



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Agenda
Thursday, March 12, 2009
Town Office, 10 W. Marshall Street
6:00 PM**



**REGULAR MONTHLY MEETING
PENDING APPROVAL**

PRESENT:

Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Lisa Patterson
Councilmember Judith Pryor Plescow
Councilmember Kathy Jo Shea
Councilmember Mark Snyder

STAFF:

Jerry M. Schiro, Town Administrator
Rhonda S. North, MMC, Town Clerk
Elizabeth D. Whiting, Town Attorney
David M. Beniamino, Town Planner
Steven Webber, Chief of Police
N. Phil DeLeon, Town Engineer
Cindy C. Pearson, Economic Development Coordinator

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, March 12, 2009 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m. She led Council and those attending in the Pledge of Allegiance to the flag.

On behalf of the Town Council, Mayor Davis expressed condolences to Town Attorney Whiting and her family on the loss of her mother. She noted that Ms. Whiting's mother achieved many accomplishments during her lifetime.

Go Green Presentation – Lighting Standards

Jil Brunett, Co-Chairman of Go Green, thanked Council for the opportunity to study the dark sky issues; and, noted that she has learned a great deal in the process. She advised that the volumes of information cover issues such as why it is desirable to reduce light, the types of lighting that are available and whether outdoor lighting should be left on. Ms. Brunett provided Council with a packet of materials that contained Loudoun County's ordinance, a sketch identifying the uses the Beautification Committee would like to have for the poles/hoods, information on energy efficient lights and an article on switching lights off at night. She noted that it was possible to break the project into manageable pieces; and, explained that some items cost money, while others did not. Ms. Brunett advised Council the Town could switch the existing street lights over to a more efficient bulb, such as an LED light. She reminded Council that even though the street lights were located in VDOT's right-of-way, the Town owned the lights and could control the type of bulbs used. Ms. Brunett advised that Go Green could develop a lighting plan which could incorporate the HDRC lighting guidelines; and, could design educational materials for residents, all of which would be at no cost.

Ms. Brunett advised Council that she has spoken with the Town Planner, Town Engineer and Punkin Lee of the Middleburg Beautification Committee regarding the conceptual uses for the light poles. She reminded them that Go Green was interested in the environment in Middleburg; and, believed that LED lights were the most efficient. Ms. Brunett noted the article in the information packet that indicated that LED lights use fifty percent less energy and last longer. She suggested Go Green could be proactive in many environmental and energy issues; and, could educate the residents. Ms. Brunett reminded Council that the Planning Commission must wait for projects to come before them; however, Go Green could be proactive. She noted the lack of available funds; and, advised that they were not proposing anything costly. Ms. Brunett encouraged the development, with HDRC input, of a lighting plan that could be implemented as money became available. She requested Council's input on whether Go Green should continue its work.

Mayor Davis thanked Ms. Brunett and the members of Go Green for their hard work. Councilmember Murdock asked whether Go Green has determined the number of street lights in Middleburg. Ms. Brunett advised Council that the Town Engineer believed there were eighteen or nineteen lights. Councilmember Murdock expressed her opinion that the Town should explore using LED lights; and, suggested it was wise to do so immediately since the planning of new light fixtures would take time. Ms. Brunett advised Council that the committee has estimated the cost of new light fixtures to be approximately \$1,200 each. She noted that the existing street lights don't have hoods; and, recommended that the new fixtures contain a hood to prevent up light. Councilmember Shea asked whether LED lights could be installed in the existing fixtures. Ms. Brunett confirmed they could; however, she noted that she did not know the cost. Councilmember Murdock noted the need for the cost information; and, reiterated that the Council should pursue this matter, depending on cost. Town Engineer DeLeon reminded Council that approximately six of the existing light poles were not structurally sound, having been welded repeatedly. He stressed that if the Town were to perform work on these poles, it may be very temporary at best. Mr. DeLeon asked whether Go Green was recommending installing Cobra heads on the wooden light poles. Ms. Brunett confirmed this was what they were looking to replace. Mayor Davis asked whether any consideration had been given to the street lights in residential areas. Councilmember Patterson reminded Council that those lights were owned by Virginia Power. Mayor Davis expressed her opinion that the Town paid the electric costs for those lights; and, suggested the staff check on changing the bulbs over in order to save on energy use.

Councilmember Snyder noted his interest in dark sky lighting and energy savings. He advised that he tried to get these issues on the Planning Commission agenda for some time; however, they had too many other issues to address. Mr. Snyder noted that in order to achieve success, this would take some planning; and, suggested the Town needed some assistance with that planning. He asked how Go Green could help. Ms. Brunett confirmed they could research other localities plans and make recommendations for tailoring those plans to fit Middleburg. She further confirmed that they could bring in professionals to evaluate what could be done. Councilmember Snyder expressed a desire to look at both energy efficiency and dark sky lighting; and, noted that he would like to leverage both. Mayor Davis asked whether the Council had any objection to asking Go Green to keep going and present their ideas. Councilmember Snyder expressed his opinion that it would be wonderful to have a plan that could be advanced and fine tuned to fit the Town's budget. Councilmember Murdock recommended that short- and long-range plans be developed. Mayor Davis noted the need to explore costs and what each recommendation would entail. She asked whether the Town could simply change the light bulbs; and, noted the need for information. Ms. Davis recommended Go Green communicate their findings with the Town Administrator.

Vice Mayor Kirk reminded Council that they have previously discussed soliciting donations for new street lights. Councilmember Patterson confirmed this has already begun. Mayor Davis noted that last year's Beautification Committee event was for the lighting. Ms. Brunett advised Council that another event was planned; and, expressed hope that they would have \$30,000 available to start the purchase. She noted that the estimate for the entire project was \$100,000. Ms. Brunett advised Council that Randy Dominic, of Dominion Power, has informed her of a pilot program for LED lights; and, noted that Dominion currently has two slots open. She suggested Go Green could pursue that program as well, although she didn't know the cost. Councilmember Snyder recommended Go Green look at all the options. Ms. Brunett asked that as members of Council ran into items they would like Go Green to consider that they please let her know so she could add them to the list. Councilmember Shea asked whether they were pursuing community education. Ms. Brunett confirmed they were planning to develop a pamphlet describing the issues and how they could be addressed. She reminded Council that the HDRC guidelines didn't allow someone to violate their neighbors' property with lighting; and, recommended they educate the community on the ordinance that was already on the books. The members of Council thanked Ms. Brunett for her work on this item.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Littleton, that Council approve the February 9, 2009 Work Session; February 12, 2009 Regular Meeting; and February 26, 2009 Work Session meeting minutes as amended.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Patterson, Plescow, Shea and Snyder

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 Schiro reported that he and the Town Engineer were working on applications to the Virginia Department of Health for stimulus money for utility line replacements in Lincoln and Washington Streets. He noted that the applications were due March 27. Mr. Schiro explained that it was unclear at this point as to how the funding would be distributed and whether it would be a grant or negative interest loan. He advised that they were looking at the options available; and, would not commit to any type of funding without Council approval. Mr. Schiro reported that they have an agreement from VDOT to release the funds for the Marshall/Madison Pedestrian Improvement Project work; and, noted that the Town Engineer was meeting with school officials regarding the improvements in their vicinity. He advised Council that there was an initial meeting with Salamander's representatives last week regarding utilities, during which time four tasks were identified that needed to be undertaken, including an assessment of the existing treatment plant; an assessment of the feasibility of phasing the capacity for the new plant; and, the cost to Salamander to delay construction of the new plant. Mr. Schiro advised that they were also seeking stimulus money through the Department of Environmental Quality in the amount of \$1.3 million, which represented the difference between the plant's construction costs and the amount of the bond held by the Town. He noted that the stimulus money was strictly for hardships; and, advised that the application was mailed by the March 10th deadline. Mr. Schiro advised Council that he met with the contractors and engineers earlier in the day regarding schedules; and, noted that a lot was still up in the air.

Town Administrator Schiro reported that the Town has received the end of the shaft for the RBC unit at the wastewater treatment plant. He noted that the top of the shaft was also weak and worn; therefore, he was proposing to replace it while the shaft was already out for repairs. Mr. Schiro reported that the top has been ordered, at a cost of \$2,000, bringing the total cost to repair the shaft at \$10,000. He noted that if the top had broken later, the Town would have had to pay twice to pull the unit for repairs. Mr. Schiro expressed hope to receive the top part within the next week; and, noted that the staff was monitoring the second RBC unit.

Town Administrator Schiro reported that there would be a delay in completion of the Marshall Street Water Line Project as VDOT has shut the project down due to the lack of flagmen on the site. He noted that a meeting was scheduled for tomorrow with the contractor and VDOT. Mr. Schiro reminded Council that this was a dangerous intersection; and, expressed his opinion that VDOT did the right thing in shutting the project down.

Town Administrator Schiro reported that he has met with representatives from the fire department regarding their use of the hydrant beside the fire hall; and, noted that the Town was receiving complaints of dirty water in the Ridgeview area. He advised that the Fire Chief was very cooperative. Mr. Schiro expressed an understanding of the need to use hydrants during an emergency; however, he suggested that for routine fills, the department should not use the hydrant beside the fire hall. He advised that they will begin using the hydrant off Foxcroft Road; and, noted that this hydrant ran off a twelve-inch main so its use would not affect the distribution system. Councilmember Snyder noted that, at one time, there was consideration for using Well 1 to fill the fire trucks. Town Administrator Schiro confirmed that the fire department does use Well 1 some; however, it was very slow to fill the trucks. He explained that the hydrants fill the trucks faster. Mr. Schiro reiterated that the use of the Foxcroft hydrant would not stir up the system. He reported that VDOT removed the tree at the intersection of Madison/Marshall Streets that was recently damaged by wind.

Councilmember Murdock noted that the parking fines, parking meter revenue and false alarm fines were all generated from the Police Department; and, were reported upon separately on the Treasurer's cover sheet for her monthly report. She further noted that the Police Chief's report indicated that traffic summons and warnings have increased considerably, which represented a certain amount of money. Ms. Murdock asked how often the Town received court fine revenue; and, recommended it be reported upon on the Treasurer's cover sheet. She suggested this would more completely report the Police Department's work. Councilmember Snyder reminded Council that there would be a lag between the officers' work and the receipt of the revenues; and, suggested it would be hard to correlate the two. There was some discussion regarding how often this revenue was received; and, how often it should be reported upon. Town Administrator Schiro advised that it would not be a problem to add this information to the cover sheet.

Vice Mayor Kirk asked whether the police officers had taken any training recently. Chief Webber confirmed Officer Heine attended a VCN class that would allow him to run license plates from the police car using the laptop computer; and, noted this was a two-year certification program. He advised Council that Officer Heine was also scheduled to attend a radar operator class next month.

Economic Development Coordinator Pearson reported that the Tomato Festival Committee was meeting to organize their first festival; and, noted that there was a lot of interest in the event. She advised Council that the festival was proposed to be held during the last Saturday in August. Ms. Pearson noted that some amazing ideas have been presented; and, the event should be a fun one starting with a 5k run.

Town Planner Beniamino advised that he and the Town Clerk drafted a postcard for the community workshops; and, asked that Council review the draft and let him know if they had any problems with it. He noted that he met with the Mayor regarding the workshops; and, some ideas arose that were different than the Council's last discussion. Mr. Beniamino reminded Council that the original intent was to hold meetings on different dates and at different locations; and, advised that his hope was to have one member of Council, one member of the HDRC and one member of the Planning Commission present for each session. He noted that only half of the members responded to his e-mail soliciting availability dates; and, the majority indicated availability during the weekday nights only. Mr. Beniamino explained that as a result, he has been re-thinking how the sessions could be conducted. He suggested the meetings be held in the Town Hall Council Chambers so a record could be prepared of the meetings and a document produced that would be similar to minutes. Vice Mayor Kirk reminded Council that some of the proposed locations have microphones; and, advised that she would prefer to hold the meetings in different locations. She recommended the Fire Department also be used for the workshops. There was some discussion regarding proposed locations and logistics. It was recommended that a session be held at the Levis Hill House. It was noted that VDOT has portable recording equipment; and, may allow the Town to borrow it. Town Planner Beniamino recommended the sessions start with a brief presentation, followed by citizen input. He noted that the Mayor recommended that different sessions be held dealing with different topics for the western end of town, the business section and the eastern portion of town so no one area would feel ignored. Mr. Beniamino recommended that post cards be sent to the entire community so the Town did not look like it was only focusing on the Ridgeview area. Councilmember Snyder suggested there was plenty of time to discuss this issue.

Mayor Davis noted that the Town Treasurer was absent as she was sick. Councilmember Patterson noted that the Treasurer's report indicated that \$2,500 of the meals tax revenue was the result of late filings. She asked whether this amount was included in the \$13,718 monthly figure, meaning the meals tax revenue for the month was actually \$11,000. Ms. Patterson suggested this would make the meals tax revenue year-to-date figure closer to being down by 15%.

Councilmember Patterson recommended the need to look at parking meter receipts; and, noted that the \$1,500 difference told her that people were not getting to the meters and the Town was seeing a decrease in shoppers. Economic Development Coordinator Pearson noted that Street Superintendent Simms has been reporting that meter use was down; however, this past weekend, he reported that the collection bag was once again full. Councilmember Patterson noted that the police officers were aggressively ticketing meter violators; therefore, people were feeding the meters. She suggested the parking meter revenue was a good barometer for the Economic Development Coordinator.

Mayor Davis asked that the Town Treasurer break out the meals and lodging tax revenues separately. It was noted that lodging tax revenues were only received on a quarterly basis. Councilmember Murdock recommended the lodging tax revenue be reported upon quarterly; and, that it contain a comparison with the previous year's quarter.

Town Administrator Schiro noted that the real estate tax revenue was below projections; and, advised Council that the Town has only collected \$366,000 of the budgeted \$375,000 amount. He noted that revenues were at 65% for the year, which was fairly consistent. Mr. Schiro advised Council that General Fund expenditures were at 59%; and, Utility Fund expenditures were at 49% - well below budget. He further advised that the Health Center Fund expenditures were at 53%. Mr. Schiro reiterated that real estate tax revenues were slow to come in; and, expressed a belief that the Town would not get much more. He reminded them that he conservatively budgeted for \$375,000 in real estate tax revenue due to the proposed changes in the Tax Relief for the Elderly Program; and, advised that, when looking at assessed values, he should have budgeted \$395,000.

Mr. Schiro reiterated that the changes in the Tax Relief for the Elderly Program have impacted the Town's tax revenues. Councilmember Shea asked whether this was an area the Council needed to watch. Mr. Schiro confirmed it was. He noted that if he had budgeted for \$395,000 in revenue, the Town would be \$30,000 under budget. Mr. Schiro suggested this was something the Council needed to be aware of; and, should take into consideration in the future budget.

Town Attorney Whiting advised Council that she had nothing to report.

Action Items

Council Approval – Request to waive sidewalk requirements – National Sporting Library

Town Planner Beniamino reported that the National Sporting Library has asked that this item be tabled as they were not able to attend the meeting. He further reported that they would like for this item to be placed on the Council's next work session agenda. Mr. Beniamino advised Council that the Planning Commission would review their application again before that meeting.

Council Approval – Liberty Street Parking Lot Storm Sewer Easement

Councilmember Littleton moved, seconded by Councilmember Snyder, that Council authorize the Mayor to sign a Deed Dedicating a Storm Sewer Easement in the Liberty Street Parking Lot.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Patterson, Plescow, Shea and Snyder
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

Draft Rules of Procedure

Mayor Davis reminded Council that the document before them was basically the final version; and, noted that they have reviewed it several times. She asked whether Council had any further comments or suggestions regarding the document. Councilmember Snyder reminded Council of the issue related to quorums; and, noted the need for a charter amendment. He asked how such an amendment would be implemented. Town Attorney Whiting advised Council that an item needed to be placed on a tickler calendar for the coming fall. She explained that Council needed to hold a public hearing on the issue, after which the proposed bill would be submitted to the General Assembly in accordance with their deadline. Ms. Whiting expressed her opinion that this amendment should not be controversial. She reminded Council that the existing charter provisions impose a requirement for one person more to achieve a quorum than most requirements impose. Ms. Whiting noted that the language was odd given that the Vice Mayor was a voting member of Council; and, suggested that a problem could ensue if the Vice Mayor were presiding over a meeting. Councilmember Snyder reiterated his question as to how an amendment would be implemented. Town Clerk North advised Council that she had already made a note in her tickler file for July to get together with the Town Attorney and start drafting the language for the charter amendment to present to Council.

Councilmember Murdock asked about the Roberts Rules of Order information sheet that was on the Councilmember's desks. Councilmember Shea explained that she asked that this information be distributed to Council; and, noted that it was provided during a recent FOIA seminar.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the Rules of Procedure as presented.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Patterson, Plescow, Shea and Snyder

No – N/A

Abstain: N/A

Absent: N/A

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

Bench in Memory of Billy Leach

Mayor Davis noted that there was some conversation following the recent work session about what the Town could do and where a bench could be placed. She suggested that the actual purchase occur at a later time; and, that the Town attempt to secure donations to cover the bench's cost. Ms. Davis reminded Council that there has been some discussion of putting the bench near the former hardware store. Economic Development Coordinator Pearson advised Council that there was no space for a bench at that location. Councilmember Murdock asked whether the Council was wedded to the idea of a bench. She noted that Mr. Leach was the Town Manager for a number of years; and, suggested the item be something for the Town Hall so the Town could honor Mr. Leach for the work he did for the Town. Economic Development Coordinator Pearson advised Council that there has been some talk in the community about placing a bench in front of the Baptist Church since Mr. Leach worshiped there. Councilmember Littleton noted that Mr. Leach was a large part of the community, having served the Town for many years and having worked at the hardware store as a young person. Mayor Davis inquired as to how long Mr. Leach was the Town Manager. Councilmember Littleton estimated his tenure at ten years. Mayor Davis noted that there was no need to rush into a decision. Councilmember Shea asked whether the Council wanted to solicit donations. After some discussion, it was agreed that the Economic Development Coordinator would contact Mr. Leach's family to elicit their wishes for a memorial. Mayor Davis asked that this item continue to advance so something could be done over the next year.

Information Items

Vice Mayor Kirk announced that the Fire Department would hold a dinner on March 28th. Councilmember Patterson announced that there would be a fundraiser on March 14th, entitled "Fashion for Paws", to benefit the Middleburg Humane Foundation and Washington Humane Society. She noted that if someone purchased one of their books that day and also made a purchase at a supporting business, twenty percent of the proceeds of that purchase would return to the Humane Foundation. Ms. Patterson noted that this event would also bring visitors into town.

There being no further business, a motion was made to adjourn the meeting at 6:50 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk