



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MEETING MINUTES**



Thursday, July 23, 2015

PRESENT: Mayor Betsy A. Davis
Vice Mayor C. Darlene Kirk
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

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, July 23, 2015 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Annual Report – Pink Box Advisory Committee

Robin Keyes, a docent at the Pink Box, presented the Advisory Committee's annual report. She noted that local artists showcased their work in the Pink Box Garden between June and October of 2014. Ms. Keyes reported that the Pink Box docents helped plan the National Sporting Library's *Open Late* concert series, held on the fourth Friday of each month through September. She advised that the docents also offered many tours of the town, including one for the Loudoun Visitor's Center tourism professionals in October.

Ms. Keyes reported that the Pink Box has received requests to hold weddings in the pavilion, the dates of which were being discussed with Justice of the Peace Richard Kirk. She advised that further information would be provided to the Town. Ms. Keyes noted that a yoga class was also being held in the pavilion.

Ms. Keyes reported that the docents worked in preparation of the Annual Christmas Tree Lighting and Parade, as well as assisted with the Hunt Country Stable Tour. She noted that they also sold tickets for the Historic Garden Week.

Ms. Keyes reported that the interior renovations to the Pink Box building were completed and have been well received. She noted, however, that the outdoor plantings were taking a beating as the result of local canines' use of the grounds. Ms. Keyes advised that the Pink Box Advisory Committee would appreciate the Council's assistance in deterring this as the application of chemicals has not been successful.

Mayor Davis expressed appreciation for everything the Pink Box Advisory Committee did. She noted that their knowledge meant a lot to the community. Ms. Davis reminded Council that they have held discussions regarding the dog issue and suggested the easiest solution would be to install a sign prohibiting dogs; however, she noted that Middleburg was a pet friendly town. She

suggested the need for signage reminding owners to pick up after their dogs. Ms. Davis acknowledged that the issue was not so much the dogs defecating on the shrubs. She advised that the Council would continue to consider possible solutions.

Councilmember Shea suggested consideration be given to raising the flower beds to keep dogs from being able to access the bushes so easily. Mayor Davis suggested a certain area be set aside for use by dogs.

Mary Kay Garwood, Chair of the Pink Box Advisory Committee, reported that the fence needed attention. She expressed hope to have a group of volunteers paint it and noted that the Middleburg Millwork has agreed to donate the paint. Ms. Garwood advised that the fence needed some repair.

Town Administrator Semmes reported that Facilities & Maintenance Supervisor Simms was securing estimates to paint the fence. She noted that he has obtained a couple and was trying to get one more.

Ms. Garwood reminded Council that when the fence was installed twenty-six years ago, the docents said they would paint it. She expressed hope that the Boy Scouts would do so.

Town Administrator Semmes noted that the staff was not aware that the Middleburg Millwork had agreed to donate the paint. She advised that she would discuss this with Mr. Simms.

Councilmember Shea questioned whether the Pink Box was seeing any trends or changes in visitors coming into the town. Ms. Garwood reported that a lot of visitors were coming from the resort. She opined that they were spending the weekend at the resort and coming into town to shop.

Councilmember Shea noted that she was seeing a lot of younger, newer residents in town. She questioned whether they visited the Pink Box. Ms. Garwood confirmed they did. She reported that many came from the new development east of town.

Councilmember Shea questioned whether there were new resident packets available at the Pink Box. Town Administrator Semmes confirmed they were available at the Town Office for residents who received Town services. She advised that they received one when they came into the office to set up an account. Ms. Semmes noted that what the Pink Box offered was for visitors.

Councilmember Shea questioned, as a business owner, how the Pink Box obtained updated information about businesses' hours and services/products. She further questioned whether they had a system. Ms. Shea noted that she tried to remember when she changed her business hours to get the information to the Pink Box. She questioned whether the other businesses did this as well. Ms. Garwood confirmed they did not. Ms. Keyes advised that they only knew if a new brochure was printed.

Councilmember Shea suggested a notice be posted on the Town's website when a tour group was coming through town. She advised that as a business person, she would like to welcome guests to the town. Ms. Shea questioned whether there was a way to get this information to the business community.

Ms. Keyes noted that tours came through randomly; however, a local reporter, Vicky Moon, brought many of the groups by the Pink Box. She reported that they often received advanced notice of the tours.

Councilmember Shea noted that she knew when the Foxcroft School alumni came into town as her business would get a sign to welcome them. She questioned whether there was a way to do something similar for other groups.

Mayor Davis suggested the Economic Development Coordinator could send an e-mail blast to the businesses notifying them of tours.

Mayor Davis thanked the Pink Box Advisory Board for their hard work.

Town Administrator Semmes noted that during the last Council meeting, a question arose about the phone system for the Pink Box. She reported that the Town Office telephone system contained a button for the Pink Box; therefore, it was possible the systems were linked.

Councilmember Shea explained that the amount of the Pink Box's phone bills was raised during the last meeting. Town Administrator Semmes suggested the Town may need to restrict their long distance calls. After some discussion, Council acknowledged the need to make long distance services available. They agreed to ask the docents to record all long distance calls that were made in a log book.

Councilmember Shea questioned whether the Advisory Committee was holding meetings. Councilmember Scheps, the liaison for the Advisory Committee, noted that he missed the last one and acknowledged that he was not as up to speed on the Pink Box as he should be. He advised that he would make a concerted effort to address this. Mr. Scheps opined that the meetings were annual ones.

Town Clerk North noted that meetings were called as needed and reported that the last one was called to review an application that was received for membership on the Committee.

Councilmember Shea noted the need to make sure the Committee was following FOIA with regard to electronic meetings. Town Clerk North reported that she has advised Ms. Garwood of the particulars regarding FOIA.

Council Approval – Bond Release – National Sporting Library & Museum

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council approve the release of the cash bond, in the amount of \$18,112.50, held by the Town to ensure the installation of the required landscaping associated with Site Plan 08-05 for the National Sporting Library and Museum.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Council Discussion – Event Notification Process

Councilmember Shea advised Council that the Committee has met several times. She noted that the Town Planner was ill the last time they met so he simply attached the draft application form, which was not complete. Ms. Shea advised that the first page was what the committee came up with for goals and the second was the proposed draft application for event notifications.

Vice Mayor Kirk questioned whether Item 4, on Page 1, regarding the efficient scheduling of the police officers and maintenance personnel should also include “and additional outside personnel”. Councilmember Shea suggested it read “Police Department or Maintenance Department” in order to be more encompassing.

Vice Mayor Kirk noted the reference on Page 2, under Business Owners, that the “Town not deny an event”. After some discussion, it was suggested that it read “if the Town cannot guarantee safety, an event could be denied.”

Vice Mayor Kirk noted that, as proposed, the Town may require an applicant to reimburse it for costs. She further noted the requirement to notify the Town forty-five days in advance of the event. Ms. Kirk questioned whether this advance notification was for billing purposes. She noted that the advance notice was only listed as two weeks at the top of the page.

Councilmember Shea explained that the advance notice was required if an individual or business was holding an event.

Councilmember Hazard noted that the top of the page dealt with residential applicants and the bottom dealt with businesses. Councilmember Shea explained that only two weeks notice was required for residential events, but forty-five days would be required for business events. She acknowledged that this would not always occur.

Vice Mayor Kirk noted the section on “Street Use” and suggested the fees be limited to the Town’s cost so the applicant knew the Town would not tack any costs onto the fees.

Vice Mayor Kirk noted that the draft policy indicated the event or activity “must be permitted” and questioned why. Councilmember Shea suggested the wording be changed to read “must obtain a permit”.

Councilmember Murdock questioned whether an individual could have an event in town as long as it did not contain a slow moving vehicle. Vice Mayor Kirk noted that they must have a permit.

Vice Mayor Kirk noted that the draft included a forty-five day notification period for an event and no less than one week for the bagging of meters. She questioned whether they would be denied a permit if they did not meet the notification requirements. Town Clerk North noted that the one week notification for the bagging of meters conflicted with the ordinance adopted by the Council pertaining to the bagging of meters. Councilmember Shea opined that the Town Planner would match the policy with the Town Code so it would comply with what already existed. She explained that she brought the draft policy to the Council to make sure the Committee was going down the road that the Council wanted before they put more work into it.

Councilmember Hazard noted that the reason this went to the Committee was because the Council thought the original proposal was onerous. He advised that if the Council wanted them to “put teeth in it”, they could.

Councilmember Shea advised Council that the Committee talked about having this information on the Town’s website, with links to ordinances and permits that the Town Planner would put together. She opined that it needed to be clearer when the notification was placed online.

Vice Mayor Kirk suggested there should be a section that stated that if the rules were not followed, the applicant may be subject to a fine or billed for police services. Councilmember Hazard suggested the billing be for actual services rendered as opposed to a fine.

Councilmember Shea explained that they were trying to convey that the process was not intended to limit people who did business here but rather to make sure that if they needed access to the streets that there would not be a large event coming through on that day.

Councilmember Hazard suggested a section be added that would result in billing.

Councilmember Shea noted that the Police Chief contacted Loudoun County's Event Coordinator. She advised that the Event Coordinator sent event notifications to the Economic Development Coordinator and agreed to send them to the Chief as well. Ms. Shea reported that once the Town had a form, the Event Coordinator would add it to Loudoun County's applications for activities and individuals would be told that they were required to fill it out if they were using the streets in Middleburg. She suggested that once this was complete, the Town could work with Fauquier County to implement the same process. Ms. Shea suggested the Town Planner look at this further with the changes proposed by the Council.

The Council agreed they were okay with the overall direction of this item.

Council Discussion – Winter Weather Policies

Councilmember Shea advised Council that she had a problem with allowing Loudoun County to dictate when the Town Office was open or not. She noted that there was no local decision making.

Town Administrator Semmes reminded Council that, under the Employee Handbook, the Town followed Loudoun County's closing schedule. She advised that there were a couple of occasions when this concerned her and noted that there was a situation where the federal government closed but the Town did not. Ms. Semmes reported that when she tried to get to work, she found that some of the roads were closed, which made travel dangerous. After some discussion, the Council agreed to amend the Employee Handbook to use Loudoun County as a guide, but to allow the Town Administrator, in consultation with the Mayor, to override the County and close the office if needed.

Councilmember Shea expressed concern regarding meeting cancellations due to inclement weather. She noted that some meetings were cancelled even though most of the committee members were local residents. Ms. Shea opined that one cancellation "messed up" some Planning Commission issues.

Councilmember Snyder noted that the staff must attend the meetings as well, which was why they were cancelled. Councilmember Murdock agreed the needs and safety of the staff must come first.

Vice Mayor Kirk expressed concern that the Town Code sections related to weather emergencies were not well written. Town Administrator Semmes agreed and noted that they have not been reviewed during her tenure. She suggested that if the members had comments that they provide them to the staff. Councilmember Shea noted that Town Code Section 91-15(A) needed to be addressed. Vice Mayor Kirk noted that Section 91-15(B) was never used.

Vice Mayor Kirk opined that it would be nice to define the "essential" and "non-essential" employees. Town Administrator Semmes noted that police officers and the Facilities & Maintenance Supervisor were considered to be essential employees and advised that this was defined in the Employee Handbook. She noted that she stayed in constant contact with those individuals even if she was not in the office.

Councilmember Shea expressed concern about the number of times the streets were plowed and salted last year even after they were already clear. Town Administrator Semmes reminded Council that VDOT used private contractors and opined that they wanted to make money so they stayed in town as long as possible. She advised that she would address this with VDOT's maintenance division.

Councilmember Snyder requested that the Town Administrator ask VDOT to give the Town a maintenance schedule for the repairs that were needed because of the damage that occurred last winter. He asked that she remind VDOT that their contractors dumped salt all winter long. Town Administrator Semmes reported that she has asked for a maintenance schedule several times.

Councilmember Shea noted that the vegetation was also affected by the salt.

Vice Mayor Kirk asked whether the Town used a snow removal contractor. Town Administrator Semmes confirmed the Town used a contractor to plow the parking lots and parking spaces if it snowed six inches or more. She reminded Council that VDOT only plowed the travel lanes, with that snow then going into the parking spaces. Ms. Semmes noted that a contractor also shoveled some of the essential sidewalks.

Councilmember Murdock noted that she could not get into some of the businesses due to snow on the sidewalks. Vice Mayor Kirk noted that the businesses were supposed to shovel their own sidewalks. She questioned what occurred if they did not.

Councilmember Shea questioned where they were supposed to place the snow.

Councilmember Hazard noted that sometimes the businesses shoveled the sidewalk only to have them covered in snow again by VDOT's snow plows. Councilmember Littleton noted that in that case, the owner had to shovel the walks open again. Vice Mayor Kirk noted that the same occurred with on-street parking. Councilmember Snyder noted that the Town could not change VDOT's snow removal practices.

Councilmember Hazard opined that the Town needed to be careful about imposing penalties for snow on the sidewalks. Councilmember Shea opined that the Town needed to impose some fines. She noted that she has repeatedly gone into one shop to remind the owners that they were supposed to shovel their walk and she ended up shoveling it instead.

Councilmember Snyder opined that the fine may be cheaper than the cost to have someone shovel the walk.

Town Administrator Semmes noted that there were options the staff could explore. She suggested that one was to purchase a snow blower and have the staff clear the essential downtown sidewalks.

Councilmember Murdock questioned where the Town would put the snow. Town Administrator Semmes noted that the snow was hauled to the Windy Hill Pump Station.

Mayor Davis expressed concern about clearing the sidewalks before the parking spaces were done. Town Administrator Semmes noted that the Town waited until VDOT plowed the streets to clear the parking spaces; otherwise, they would simply fill them back in again.

Councilmember Shea asked that the staff look at the policies to determine what changes were needed.

Council Discussion – August Work Session Schedule

After some discussion, Council agreed to cancel the August work session unless something came up. They agreed that most items could be steered to the September meeting.

Town Council Reports

Councilmember Snyder reported that the Wellhead Protection Advisory Committee met earlier in the week, during which time, Jilann Brunett was elected as the new chair. He advised that the Committee was still looking for two people to fill the open positions.

Councilmember Murdock reported that National Night Out would be held August 4th. She suggested it would be great if Council attended.

Town Administrator Semmes announced that Peter Wood has invited Council to attend the *Art in the Pink Box* event on July 25th.

Town Administrator Semmes noted that the Route 50 bid opening occurred this week and reported that the bids were over the acceptable range of the engineer's estimate. She noted that this was the estimate developed by the engineers in Richmond. Ms. Semmes reported that VDOT was trying to figure out what was over and why. She expressed hope that the project would not have to be re-bid. Ms. Semmes reported that three bids were received, with the apparent low bidder being A&M Concrete at \$3.4 million. She advised that VDOT could not tell her how much money was available for the project and noted that it did not matter as the only thing that did was whether the bid was in the acceptable range of the engineer's estimate. Ms. Semmes advised that VDOT's Procurement Office must sign off on accepting the bid. She reiterated that VDOT would be looking at the bids carefully. Ms. Semmes advised that she did remind them that this project included a water line project that was a critical improvement for the Town and that tied into another water line project that needed to move forward.

Councilmember Hazard questioned whether VDOT was only working with the apparent low bidder. Town Administrator Semmes reported that they were looking at the numbers submitted by all of the bidders for each of the line items. She noted that VDOT could talk to the apparent low bidder to some degree. Ms. Semmes reported that nine out of nineteen VDOT projects' bids exceeded the engineer's cost estimate. Councilmember Hazard noted that work has picked up so the prices were going up.

Councilmember Snyder expressed hope that this would not cause a delay and noted that the Town was replacing water mains that were dangerously old. He expressed concern about burst mains in the downtown area and advised that he would like to replace them before this was a possibility.

Town Administrator Semmes expressed hope to hear something from VDOT by mid-week. She noted that she would let Council know as soon as she heard something.

Councilmember Shea reported that Christmas in Middleburg was trying to expand so it would not just be a parade but rather would be an event. She advised that to that end, her bookstore would do readings of Christmas stories. Ms. Shea advised that they were asking individuals to read a tale. She noted that they planned to make decorations for their tree and would have treats. Town Administrator Semmes and Councilmember Hazard volunteered to read a story.

Councilmember Shea reported that this would be held between Thanksgiving and the week before Christmas.

There being no further business, Mayor Davis declared the meeting adjourned at 6:56 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk