



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



Thursday, July 14, 2016

Gary Clemens, Loudoun Council Clerk of the Circuit Court, swore Mayor Davis and Councilmembers Daly and Miller into office.

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember J. Kevin Daly
Councilmember Kevin Hazard (arrived late)
Councilmember Philip Miller
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner
Ashley M. Bott, Town Treasurer
A. J. Panebianco, Chief of Police

ABSENT: Councilmember Trowbridge "Bridge" Littleton

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:10 p.m. on Thursday, July 14, 2016 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. She welcomed Councilmembers Daly and Miller and thanked them for their service.

Councilmember Snyder requested that the Council be given new Town lapel pins.

Public Presentations

Joe Rossetti, the Senior Area Forester for the Northern Virginia area of the Virginia Department of Forestry, appeared before Council to present the Tree City Flag to the Town of Middleburg for its efforts in 2015. He noted that trees were major capital assets and were an integral part of a community's streetscape. Mr. Rossetti advised that they were the major component of a green infrastructure and gave back to the community. He reminded Council that the Tree City USA Award was a presentation of the National Arbor Day Foundation, the U.S. Forest Service and the National Association of State Foresters and was in recognition of communities that managed their public tree resources. Mr. Rossetti advised that the standards for the award were that the community had a committee to manage its trees, had a tree care ordinance, spent a minimum of \$2/capita on tree plantings/care/maintenance and held an Arbor Day ceremony where an Arbor Day proclamation was read. He congratulated the Town for being a Tree City community for fifteen years and presented Mayor Davis with a Tree City USA flag.

Mayor Davis thanked Mr. Rossetti and noted that the Town loved receiving the award and recognition for its trees. She expressed appreciation for the staff's contributions so the Town could continue to receive this honor.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the June 9, 2016 Regular Meeting and June 23, 2016 Work Session meeting minutes as amended.

Vote: Yes – Councilmembers Kirk, Daly, Miller, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Littleton and Hazard

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

Staff Reports

Town Planner Moore reported that the contractor was preparing to move to the next phase of the Route 50 Project next week. He advised that the contractor’s representative was visiting businesses to let them know of the change and, as a result, the staff had fielded a lot of calls. Mr. Moore reported that he would do some follow-up with a few of them on their concerns. He reminded Council that motorists/pedestrians could access Marshall Street from Pinkney Street; however, access through Jay, Hamilton and Liberty Streets would be closed. Mr. Moore noted that the Economic Development Coordinator was working to update the traffic detour map.

Councilmember Shea questioned whether there would be crosswalks past Liberty Street. Town Planner Moore confirmed there would be crosswalks at each intersection. He noted that the intersection with Jay Street would only have three, as there was not sufficient room on the west side across Washington Street for a handicapped access.

Mayor Davis requested a brief report on the proposal to secure trolleys. **Economic Development Coordinator Pearson** reported that she has been in talks with the Virginia Regional Transit Authority about the possibility of offering trolley/bus rides in Middleburg. She noted that they had a small trolley that could be used. Ms. Pearson reported that they were looking at making stops around town to get people from the parking lots to the main street, with there being different stops throughout the town. She advised that this would be a continuous route and noted the need to time it. Ms. Pearson noted that when the Town Administrator returned, they would discuss a contract with VRTA. She opined that the proposed price was fair and advised that the rides would be offered on Fridays, Saturdays and Sundays to start. Ms. Pearson noted that she found some brochure/sign racks that could be moved as needed that would be placed at each trolley stop. She advised that the route brochures would also be made available online and at area businesses. Ms. Pearson expressed hope that the residents would use this service as well as visitors and suggested the service could be extended into the neighborhoods depending on the response.

Town Planner Moore reported that the HDRC approved all three items that were on their agenda.

Town Treasurer Bott reported that the water bills went out this week.

Councilmember Shea noted the sample water bill in the report. She advised that she liked the idea of moving things down. Ms. Shea noted that the sample bill showed a current and previous reading and questioned what was meant by the “previous” reading. She opined that this could be the previous billing’s reading.

Town Treasurer Bott noted that this sample was based on the vendor’s current format. She confirmed that previous usage history could be added and that the bill could contain that information in a different block.

Councilmember Shea explained that her concern was that the word “previous” did not explain what was meant. She questioned whether it was the previous month or a whole year. Ms. Shea suggested the need to clarify this.

Town Treasurer Bott confirmed she would check on it. She noted that the sample was different from what the Town was used to seeing. Ms. Bott opined that the cost to make a change to the billing format would be around \$3,500 and explained that she was trying to get any suggestions for changes up front.

Councilmember Snyder asked the Town Treasurer to bring what she was proposing back to the Council for their feedback before spending money on the changes. Town Treasurer Bott confirmed this was her plan. She noted that she presented the sample for Council’s initial comments.

Chief of Police Panebianco reported that he continued to try to keep the Middleburg community aware of what the Police Department was in light of what was occurring across the nation. He stressed that they were there for the community and did not feel they must police the community. Chief Panebianco opined that this resulted in a good relationship. He noted that he recently had a nice talk with a lady who indicated that she was afraid of the police; however, she had a different tone when they finished their conversation.

(Councilmember Hazard arrived at the meeting at 6:26 p.m.)

Chief Panebianco reported that four of the department’s five vehicles were damaged during the storm. He further reported that two were initially declared totaled; however, after hearing from the body shop, the Town’s insurance carrier also declared the Dodge totaled. Chief Panebianco reported that the one vehicle that was not declared totaled had a blown motor and noted that the Town was getting rid of it anyway.

Chief Panebianco reminded Council that they afforded the department with a replacement for the Tahoe in the last budget year, which was ordered and picked up earlier in the day. He reiterated that the Explorer was declared totaled. Chief Panebianco advised Council that because the Town could purchase an Explorer off the State Contract, it would pay less than what the insurance would pay for the totaled vehicles. He noted the cost to switch the vehicle over to a police vehicle, which should result in the Town being \$500-1,000 to the good. Chief Panebianco reported that the Town’s insurance carrier would pay the Town \$7,300 for the Impala, \$17,500 for the Charger and \$7,900 for the Tahoe. He suggested that he take the combined money from the totaled vehicles and apply that toward another vehicle, which would leave the Town with a bill of \$3,000-4,000 to purchase and equip a vehicle. Chief Panebianco noted the need for four vehicles in order to function. He reminded them that the Town had five. Chief Panebianco reiterated that the Town would receive \$32,200 from the insurance reimbursement, which would take care of all but \$3,000 of the cost to buy and equip another new vehicle from the State Contract. He opined that, based on this, the Town would not need another new vehicle until 2019. Chief Panebianco noted that the town would receive a number of “upgrades” due to the storm. He requested guidance to make the purchase and noted that the vendor had one vehicle coming in August, which they were holding until tomorrow. Chief Panebianco requested the Council’s guidance as to whether he could purchase it. The Council agreed he could.

Chief Panebianco noted that this would throw off the vehicle replacement schedule; however, they would figure out how to fix that so all of the vehicles would not be replaced at once.

Chief Panebianco opined that most of the town was in good spirits following the storm and noted that there were no injuries.

Chief Panebianco reported that the department was doing its final preparations for National Night Out, which would be held August 2. He reminded the Council that he would be in the dunking booth and encouraged the members to dunk him. Chief Panebianco noted that there would be a surprise at the event and advised that he would love to have as many members of Council present as possible.

Chief Panebianco reported that the additional parking on Route 50 was lost during the month of July as the contractor was working on Saturdays. He advised that the number of motorists taking advantage of it had been sporadic since the construction area switched sides, with only two or three cars taking advantage of it the last two Sundays. Chief Panebianco reported that the contractor finished the Madison Street intersection earlier in the day and was looking to move to the next phase of construction by the beginning of next week.

Mayor Davis questioned whether the intersections at Pendleton and Madison Streets would be open. Chief Panebianco confirmed they would once the contractor moved the traffic lights. He noted that it would be a challenge to get into the Exxon, as the intersection at Liberty Street would be blocked off.

Mayor Davis questioned whether the plan was to keep the area open on the side of the Exxon. Chief Panebianco noted that he did not know how they planned to do that yet. He opined that it would be like the deliveries that occurred at the Safeway. Chief Panebianco noted that if the officers knew a delivery truck was coming, they could move the barricades on Route 50 so it could get in. He opined that it would be difficult to get delivery trucks in any other way and suggested it was not appropriate to bring them in through the residential area.

Councilmember Shea questioned whether signs would be made indicating where the public parking was located. Chief Panebianco noted that he did not know whether the contractor would make such signage; however, the Town was doing so. He advised that when the staff saw a need, the Town made signs. Chief Panebianco noted that some were made for the public parking lots; however, he did not know where they ended up. He further noted that the Town had “free parking” signs.

Councilmember Shea asked the staff to look at that. She noted the need to go down Madison Street to access parking.

Chief Panebianco opined that those who would have the most difficulty with this phase were the residents of Chinn Lane as they would have challenges getting in and out in the morning. He suggested that people would be frustrated and the Police Department would find new violations occurring. Chief Panebianco advised that they would do as much as they could to enforce and educate the public.

Chief Panebianco reported that fake one hundred dollar bills have been floating around Middleburg. He noted that he notified the businesses and the Police Department purchased counterfeit pen detectors, which were distributed to them.

Councilmember Snyder questioned whether the pens were inexpensive. Chief Panebianco reported that he purchased them from Staples. He noted that Councilmember Miller indicated that he could have purchased them cheaper from Amazon. Chief Panebianco reported that a case of pens was three hundred dollars and opined that this was the best money he had spent.

Councilmember Shea advised Council that she would much rather the staff purchase from Staples as that money was returned to Virginia, as opposed to buying from Amazon as it was not.

Councilmember Shea noted that the Chief made a movie. Chief Panebianco advised Council of an ongoing scam in which the caller stated that he was with the “IRS”. He advised that there was not much the Police Department could do about this other than have fun with it. Chief Panebianco reported that he videotaped a conversation with them, during which he said “this sounded like the caller was lying” and questioned whether it was a scam. He noted that the video stressed that this was a scam and that people should not give any information to them. Chief Panebianco noted that he put the caller’s phone number on Facebook if anyone wanted to call it and have fun with them.

Chief Panebianco thanked the Council for their support on the replacement vehicle and advised that he would order it.

Town Attorney Plowman advised Council that she read the minutes from the June work session and noted the inquiry about a COIA (Conflict of Interests Act) officer. She further noted the Town Administrator’s comment that the legislation on FOIA did not affect COIA. Ms. Plowman advised Council that COIA did not lend itself to a COIA officer and suggested that if any of the members had a question regarding a conflict, they could come to her. She noted that people made allegations on conflicts, particularly during elections. Ms. Plowman advised that those allegations would be sent to the Commonwealth Attorney, who would make a decision. She noted that COIA was not the same as FOIA.

Councilmember Snyder opined that there have been no issues related to COIA in Middleburg. Town Attorney Plowman confirmed there have been a few questions in the past. She reminded Council that if a member believed they may have a conflict, she could only make an opinion based upon the information provided by that member or by the individual who made an allegation. Ms. Plowman explained that she evaluated that information against the statute to determine whether there was a potential conflict. She reiterated her suggestion that the members call her if they had a question.

Reports of Town Committees/Council Liaisons

Appointment of Town Committee Representatives/Liaisons

Mayor Davis announced that she had made the following appointments for 2016-2018: Finance/Personnel Committee - Vice Mayor Kirk; Public Safety Committee – Councilmember Daly; Public Works Committee – Councilmember Snyder; Land Use Committee – Councilmember Shea; Economic Development Advisory Committee – Councilmember Miller; Historic District Review Committee – Councilmember Littleton; Planning Commission – Councilmember Hazard; Health Center Advisory Board – Vice Mayor Kirk and Councilmember Miller; Pink Box Advisory Board – Councilmember Littleton; Main Street Middleburg – Mayor Davis; Traffic Calming Task Force – Mayor Davis; Christmas in Middleburg Committee – Councilmembers Hazard and Daly; Go Green – Councilmember Shea; and Wellhead Protection Advisory Committee – Councilmember Snyder.

Vice Mayor Kirk questioned whether there would be a problem having Councilmember Littleton serve on the Pink Box Committee given his service on the museum committee. Mayor Davis opined that there would not.

Councilmember Shea questioned whether someone else could also attend the Go Green meetings so they could step in when she left the Council in November. She noted that they met on the first Wednesday of each month at 6:30 p.m. Councilmember Snyder noted that he would not sure he could attend; however, he would try. Mayor Davis asked that the other members consider attending.

Councilmember Snyder inquired as to the deadline for filing to be on the ballot for the November election. He suggested this be advertised.

Town Clerk North advised that the deadline was August 19th. She noted that this has been advertised on the Town's website, through the Friday E-Mail Blast and in the Town's newsletter.

Action Items (non-public hearing related)

Election of Vice Mayor

Mayor Davis called for nominations.

Councilmember Kirk nominated herself, seconded by Councilmember Hazard.

Councilmember Shea nominated Councilmember Hazard.

There being were no further nominations, Mayor Davis closed the nomination process.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

(on nomination of Councilmember Kirk)

Vote: Yes – Councilmember Shea

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

(on nomination of Councilmember Hazard)

(Councilmember Snyder did not vote for either nomination.)

Council Appointment - Planning Commission

Councilmember Snyder advised that he would like to see more citizen involvement in the Planning Commission. He further advised that he would like to have people with a community sense rather than a process sense involved. Mr. Snyder noted that the Council was seeing candidates who had experience with development and land use law. He opined that the Commission was losing its purpose.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council appoint Terence S. Cook to the Planning Commission to fill an unexpired term, said term to expire December 31, 2018.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Miller, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Vice Mayor Kirk questioned whether Councilmember Snyder had anyone in particular in mind for service on the Planning Commission. She suggested that if he did, he should ferret them out.

Councilmember Snyder noted that when he was on the Planning Commission, this was the majority of the committee. He advised that he would like to have members who had neighborhood or downtown issues or local issues that they were trying to shepherd and advance. Mr. Snyder opined that the current membership was all about “design”, not planning.

Councilmember Hazard reminded Council that there was another opening on the Commission as Councilmember Littleton could no longer serve. He reported that Mr. Cook met with the Planning Commission and he found him to be outstanding. Mr. Hazard noted that Mr. Cook was both local and cared about the town. He further noted that he cared enough to attend a Planning Commission meeting before submitting his name for consideration.

Councilmember Snyder agreed that all of the members cared about the town and noted that he did not mean to imply otherwise.

Councilmember Hazard opined that the Council appointed a good citizen and expressed hope that it could find another one.

Town Planner Moore reminded Council that they were not obligated to have seven members on the Commission. He noted that the Code required five to fifteen members. Mr. Moore opined that it was better to have an odd number. He noted that the Commission recently struggled with obtaining a quorum and noted that when there was only a six member board, four members were needed to obtain a quorum – the same number required of a seven member board. Mr. Moore opined that it was better to have a seven member board as it was easier to achieve a quorum.

Councilmember Snyder opined that residents with a sense of community tended to show up for meetings.

Information Items

Vice Mayor Kirk advised Council that she planned to bring an item up at the next meeting. She reported that prior to the adoption of the budget, she and the Town Administrator were looking at employee salaries and found that one was lagging when compared to other towns in this area. Ms. Kirk advised that she planned to bring that forward in the next two weeks to adjust that salary.

Councilmember Shea announced that she asked the Town Clerk to put an item on the next agenda to discuss how the new sidewalk areas would be used. She suggested the need to address this issue before items were placed there.

Councilmember Miller questioned whether the Council needed to discuss the storm damage.

Councilmember Snyder advised that the staff was working with the Town’s insurance carrier on that.

Town Planner Moore noted that the insurance adjuster was here to perform inspections. He further noted that the Facilities & Maintenance Supervisor was working with some contractors on the repairs.

Vice Mayor Kirk noted that the Health Center sustained damage.

Mayor Davis reported that she and the Town Planner had lunch last week with Phyllis Randall, the Chair of the Loudoun County Board of Supervisors. She explained that Ms. Randall wanted to meet with the mayors and administrators from the communities and planned to attend a Council meeting. Ms. Davis noted that she was excited about her new position. She reiterated that she planned to attend a Council meeting at some point and opined that she had some good ideas.

Town Planner Moore opined that she had some strong views on the continued protection of western Loudoun County from development pressure.

Councilmember Shea noted that this was not a traditional position from the Board of Supervisors.

Councilmember Snyder noted that there have been degrees of support in the past.

Vice Mayor Kirk thanked the three new members of Council for running for public office and advised that she looked forward to working with them. She noted that Mayor Davis attended a lot of meetings and represented Middleburg extremely well. Ms. Kirk opined that it was nice to have a Mayor who could do that.

There being no further business, Mayor Davis declared the meeting adjourned at 6:54 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk