



MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes



November 14, 2013

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

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

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on November 14, 2013 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Public Comment

Kent Bean, 406 E. Washington Street, advised Council that on October 21st his house was the recipient of between two and three hundred gallons of raw sewage due a root blockage in the seams in the pipes. He advised that he experienced out-of-pocket expenses for a plumber. Mr. Bean reported that he submitted the invoices to the Town Administrator and was seeking reimbursement. He advised that his insurance company was covering the replacement of items, less his deductible, which he was not seeking. Mr. Bean reiterated that he was asking for reimbursement for his out-of-pocket expenses of approximately \$1,000. He noted that the Town was good about responding to the incident.

Vice Mayor Kirk inquired as to the amount of his deductible. Mr. Bean reported that it was \$1,000.

Town Administrator Semmes suggested Councilmember Littleton work with her on this matter.

Mayor Davis advised Mr. Bean that the Town would take care of this and apologized for the back-up.

Amanda Scheps, 801 Stonewall Avenue, appeared before Council regarding an event at the Salamander Resort last week, which was held outdoors in tents. She noted that she wrote a letter to the staff describing the event. Ms. Scheps advised Council that her front door faced the Salamander property; and, even though she was located a third of a mile away, it was extremely loud. She noted that she reviewed the Town's noise ordinance, as well as Loudoun County's, and noticed there was a difference in the limits allowed by the County versus the Town. Ms. Scheps asked that the Council consider these sorts of issues before they became a pattern. She further asked that the Council look at this issue before it became problematic for those who lived adjacent to the resort.

Vice Mayor Kirk apologized to Mr. Bean for the sewer back-up. She advised Council that she would like for the Town to pay his deductible. Ms. Kirk also apologized to Ms. Scheps for the noise she experienced and noted that the staff met with representatives from Salamander to work on this issue.

Public Hearing

Increase in Fee Related to the Closure/Rental of Public Parking Spaces

No one spoke and the public hearing was closed.

Action Items related to Public Hearings

Council Approval – Resolution Adopting Guidelines Pertaining to the Closure/Rental of Public Parking Spaces to the Public and establishing fee

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt guidelines pertaining to the closure of public parking spaces to the public and for the rental of public parking spaces within the Town of Middleburg and establishing the fee for said closures/rentals at \$25/space/day.

(Councilmember Shea arrived at the meeting at 6:08 p.m.)

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

No – N/A

Abstain: N/A

Absent: N/A

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

Public Presentations

Suzanna Callie and Dave Quanbeck, of the **Middleburg Charter School Committee**, appeared before Council to offer a status report on their activities. Ms. Callie reported that they have been meeting every other week with the members of a special review committee of the School Board to review their charter school application.

Mr. Quanbeck reported that they were working through a list of items that must be addressed, including governance, facilities, food services, transportation, enrollment, waivers of State law and the calendar. He noted that the topic for the next meeting would be the curriculum. Mr. Quanbeck advised that they would have a representative from the Barcroft Elementary School available to help present the Leonardo da Vinci Program, which they would like to offer at the charter school.

Mr. Quanbeck noted the news reports about the possibility of the Loudoun County Public School System returning the school to the Town. He noted that the School Board has been threatening to close the school, saying “it was no longer needed”. Mr. Quanbeck advised that when the Committee came forward with the idea of turning it into a charter school, one of the issues that came up was how the building would be utilized. He noted that the School Board was required to give it to the charter school rent free; however, the Committee would have to abide by their rules. Mr. Quanbeck advised that it occurred to them that since the School Board no longer had an interest in the school, they would probably not be a good landlord. He advised that, at that point, he approached the Mayor about returning the property to the Town. Mr. Quanbeck noted that he also broached the topic with the School Board’s committee; and, reported that the members were very positive about it. He explained that in order to dispose of the property, the matter would have to go to the Board of Supervisors and then return to the School Board. Mr. Quanbeck reported that the lawyers were now discussing this idea.

Councilmember Hazard questioned whether the charter school would still fall under the auspices of the public school system if the property was given to the Town. Mr. Quanbeck confirmed it would; and, explained that they would operate under a contract with the School Board. He noted that they would have to lease the property from the Town in order to occupy the building

Vice Mayor Kirk questioned whether the Committee anticipated that the Town would assume the maintenance of the property. Mr. Quanbeck confirmed they did.

Town Administrator Semmes noted that this was scheduled for discussion later during the meeting.

Genie Ford and Prem Devadas, of the **Shakespeare Festival**, appeared before Council to brief them on the Festival. Ms. Ford noted that she provided the Council with materials on the economic impact of arts festivals such as this one. She opined that these kinds of events would enrich the community. Ms. Ford reported that they planned to have two performances by the American Shakespeare Center and four workshops with the actors. She further reported that they would hold a one-act playwriting contest and advised that she had already received fifty one-act plays from all over the world. Ms. Ford opined that the Festival could be an incubator for new works. She advised that she saw it as growing over time. Ms. Ford noted that she attended a Shakespeare Festival in Oregon and spoke with one vendor who said that she could live on the revenue from that event all year long. She opined that the Festival would raise the visibility of the town and attract theatre critics and travel writers.

Mr. Devadas opined that the Middleburg Film Festival showed how an event could be taken and be made not only into an economic driver but also enhance the lives of the residents. He advised that a lot of residents stated that they felt the Film Festival was a special event. Mr. Devadas opined that it drove business into town that was in some ways unprecedented; and, noted that some businesses told him it produced the highest revenues they had received. He advised that it was important to help launch such an event during its first year. Mr. Devadas noted that single day events drove traffic into Middleburg; however, this would be a multi-day event that would cause guests to stay overnight so they would have time to shop and dine.

Mr. Devadas reported that Ms. Ford explained to him that the start-up was a very modest investment compared to anything he has seen. He opined that any event required people to help start it during its first year. Mr. Devadas suggested that in subsequent years, funds could be raised through sponsors. He suggested that in the first year, the Town's funding of this would be the best money it has spent from a tourism and development standpoint. Mr. Devadas expressed hope that based upon one month's revenues; the Town would see the reality of the tax revenues from the resort. He opined that it was important for the Town to capitalize on that and to continue to drive revenues that fed business to area businesses.

Councilmember Hazard questioned the date of the Festival. Ms. Ford confirmed it was scheduled for April 4-6, 2014.

Councilmember Murdock questioned whether the venues have been secured. Ms. Ford reported that she had spoken with representatives from the Hill School; however, she had not spoken with the Community Center. She advised that she was thinking of doing everything at the Hill School. Ms. Ford reported that the activities would be at a "high level"; however, they would not be expensive. She suggested this would provide an opportunity to expand on the work of the Middleburg Arts Council. Ms. Ford advised Council that there were individuals in the audience who were supportive of the Shakespeare Festival.

Mr. Devadas questioned whether the Council had any recommendations for a next step. Councilmember Murdock suggested it follow the steps utilized by the Film Festival.

Councilmember Hazard suggested something be done in the Community Center as that would bring people onto the main street. Ms. Ford noted that she had thought of doing work shops throughout town.

Mr. Devadas suggested that if they got the “go ahead”, a committee could be created consisting of different people in the area who could think of other related things.

Ms. Ford reported that the Arts Council was already doing a competition to design the banners.

Councilmember Shea suggested the committee talk with businesses about how they could fit into the event. Ms. Ford advised that she had done so with some; however, she wanted to do more. She further advised that she had already signed a contract with the Shakespeare Center and noted that if she did not sign one for 2015, she probably would not get them.

Vice Mayor Kirk inquired as to the age group of the work shop participants. Ms. Ford opined that it would be offered to those in the middle to high school age group.

Vice Mayor Kirk questioned whether Ms. Ford was seeking money from the Town and, if so, how much. Ms. Ford confirmed she was asking for \$5,000 from the Town.

Councilmember Hazard suggested the committee develop a budget. He further suggested they do fundraising now and opined that a number of people would help with it.

Ms. Ford reported that the Middleburg Business & Professional Association and the Middleburg Arts Council were supporting the event. She advised that the idea was that it would become self-supporting. Ms. Ford noted that the one-act playwriting contest was free; however, most contests charged for entries. She opined that at some point, the Festival would be able to charge for it and offer a cash prize.

Councilmember Snyder suggested the committee should accept donations if it was not charging for the performances. Ms. Ford confirmed there would be a charge to attend the performances; however, there was no charge to enter the playwriting contest.

Vice Mayor Kirk asked that Ms. Ford submit a budget request as soon as possible as the Council would soon be doing its mid-year budget adjustments.

Councilmember Shea questioned whether Ms. Ford was asking that this be sponsored by the Town so the monies received would run through the Town’s budget. She further questioned whether the committee was organizing as a 501(C)3. Ms. Ford reported that the donations were being run through the Middleburg Business & Professional Association.

Councilmember Hazard suggested that when developing their funding request, the committee should include what they wanted in total, how much they were seeking from the Town and how they planned to secure the remainder. Councilmember Shea asked it also include future projections for subsequent years, including what charges would be implemented that were not being imposed the first year.

Jeff Mitchell and Sandra Tondreau, of **Mitchell & Company**, appeared before Council to present the audit for the fiscal year ending June 30, 2013. Mr. Mitchell reported that they found the Town’s books to be in order and received the complete cooperation of the management during the audit process.

General Fund Surplus Fund Balance (Page 6) - Mr. Mitchell reported that the Town’s General Fund was getting stronger every year. He noted that in 2006, the Town was experiencing a difficult time and over the years worked very hard to get the General Fund surplus into a positive balance. Mr. Mitchell reported that as of June 30, 2013, the General Fund had a balance of \$1.1 million. He noted that with an annual budget of \$1.5 million, this was an excellent ratio.

Comparative Balance Sheet (Page 2) – Mr. Mitchell reported that the Town had assets of \$16 million in three funds – the Water/Sewer Fund, the Health Center Fund and the General Fund. He reminded Council that the General Fund included all activities other than the Health Center and Water/Sewer Funds. Mr. Mitchell reported that as of June 30, 2013, the General Fund had a receivable balance of \$67,000, which was up from the prior year. He advised that this was primarily the result of grant reimbursements that were not received until the end of the year. Mr. Mitchell noted that other receivables included sales taxes. He reported that the Water/Sewer Fund had receivables of \$173,000 and explained that \$150,000 of this was the result of the billing that occurred on June 30th but was not collected until July. Mr. Mitchell noted that this was consistent with the prior year. He reported that the Town had fixed assets in the General Fund of \$1.8 million, less depreciation, for a total of \$1.2 million. Mr. Mitchell noted that this included the properties like the Town Office. He reported that the Water/Sewer Fund had fixed assets of \$13 million. Mr. Mitchell explained that the original cost of all of the Town’s facilities and lines was \$17 million; however, this had been depreciated by \$4 million. He reminded Council that Salamander Hospitality constructed and, in 2012, deeded a water and wastewater treatment plant to the Town, which was valued at \$7.8 million. Mr. Mitchell reported that in 2013, Salamander deeded utility lines to the Town that were valued at \$851,000. He advised that the total value of the infrastructure improvements that Salamander deeded to the Town was \$8.5 million.

Mr. Mitchell reported that the Town had a good relationship between its liabilities and its cash position in the General Fund. He advised that the accrued expenses were for normal items, such as pensions. Mr. Mitchell explained that the “Other Obligations” line covered items such as accrued vacation and leave. He noted that the Health Center Fund had a line item called “Accounts Payable” in the amount of \$25,000; and, reported that this represented \$17,000 in deferred rent because a tenant paid their entire year’s rent up front. Mr. Mitchell explained that this transaction was shown as an unfulfilled rental use.

Mr. Mitchell reported that the Water/Sewer Fund contained long-term debt of \$3.2 million, which consisted of two bond issues – one from 2010 and a new issue in 2013. He noted that the 2013 bond rate was 2.18% and the 2010 bond issue rate was 5.5%. Mr. Mitchell advised Council that the Town received a tremendous benefit by refinancing its debt in 2013 and noted that in looking at the debt service payments, the Town paid \$470,000 less under the new refinancing. He reported that using a net present value of that amount, the Town saved \$347,000 or \$420,000 over twenty years.

Profit & Loss Summaries (Page 3) – Mr. Mitchell reported that the General Fund had a surplus of \$64,000, the Health Center Fund had a surplus of \$319, and the Water/Sewer Fund had a deficit of \$347,000.

Operating Revenue (Page 4) – Mr. Mitchell reminded Council that the real estate assessments and other local taxes went down, which were two large drivers as to why the General Fund’s operating revenue went down. He reported that in 2013, the assessed value was lower than in 2008. Mr. Mitchell noted that the Town raised the tax rate in order to neutralize the reduction in the assessed values. He reported that the Other Local Tax revenues were \$909,000 in 2008, \$782,000 in 2010 and were now \$929,000.

Mr. Mitchell reminded Council that in the past, the Town had a program of increasing the water and sewer rates by 6% per year, which resulted in a gradual increase in revenues; however this past year, it only increased the sewer rates. He noted that the number of users increased from 445 in 2011 to 460 in 2013; and, advised that this helped the Water/Sewer Fund.

General Fund Budget to Actual (Page 5) – Mr. Mitchell advised Council that the Town did not receive the grants it wanted for capital projects in 2013; therefore, the revenues were lower than projected. He noted, however, that because it did not receive the grant monies, it did not spend them.

Revenue/Expense Summary (Page 7) – Mr. Mitchell reiterated that the General Fund operated with a surplus of \$63,000. He reported that while the Water/Sewer Fund showed a surplus of \$531,000 under the GAF reporting standards, this included donations and tower rental income, which was not operating revenue; therefore, it was subtracted. Mr. Mitchell advised that depreciation expenses were also a deduction and the debt service was subtracted out. He reported that from an operating standpoint, the Water/Sewer Fund operated at a deficit of \$281,000.

Percentage of Gallons Billed to Pumped (Page 8) – Mr. Mitchell reported that the percentage of gallons of water billed versus that pumped increased to sixty percent. He noted that it was previously below fifty percent. Mr. Mitchell opined that this showed the effort the Town was making to bill what it was treating, which was important.

Town Issues (Page 9) – Mr. Mitchell reported that if any issues of irregularity had arisen, he would have communicated them to the Mayor. He noted that he worked for the Mayor and Council. Mr. Mitchell reported that there were no such issues.

Mr. Mitchell expressed frustration regarding the VRS pensions. He advised Council that the Town paid what it was told to pay. Mr. Mitchell reported that the actuarial said that based on the demographics of the employees, the pension fund had assets of \$1.6 million and obligations of \$2.3 million. He advised that starting this fiscal year, the difference must be booked as a liability, which made no sense to him. Mr. Mitchell reiterated that the Town paid what it was told to pay. He advised that the Town must hit its equity in the amount of the difference, or \$642,000. Mr. Mitchell noted that he would highlight this next year and show it as a separate reduction.

Town Administrator Semmes noted that this was a snap shot that was based on who was currently employed and what would occur if they continued their employment until they retired. She advised Council that VRS was changing the rate of return that was assumed on the retirement funds; and, reported that instead of 7-8%, they were reducing it to 3-4%.

Councilmember Hazard questioned whether this would add to the difference. Mr. Mitchell confirmed that if the rate of return went down, the Town would have to pay more into the system.

Council held some discussion regarding the VRS system. Councilmember Littleton asked whether the State was not investing the money as well as it used to do. Mr. Mitchell advised that it was up to the State to invest the money. He noted that they had high rates of return in the past that kept the contribution rates down. Mr. Mitchell opined that the contribution payments would go up. He stressed that the Town's money was contained in its own pool and was not affected by another jurisdiction's deficit. Mr. Mitchell reiterated that Middleburg had its own set of books even though it was a participant in a larger system.

Town Administrator Semmes reported that even though the VRS Commission set what the State must pay for its employees, they have not paid that and was now playing catch up. She noted that all employees were now required to pay five percent.

Councilmember Littleton questioned whether the money that has been set aside for the Town of Middleburg was safe. Mr. Mitchell confirmed it was.

Mr. Mitchell reminded Council that the Town had liabilities related to a post retirement benefit, which he addressed in a pay-as-you-go manner. He explained that this involved the one hundred dollar a month benefit for retirees for health insurance. Mr. Mitchell suggested that if the Council wanted to do so, an actuary study could be performed; however, he did not think it was worth spending money for a report. He noted that this was not an unlimited benefit as it was capped at one hundred dollars per month.

Mayor Davis thanked Mitchell & Company for their work on the audit.

Vice Mayor Kirk commended the staff for doing an outstanding job with the Town's finances, particularly the Town Administrator and Town Treasurer.

Councilmember Hazard questioned whether the Town would be given time to fund the retirement difference. Mr. Mitchell reminded Council that the difference was based on when people would retire. He noted that when a former Police Chief retired, it took a lot out of the Town's fund. Mr. Mitchell explained that fluctuations would occur. He opined that over a longer period, VRS would try to increase the assets by increasing the payments. Mr. Mitchell explained that VRS performed an analysis every two years, at which time the Town would receive its new payment amount. He opined that the amount would increase in the future.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the October 10, 2013 Regular Meeting Minutes as amended.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Staff Reports

Town Administrator Semmes reported that the Town received another payment from Troy & Banks of almost \$500 as the result of savings they found with the Town's Verizon bill.

Town Administrator Semmes reported that while the contractor hoped to get the Well 4 Treatment Plant back on line today, it was not possible. She noted the large fire that occurred just outside of town and advised that it resulted in "dirty" water. Ms. Semmes explained that the water was not actually dirty, but was discolored as the result of the iron and manganese deposits that were in the Town's water lines. She further explained that because Well 4 has not been in operation since January, the Town had to bring Well 3 on line, which contained iron and manganese. She reminded Council that while there were treatment plants at Well 4 and Stonewall Avenue to address this, there was not one at Well 3. Ms. Semmes noted that such a plant was costly to construct; and, expressed hope that the Town could do so someday. She reported that when Well 4 was back in production, the Town would reduce its use of Well 3. Ms. Semmes advised that when the Town experienced a major event, such as a fire, the deposits in the pipes were stirred and ended up in homes. She reported that the Well 4 contractor was working overnight and hoped to put the plant back into operation on October 18th. Ms. Semmes advised that they would be present for the start-up and would perform additional tests before connecting the plant to the water supply system.

Vice Mayor Kirk questioned whether Loudoun Water would be more observant. Town Administrator Semmes confirmed they received the message that an operator needed to be present during back wash cycles. She reported that the Town's engineering consultant was preparing an instruction sheet on the operation of the plant that would be mounted in the building. Ms. Semmes reminded Council that different members of the Loudoun Water staff operated the plant and advised that each needed to do so the same way. She reported that seven members of their staff were on site this afternoon for training.

Vice Mayor Kirk inquired as to whether the Town received any response to the RFP for utility management. Councilmember Snyder reported that the Town was looking at two bids. Town Administrator Semmes reported that a committee consisting of herself, Councilmember Hazard, Councilmember Snyder and Bob Etris (utility engineer) reviewed the proposals and developed a list of interview questions. She noted that they hoped to interview the two firms on December 4th.

Councilmember Snyder reported that a decision should be made in January as to who would run the Town's facilities. He noted that the committee met for two hours to review the proposals and develop a list of questions; and, opined that they were making good progress.

Town Administrator Semmes explained to the audience that Loudoun Water currently ran the Town's utility system, as well as other systems throughout the County. She noted that because of this, their personnel were not here every day. Ms. Semmes advised that the Town developed a scope of services of what was needed to operate the Town's system; and, determined that at least 1.5 people needed to be here all day during the week. She explained that this was the services which were being sought.

Economic Development Coordinator Pearson reported that the dates for the 2014 Middleburg Film Festival have been changed to October 30 – November 2nd. Vice Mayor Kirk expressed concern that this would conflict with Halloween.

Economic Development Coordinator Pearson noted that the date change would just be for 2014 and explained that it was due to the timing of a film release. She reported that the following year, the dates would return to their original period.

Economic Development Coordinator Pearson reported that the Middleburg Lions Club invited the Council to attend their Beaujolais Nouveau Night on November 21st. She noted that at that time, they would be sharing the money they raised with Seven Loaves and other charities.

Economic Development Coordinator Pearson reported that the Christmas in Middleburg Committee discussed the issue of throwing candy during the parade. She noted that the Council normally threw candy. Ms. Pearson reported that candy was not supposed to be thrown and advised that individuals could walk by the crowds to pass it out. She announced that there would be a \$5 parking fee this year and explained that it would cover the increased costs, which included more shuttle buses, an increased number of portable restrooms and increased trash collections.

Vice Mayor Kirk inquired as to what the Council would ride on this year. Economic Development Coordinator Pearson reported that they would return to Harmon's wagon.

Councilmember Shea requested that the Committee consider placing some portable restrooms by the public restrooms. She noted that the lines for those restrooms were very long.

Town Treasurer Wheeler noted that the Council just received the monthly financial report and asked that they let her know if they had any questions.

Vice Mayor Kirk thanked the Town Treasurer for her work with the auditors.

Chief of Police Panebianco distributed copies of the new crosswalk brochures. He reported that they would begin a survey this week that would continue through December 1. Chief Panebianco further reported that enforcement activities would begin after the Christmas in Middleburg event. He noted that the purpose of the survey was to get an idea of whether motorists or pedestrians were committing the most violations.

Mayor Davis noted that over the weekend, she noticed that pedestrians were walking in front of motorists who had the right-of-way at the traffic light.

Chief Panebianco reported that the Department would educate people so the environment would be safer. He noted that the brochure also included information related to pedestrians with disabilities.

Chief Panebianco announced that the Middleburg Elementary School was looking for volunteers for their Breakfast with Santa event to be held December 7th.

Chief Panebianco noted that there have been fires in and around town recently. He further noted that this was the time of year for fires and encouraged the public to put new batteries in their smoke detectors.

Chief Panebianco reported that he met with a representative of the Middleburg Charter School Committee regarding safety.

Chief Panebianco announced that residents have received phone solicitations from a contractor on behalf of the Loudoun FOP. He noted that the individual was saying he was a representative of the Middleburg Police Department and stressed that the Department was not soliciting money. Chief Panebianco advised that he told the contractor that he was not authorized to collect on behalf of the Middleburg Police Department. He reported that while the solicitation was authorized by the FOP, only 30% of the monies collected were going to them, with 70% going to the solicitor. Chief Panebianco advised that while a member of the Police Department was a member of the FOP, this officer did not authorize the calls. He noted that he put a warning on Facebook about this solicitation.

Councilmember Shea suggested the Town contact the FOP to share its unhappiness. Chief Panebianco noted that he intended to do so next week. He advised that he asked the solicitor to not solicit within the 687 prefix; however, he could not prevent him from doing so.

Chief Panebianco reported that he spoke with the manager at the Salamander Resort regarding noise issues and advised that he was willing to work with the Town.

Chief Panebianco advised Council that the Middleburg Film Festival was a success. He recognized the Town staff who worked just as hard as the Film Festival's staff. Chief Panebianco noted that the date for next year's event would not be the best time for the Police Department.

Vice Mayor Kirk expressed concern as well, particularly for the children who would be trick-or-treating on Halloween.

Chief Panebianco expressed hope that the dates could be changed. He reminded Council that the cost of the Film Festival was not foreseen in the Town's budget. Chief Panebianco noted that while he was unsure of the cost for the other Town services, the cost to his budget was \$3,700. He further noted that due to scheduling changes, this was reduced to \$2,700 in out-of-pocket costs. Chief Panebianco advised that this did not reflect his time as he did not receive overtime. He noted that the budget contained money for overtime; however, it did not include money for this particular event.

Councilmember Shea noted that this was important information for the Council to have as this cost would reoccur with the Shakespeare Festival. She opined that the Town needed an events policy. Ms. Shea advised that she and the Chief have discussed requiring a permit for all events so the Town would know of them. She suggested this was something the Council must do.

Chief Panebianco advised that he was trying to develop a suggested policy. He noted that if an organization was having an event, the organizer may not know it would affect the Town. Chief Panebianco suggested the need to recognize the cost to the Town for these events, regardless of whether the Town imposed charges.

Town Administrator Semmes advised that this would help with the budget preparations in the future.

Councilmember Shea questioned what would occur if a special event were going on at the same time as a wedding, funeral or another festival.

Councilmember Hazard questioned whether there have been any large events of which the Town was not aware. He expressed concern that every time the Town set up another process, it created another layer, which made the event organization more cumbersome. Mr. Hazard noted that the Town already had a list of events.

Councilmember Shea questioned what would prevent someone from coming in and doing something of which the Town was not aware.

Chief Panebianco reported that an individual wanted to hold a 10k race in town that would involve 1,500 runners. He noted that while he told her she could not, there was no method to prevent it. Chief Panebianco advised that individuals were required to go to the County to obtain permission and explained that he learned of this event from the County. He suggested the need to manage events so they did not all occur at once. Chief Panebianco noted that he was not sure what that should involve.

Town Clerk North reminded Council of the special event ordinance. She noted that currently it only addressed events held on public property and in the public rights-of-way. Ms. North suggested it be expanded to include events held on private property.

Chief Panebianco noted the need to know of events on private property at least thirty days in advance.

Chief Panebianco noted that he had heard a lot of comments regarding the stop signs at the intersection of Pendleton/Marshall Streets and advised that the perception was this was a "Salamander issue". He stressed that this was not the case. Chief Panebianco reported that the police officers performed a survey and found that the majority of the motorists who were running the stop sign were northbound turning right or left. He noted that the Town had been accused of not doing anything to prevent the traffic violations. Chief Panebianco reported that the Town painted stop bars at the intersection and painted the word "stop" on the pavement. He noted that the Town also requested this intersection be changed to a four-way stop; however, VDOT rejected it as it did not meet their standards for a four-way intersection. Chief Panebianco reported that he also met with the manager of the Salamander Resort who committed to installing signs before Thanksgiving warning motorists of the approaching stop sign. He advised that the Maintenance Supervisor also ordered larger stop signs. Chief Panebianco opined that the Town had done as much as it could and noted that it was also looking at clearing the hedge to create a better line of sight. He reported that the staff was working diligently to address this issue; and, advised that even though Salamander did not have an obligation to do so, it was also working to address it. He reiterated that this was not a Salamander issue.

Councilmember Murdock opined that the stop sign located adjacent to the Safeway was not in the proper location. Chief Panebianco reported that its location met VDOT's line of sight requirements. He noted that motorists could inch up if they needed to; however, they could not inch up without stopping. Chief Panebianco reported that the majority of the motorists who were running this stop sign were turning right; and, noted that they had an adequate line of sight to the left. He advised that some motorists were not even doing a rolling stop. Chief Panebianco reported that sixty-six percent of the motorists who received tickets for running the stop signs lived within an hour of Middleburg.

Mr. Devadas asked whether the Town was allowed to construct a “slow sign” to alert crossing traffic of the intersection. Chief Panebianco reported that he would check this with VDOT.

Chief Panebianco reported that the Police Department was continuing to meet with children at the Hill School and the Community Center Pre-School to introduce the children to the officers.

Chief Panebianco reported that Halloween (2013) was a safe event. Vice Mayor Kirk opined that the number of trick-or-treaters was down. Chief Panebianco opined that the children were going deeper into town.

Chief Panebianco reported that he took part in the Windy Hill Fashion Show.

Chief Panebianco reported that Lt. Prince completed his recertification in arson investigation. He noted the recent fire event in town and advised that Lt. Prince was able to determine how and when the fire started before the Fire Marshall arrived at the scene.

Reports of Town Committees/Council Liaisons

Vice Mayor Kirk reported that the Health Center Advisory Board met this past week. She further reported that the building was fully rented. Ms. Kirk advised Council that the Board was working on a donations list and noted that the Town Administrator was contacting some organizations to determine whether they still served the community as they have in the past. She noted that the Town Clerk was also preparing a contacts list. Town Clerk North reported that she had already provided the list to the Town Administrator.

Vice Mayor Kirk reported that the Board used numbers from a couple of years back, as the budget contained more money for the donations.

Councilmember Shea reported that Go Green met and was working with the Town Planner to help clarify their role. She noted that an issue arose in that the members were not familiar with FOIA and advised that they were looking at offering FOIA training in Middleburg. Ms. Shea noted that the FOIA Council provided free training.

Councilmember Hazard reported that the Planning Commission discussed and was working on the site plan waiver process. He advised that he would have more information after their next meeting.

Action Items (non-public hearing related)

Council Approval – Declaration of Surplus Property – Police Vehicle

Councilmember Murdock moved, seconded by Vice Mayor Kirk, that Council declare the Town’s 2006 Ford Crown Victoria police vehicle (VIN# 2FAHP71W66X108844) as surplus so it may be sold at public auction.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Selection of VACorp as Provider - Virginia Local Disability Program

Town Administrator Semmes reminded Council that the Town opted out of the State’s program; therefore, it needed to select a provider. She reported that there were two options and advised that the VACorp plan was the more flexible. Ms. Semmes noted that the Town would not be locked into this plan forever. She advised that the Town needed to register for a plan even though it had no employees who qualified for it at this time.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council authorize the Town Administrator to enroll the Town in the VaCorp local disability program.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Discussion Items

Middleburg Charter School

Mayor Davis reported that she received a phone call asking if she knew how the Middleburg Elementary School property was received by the Loudoun County School Board. She advised that she wanted to look into this.

Town Attorney Plowman advised Council that the property was deeded by B. Noland in 1883 to three trustees of the Mercer District #3 School Board; and, noted that she could not find that it was ever conveyed to the Town. She reported that in 1911, the School Board went to the State Board of Education for a loan to construct the school and the State Board questioned the title. Ms. Plowman noted that a lawsuit was then filed in the Circuit Court of Loudoun County. She advised that at that time, the three trustees had already passed away and the School Board’s position was that the heirs had no right to the property so they filed the suit to gain title, with the court conveying it to the School Board of Mercer District 3. Ms. Plowman noted that this then allowed them to get a loan from the State. She reported that the language in the deed described the property as four acres more or less, excepting the property on which the Middleburg Jail was located.

Councilmember Murdock inquired as to when the water tower property was leased by the Town. Town Administrator Semmes reported that the water tower land was owned by the Town. She advised that the well lot, which was located adjacent to it, was leased by the Town. Ms. Semmes questioned whether the tower was located on the lot that originally held the jail; and, noted that she was told that the jail was on the corner. She reported that there was no plat of the school’s property and noted that the Town had to have a plat prepared for the sidewalk project in this area.

Council held some discussion regarding the deed language and the history of the Mercer District School Board. It was suggested that the Town Attorney research the property owned by the Town.

Councilmember Snyder expressed concern about how the property would be maintained if the Town acquired it. He questioned how the maintenance would be financed. Mr. Snyder noted that the Town did not have the funds to do so.

Councilmember Shea suggested that rent would have to be paid if the property came to the Town.

Councilmember Murdock suggested that another option would be that the Town not charge the charter school rent but rather that it require it to maintain the building.

Councilmember Snyder noted that whatever the maintenance scheme, it needed to be sustainable.

Mayor Davis explained that the question was related to what would happen if the charter school did not occur, which she believed it would, or what if the School Board said it would no longer allow the charter school to use the property. She asked whether there should be a plan in place that would allow the land to come to the Town so it could use it for some educational use, either as a school or an arts center. She opined that the Town did not want the County to own and control the property. Ms. Davis suggested the need for more information.

Vice Mayor Kirk asked whether the School Board was amenable to transferring the property to the Town. Mr. Quanbeck confirmed they were. He noted that they wanted the charter school to succeed.

Town Administrator Semmes questioned why the School Board was not willing to own and maintain the property. Mr. Quanbeck advised that the School Board would charge the charter school for doing so. He explained, however, that the charter school committee was not comfortable leasing the property from them as some members of the school system did not look favorably on charters.

Town Attorney Plowman inquired as to what other information the Council desired from her. She noted that she could look into the history of the title for Well 3 and the water tower. There was some discussion as to who owned what property in this area.

Vice Mayor Kirk opined that Mary Lee Phelps prepared a history of the school and suggested someone obtain a copy. Mr. Quanbeck confirmed he would look into it.

Mayor Davis noted that this would be an ongoing discussion and suggested the need for more research.

Councilmember Littleton suggested the Council wait for the committee to provide more information.

Prohibiting Through Truck Traffic on Residential Streets

Chief Panebianco advised Council that it appeared that through trucks would be prohibited on residential streets through VDOT signage. He reported that the sign designs have been prepared; however, they had not yet been made. Chief Panebianco explained that the discussion was to make Route 50 a truck route and advised that the signage would direct truckers on where they needed to go.

Holiday Parking Meter Schedule

Economic Development Coordinator Pearson reported that Leesburg was offering free parking starting Thanksgiving. She advised that people have raised the idea of offering free parking on the main street through the holidays. Ms. Pearson requested that Council consider this suggestion.

After some discussion, the Council agreed to offer free parking in the municipal parking lots for the holiday shopping season, beginning Thanksgiving Day through New Year's Day.

Town Administrator Semmes advised Council that Alexandria offered a program in which visitors could go to the visitor's center to obtain a free parking pass for the day. She suggested the Council consider this in the future; and, noted that it would be a way to drive visitors to the visitor's center. Ms. Semmes noted that the pass must be placed in the vehicle's windshield; and, advised that it made the visitors honorary citizens for the day. Vice Mayor Kirk noted the need to ensure that the pass contained a large date stamp. Councilmember Shea opined that this would be a great idea for visitors on Washington Street.

Pink Box Hours of Operation

Economic Development Coordinator Pearson reported that the Pink Box docents filled the 11:00 a.m. – 5:00 p.m. shift in September and October. She further reported that the number of visitors were included in her report. Ms. Pearson noted that the busiest period was during lunch time. She advised that the only people who came into the Pink Box during the additional hours were people who wanted to use the restrooms. Ms. Pearson requested that the hours of operation be returned to 11:00 a.m. - 3:00 p.m. on weekdays and 11:00 a.m. – 4:00 p.m. on weekends. She advised that the extended hours were hard on the volunteers; and, noted that many of the docents did not like to travel at night.

After some discussion, the Council agreed to return the Pink Box's hours of operation back to their original times.

Economic Development Coordinator Pearson reported that she took Kennedy Smith to visit the Salamander Resort and advised that their concierge was great. She noted that she provided Ms. Smith with brochures and answered her questions. Ms. Pearson reported that she was working with the resort's manager to develop an ambassador training program. She opined that given the information that could be provided by the employees for the Salamander Resort and Salamander Touch, the Pink Box and the information that was available in local businesses that it would be fine to reduce the Pink Box's hours.

Councilmember Shea noted that when the bookstore building was constructed, it contained a place for a bulletin board. She asked that the Council consider putting a closed bulletin board that would contain basic visitor's information in this location. Ms. Shea advised that as long as the bookstore was in this location, she would help monitor it.

Gift Certificate Program

Economic Development Coordinator Pearson reminded Council of the gift certificate program offered in the past. She asked whether they would like to do it again this year. The Council agreed they did.

Holiday Luncheon

Town Clerk North reminded Council that the holiday luncheon traditionally has been held the second Friday in December, which would fall on December 13th this year. She asked whether the Council wished to schedule the luncheon for this day. The Council agreed they did. They further agreed it should start at 12:00 noon. Councilmember Murdock agreed to coordinate the event.

Councilmember Shea reminded Council that the Town participated in the HEAL Program. She encouraged the Council to offer healthy food alternatives.

Automated Phone Alert System

Town Clerk North reminded Council that they asked her to check the references for Dialmycalls.com and advised that the only thing she could find was a website that reviewed robocall providers. She noted that they gave Dialmycalls.com the highest rating they offered. Ms. North suggested the Council allow the staff to conduct some tests of the system using the free trial offer and then return with the results.

Councilmember Shea suggested the need to identify the items for which the system would be used. She further suggested that only emergency calls be allowed to occur at night.

Town Clerk North noted that the poll she took of jurisdictions indicated that most allowed the Town Administrator to use it for emergency purposes, with the Mayor having the authority to approve its use for other messages. It was noted that the Town would not want to use the service too often as it may upset the citizens.

The Council agreed to do some trial tests, with the staff then bringing the results back to them.

Amendments to Town Code Sections Regarding Water and Sewers and Supplemental Water & Sewer Regulations

The Council agreed to advertise the ordinances for public hearing.

There being no further business, a motion was made and approved to adjourn the meeting at 8:05 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk