a tool to allow people to park and to move cars along. She reminded Council that when they increased the meter fees, people indicated that the cars were moving or that people were paying the meters. Ms. Davis opined that there were not as many locals parking in the spaces all day long. She suggested that \$80,000 annually was a more realistic revenue number and reiterated that this was being generous.

Councilmember Hazard noted that this was based upon a fee of fifty cents. He further noted that the vendors recommended a fee of one dollar.

Councilmember Murdock questioned whether the Council was talking about purchasing coin operated meters. Chief Panebianco noted that the meters could be both coin and credit card operated.

Councilmember Murdock questioned why the Town was thinking of going to a coin meter if that technology was fading.

Chief Panebianco advised Council that he has talked to people who owned the coin-operated meters. He noted that this was the last technology that existed. Chief Panebianco advised Council that POM was the leader in the meter industry. He noted that two years ago, there were more meter vendors and advised that many were no longer making them. Chief Panebianco advised that if the Council agreed to purchase meters, they would be buying a technology that was at the bottom end. He opined that it would not go away; however, he advised that the Town only had the option of POM and its current vendor. Chief Panebianco reported that the life span of the meters was greater than he originally thought. He advised that he spoke with officials from Lower Marion, PA, which owned one thousand six hundred POM meters. Chief Panebianco noted that they just replaced them with a newer model in 2011. He advised that Lower Marion had had the previous meters since the 1990s and confirmed they were still functioning well. Chief Panebianco reported that they have had no problems with the current meters. He advised that their only problem with the older meters was that the LCD display would fail and the meter had to be sent off for repairs. Chief Panebianco noted that replacement displays could be purchased for the newer meters for six dollars. He opined that if the Council agreed to purchase this technology, it would be fine until it needed to be addressed in ten years. Chief Panebianco advised that if the Council desired to add the credit card option, the meters could still accept coins; however, they would need to have a small solar panel on top to drive the credit card information. He reported that this would involve a considerable monthly charge. Chief Panebianco advised that the problem with the credit card meters was that people would try to put coins in the credit card slot and would jam the meters. He opined that this was not an option.

Chief Panebianco reported that Valley Stream, New York owned two thousand meters and advised that they were getting nine to twelve months life out of their batteries. He reported that the City of Staunton, Virginia owned one hundred eighty meters and indicated that they worked well. Chief Panebianco advised Council that one POM meter could cover two spaces; therefore, the Town would have fewer meters. He noted that the number would not be cut in half due to the odd number of spaces and opined that forty to fifty poles could be removed out of the one hundred ninety-nine existing ones.

Chief Panebianco reported that as far as parking pay stations, he was not endorsing any company; although he has provided information on one company that appeared to be the most reliable. He advised that Virginia Beach owned twenty-three Parkeon pay stations and has owned them for three years. Chief Panebianco reported that they have had no real issues with them. He advised that the difference between a pay station and a parking meter was that the Town must hook the pay station up to a computer so it could monitor it and any repairs would require the services of a technician. Chief Panebianco noted that the Town would have to change the paper. He reiterated that someone must be able to open the pay station and to figure out what was wrong. Chief Panebianco advised that no one was recommending that they accept dollar bills as they tended to gum up the machine. He advised that the Facilities & Street Maintenance Supervisor would have to be trained to maintain the machines. Chief Panebianco reported that the official from Virginia Beach indicated that although they were very happy with the pay stations, they were looking to replace them with phone apps, which would be phased in over time.

Chief Panebianco reported that Hyattsville, MD has two parking stations in use in their parking lots and indicated that they were great for that purpose. He reiterated that they must be monitored using a computer. Chief Panebianco reported that the first month or two would be a trial period under which the Town would not be charged a monthly fee. He advised that they were more technical than the staff originally believed and noted that issues would arise during the day that the Facilities & Maintenance Supervisor would have to address. Chief Panebianco suggested this would not occur often; however, he opined that the Town would not want to pay a technician every time there was a problem.

Town Administrator Semmes asked whether the vendor would provide good training. Chief Panebianco confirmed they would provide a day's training and that there was a help line that could be utilized. He reiterated that the official from Virginia Beach indicated that the company was "phenomenal" and that they could talk them through most things. Chief Panebianco advised that their pay stations took coins, as well as dollar bills; however, he did not recommend the acceptance of bills as this would add to the cost of the machines.

Chief Panebianco reported that while none of the options were cheap, if the Council was looking at making the least expenditure, the most income and have the least technical problems, they would be looking at replacing the meters with meters.

Mayor Davis questioned whether the pay stations would be located in the middle of the block. She further questioned whether the motorist would have to identify where he parked at the pay station.

Chief Panebianco reported that there were a couple of options that could be used. He advised that the system could be based on license plates, which could be a problem as many people did not know their license plate number. Chief Panebianco reported that another option was to pay by space, which would require the Town to mark the spaces. He noted that this would require painting a number on the new granite curb or placing it on the sidewalk. Chief Panebianco advised that another option was to pay at the pay station and display the receipt on the car. He reminded Council that all of the options would require the motorist to walk to the machine and most likely walk back to their car at least once. Chief Panebianco opined that this would work; however, people may complain about having to walk back and forth as most were used to parking in front of the shop they were patronizing.

Mayor Davis noted the suggestion that the fee be increased to \$1/hour. Councilmember Snyder noted that the cost of the pay stations would be around \$125,000.

Councilmember Littleton opined that pay stations should not be considered. He suggested the purchase of new meters that would last longer. Mr. Littleton expressed concern that someone could hack the credit card information in the pay stations.

Mayor Davis asked about adding the credit card feature. Chief Panebianco opined that it would be cost prohibitive. He advised that for the pay stations, the cost would increase by \$45,000, whereas the cost for replacement meters without the credit card function would be \$45,000. Chief Panebianco noted that there would be no monthly fee associated with the coin meters.

Councilmember Snyder opined that the Town could easily spend over \$100,000 for fifteen pay stations. Chief Panebianco reported that fifteen pay stations would cost \$113,000 if acquired all at once. He reiterated that they would also require the payment of monthly fees, a back fee and a credit card fee.

Mayor Davis noted that credit card meters could also present a problem when they did not work properly.

Chief Panebianco reminded Council that he tried to get a test station for a year; however, the Town was not able to go through the bank to even do a test. Town Administrator Semmes explained that it was too expensive given the Town's current rates.

Councilmember Hazard inquired as to the terms of the purchase. Chief Panebianco noted that he had only received quotes. He reminded Council that the Town Administrator would have to pursue the acquisition. Councilmember Scheps opined that large municipalities simply financed the purchase.

Councilmember Murdock advised Council that she was in favor of the pay stations until the staff prepared its report. She explained that she thought the pay stations would clean up the sidewalks. Ms. Murdock noted that Middleburg was an older, more traditional town. She advised that she liked the idea that one meter could be utilized for two parking spots; however, she questioned whether the users would be able to understand this. Chief Panebianco opined that they would. He noted that instructions could be applied to the meters.

Mayor Davis noted that black covers could be purchased for the meter bases so they would match the new street lights.

Councilmember Murdock advised that she was in favor of purchasing new coin meters.

Councilmember Scheps questioned whether old crank meters could be purchased online. Chief Panebianco advised that he attempted to find the old crank meters but could not.

Mayor Davis noted that kiosks and technology were continuing to evolve. She suggested the Town go with simple meters as this was “who Middleburg was”. Ms. Davis opined that in ten years, when it was time to replace them, there would be another technology available. She reminded Council that not everyone had smart phones.

Chief Panebianco reminded Council that some localities continued to use the meters that Middleburg owned and suggested they may wish to buy the Town’s old meters for parts.

Councilmember Murdock questioned why some of the meters were bent. Chief Panebianco reported that some were bent during the snow plowing operations and some were bent when motorists backed into them.

Mayor Davis asked that this be addressed as soon as it occurred. She noted that if the Town knew who did the damage, they could pursue their insurance to cover the costs. Ms. Davis noted the need to make the town look nice and reiterated her request that when a meter was hit that it be repaired quickly.

Councilmember Murdock reiterated that she was in favor of purchasing coin meters that could cover two parking spaces.

Councilmember Snyder requested a formal proposal that identified what the Town would be purchasing and the exact cost. Chief Panebianco explained that the staff was looking for direction from the Council. He noted that he would now turn this matter over the Town Administrator so she could procure the meters.

Councilmember Shea noted that the Council had not even discussed the issuance of parking tickets. She suggested that the comment about the new meters “saving time rather than chalking” be eliminated.

Councilmember Snyder noted that he liked the idea of chalking tires. Councilmember Shea agreed.

Councilmember Scheps noted that the Town could recoup some of its acquisition costs through the sale of the old meters. Chief Panebianco opined that the Town could get enough money to buy the poles and the sleeves for the new meters, and possibly more. He noted that the price he provided for the POM meters was just for the meter head and the price for the Civic Price meters was just for the guts of the machine. Chief Panebianco noted that the meter housing must be refurbished if the Town went with the latter option. Town Administrator Semmes noted the need to purchase new poles as the existing ones could not be reused.

Mayor Davis noted that the parking meter in front of her business contained one pole that served two meters. She questioned whether there would be the same number of poles. Town Administrator Semmes noted that the parking spaces would be changed due to the construction project.

The Council agreed it was okay with the staff getting prices for coin meters that contained two heads, as well as sleeves so the bases would all be black. It asked that as many double headed meters be utilized as possible.

Town Administrator Semmes noted that the staff reviewed the parking meter section in the Town Code. She reported that it seemed to say that someone who parked at a two hour meter must leave after the two hours. Ms. Semmes suggested the need to look at that section and to clarify it to whatever the Council wanted it to say.

Mayor Davis opined that the parking ordinance still showed the cost as twenty-five cents per meter. Town Clerk North confirmed it also included the fifty cent meters.

Town Administrator Semmes questioned whether the Council wanted to purchase POM meters. Chief Panebianco opined that the Town did not have a choice unless it wanted the same meters that it had as this was the only other vendor of parking meters. He noted that the current vendor was nonresponsive to the staff's calls for assistance.

Chief Panebianco advised Council that in conducting his research, he tried to stay neutral. He noted that in the beginning, he felt less comfortable with the meters as he thought they were a dying technology. Chief Panebianco advised that after talking with some meter owners, he found they were getting a lot of service out of their meters, including the batteries. He noted that it would be nice to replace the batteries annually on July 1. Chief Panebianco noted that if the Town changed them every six months, it would still save money. He reiterated that with the POM meters, the Town could change out the LED unit cheaply. Chief Panebianco recommended extra meters and poles be purchased so they could be replaced if damaged.

Council Discussion – Ordinance Pertaining to Animals

Town Clerk North advised Council that based upon their last discussion, the draft ordinance has been revised to limit the number of hens to no more than five at any given time and to prohibit roosters. She noted that because turkeys, ducks and geese also fell under the definition of "poultry", she included those in the prohibited section. Ms. North advised that if the Council wanted to allow those in the town limits, the ordinance would need to be changed. She reported that she spoke with Nina Stively, the Director of Loudoun County's Department of Animal Services, who confirmed that their regulations were intended to address animal care and that they did not deal with the zoning and business license aspect of animal businesses. Ms. North advised that according to Ms. Stively, when the County Planning Department received an application for a zoning permit, they would notify Animal Services so they could address the animal health component. She suggested that if the Council wished to address the zoning and licensing aspect that they handle that separately from this ordinance.

Town Planner Moore noted that the ordinance referenced Loudoun County's regulations and advised that he had not seen the contents of it. He further advised that he was still a little uncomfortable with it and suggested the Town Attorney review it, especially given the new provisions to make sure it was clear that the new provisions would not supersede anything in the County's regulations. Mr. Moore advised that in terms of the ability to do kenneling, pet shops or pet sales, these were not identified as permitted uses in any district. He noted that while the Town Code language for home occupations was not strong and needed to be addressed in the near future, he did not think these were allowable uses as a home occupation.

Councilmember Murdock questioned why the ordinance limited the number of hens to five. The Council noted that it previously agreed to five. After some discussion, the Council agreed to go with six hens and directed that the ordinance be scheduled for a public hearing.

Town Council Reports

Councilmember Snyder reported that the Wellhead Protection Advisory Committee was scheduled to offer their annual report in April.

Councilmember Hazard reported that the Wellhead Protection Overlay District Ordinance has been held in abeyance at the Planning Commission level while the Town Attorney conducted her review. He advised that it would soon return to their agenda.

Mayor Davis reported that the RFP for website development has been let. Town Administrator Semmes reported that proposals were due March 23rd.

Councilmember Shea reported that she and the Town Administrator would be distributing copies of the letter that was on the Council's desks regarding the Route 50 Project to businesses. She explained that they wanted to provide a presence to explain what was being done.

Councilmember Murdock opined that the Town Administrator handled a complaint from the coffee shop well. She noted that their water was cut off with no notice one morning, during their busiest time of the day. Ms. Murdock opined that it was a matter of misidentification. She reported that the coffee shop owner indicated that he had heard many complaints about the project and opined that the Town needed to get as much information out as possible.

Mayor Davis noted that the contractor came into her business a week before and again the day before their water connection was changed over. She advised that they ended up experiencing a problem because there were two lines that connected into one, which was not anticipated; therefore, the change-over took longer. Ms. Davis advised Council that the contractor was very good about advising her of the time when there would be no water.

Councilmember Shea explained that this was the reason she was going to distribute the information. She suggested that she would do so again if needed.

Mayor Davis requested, as a business owner, that the meter bags be removed as soon as the contractor finished work in a section. She reported that she had to call the Police Department to ask them to check on this. Councilmember Murdock agreed the bags were not being removed quickly enough.

Councilmember Shea noted that this may become more difficult given the electrical work that was being done in order to remove the street lights.

Mayor Davis noted that the plan was to bag the meters for two blocks from The Plains Road to Madison Street. She suggested that as work progressed past the Safeway, the meter bags should be removed if the work was finished. Ms. Davis noted that business was terrible when that many parking spots were blocked.

Councilmember Shea opined that the Town needed to make sure it was doing all it could to help the businesses. She noted that when work was done last year on Liberty Street, the sidewalk was closed for weeks. Ms. Shea advised that something like that could make or break a business.

Mayor Davis noted that that particular project was done by the gas company. She further noted that they did not communicate with the Town.

Mayor Davis noted that she wondered why her business did not have any customers during the water line change-over and advised that it was because the contractor had closed the sidewalk from the Post Office to the Fun Shop, meaning customers could not get in for hours.

Town Administrator Semmes explained that a VDOT inspector told the contractor he had to put up the closure signs up for safety purposes even though they did not believe they were needed.

Councilmember Murdock reminded Council that the contractor said he would keep the businesses open during the construction.

Discussion

Councilmember Littleton suggested the Council do a special recognition for Anne Lackman and noted that she would soon be moving to Leesburg. He opined that she served as Middleburg's Mayor for eight years.

Mayor Davis suggested the Council adopt a Resolution of Appreciation and give her flowers and a Middleburg paper weight during the March 10th meeting.

Councilmember Hazard announced that the Charter School would hold a LEO night on March 3.

Councilmember Scheps announced that he and his wife were putting their house on the market and would be moving once it sold. He advised that while they would still be in the Middleburg area, they would be located outside of the town's boundaries, which would prevent him from finishing his term. Mr. Scheps advised that he would stay in close contact with the staff regarding the date of his resignation and would attempt to do so in a way that would cause the least amount of upheaval for the Town.

Councilmember Snyder opined that it would be up to the Council to appoint a replacement.

Town Clerk North reported that under the State Code, the Council would initially appoint a replacement; however, it must also petition the Circuit Court within fifteen days to schedule a special election. She explained that the person appointed by the Council would only serve until such time as the special election was held and a new member was elected. Ms. North noted that if a special election was held in November, there should be no additional cost to the Town; however, if it did not occur until May of 2017, there would be a cost. She advised that the timing of the special election would be determined by the date of Mr. Scheps' move and would be at the discretion of the judge.

Councilmember Littleton expressed sorrow that Mr. Scheps would be departing the Council.

There being no further business, Mayor Davis declared the meeting adjourned at 7:55 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk