



**MIDDLEBURG TOWN COUNCIL  
WORK SESSION MINUTES  
Thursday, February 24, 2011  
Town Office, 10 W. Marshall Street  
6:00 p.m.**

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**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor C. Darlene Kirk  
Councilmember Kevin Hazard  
Councilmember Catherine “Bundles” Murdock  
Councilmember Kathy Jo Shea  
Councilmember Mark T. Snyder  
Councilmember David B. Stewart

**STAFF:** Martha Mason Semmes, Town Administrator  
Rhonda S. North, MMC, Town Clerk  
David M. Beniamino, AICP, Town Planner  
Debbie J. Wheeler, Town Treasurer

**ABSENT:** Councilmember Trowbridge Littleton

The Town Council of the Town of Middleburg, Virginia held their regular work session on Thursday, February 24, 2011 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

**Council Discussion** (continued) – Alternatives for the Town’s Development Review Processes

Town Planner Beniamino advised Council that he made some recommendations for their review related to the development process. (Councilmember Shea arrived at the meeting at 6:02 p.m.) He explained that it was ultimately up to the Council to decide if they wanted to explore the options. Mr. Beniamino recommended that if they did, the Council should send this item to the Planning Commission to have them develop the associated check lists and criteria so there would be no large scale conflicts between the Commission and the Council.

Councilmember Snyder questioned the idea of having a minor subdivision process for four lots; and, suggested that four was large for a town the size of Middleburg. Town Planner Beniamino explained that four lots was the number used by larger localities. He further explained that his thought process was that a minor subdivision process should apply to smaller subdivisions, such as one or two lots. Mr. Beniamino reminded Council that the Allen’s recently went through a preliminary and final plat process for two lots. Councilmember Snyder agreed with the desire for major and minor subdivision processes; however, he suggested that the limit for a minor subdivision should be two or three lots. He expressed his opinion that four lots was excessive considering the land use in town.

Vice Mayor Kirk and Councilmember Murdock expressed their opinions that the development of processes was good.

Mayor Davis asked whether this item would be sent to the Planning Commission if the Council agreed to move it forward. Town Planner Beniamino advised Council that his recommendations were general. He suggested that this matter be referred to the Planning Commission for their recommendations. Mr. Beniamino reminded Council that the Commission was scheduled to discuss their plan for implementing the zoning ordinance updates during their next meeting; and, advised that he wanted them to return their recommendations to the Council. He noted that he would talk with them about the number of lots associated with a major and minor subdivision. Mr. Beniamino explained that he did not want to overload the Council with a lot of examples of what could be done.

Councilmember Snyder recommended this item be sent to the Planning Commission with the direction that the Council would like for them to pursue this idea, flesh it out and return with their own ideas.

Town Planner Beniamino noted that he had a conversation with Councilmember Shea who suggested that an electronic tracking sheet be developed for approvals that were taken from the public process to an administrative one. He suggested that these tracking sheets be posted to the Town's website so people would know what the staff was approving. Mr. Beniamino noted that he and Councilmember Shea had discussed e-mailing this information weekly; however, he expressed his opinion that this may not be the best solution. He suggested the Town's website would be more functional. Town Administrator Semmes noted that they had an internal tracking system in Purcellville; however, the staff was not good at updating it.

Councilmember Shea noted that there has been talk about making a check list of what an applicant needed to address prior to applying. She asked whether a check list had been developed for transmittal to the Planning Commission. Town Planner Beniamino explained that he would like for the Commission to develop the check lists. He noted that a lot of the information that should be included on a checklist was identified in the Town's ordinances. Mr. Beniamino suggested there were some things that were missing from the zoning ordinance that needed to be added during the update. He explained that there would be different check lists for the major versus minor items.

Councilmember Shea recommended the staff start to develop the check lists; and, that they take them to the Commission. Councilmember Snyder expressed his opinion that doing so would be typical staff input. Town Planner Beniamino advised Council that he wanted to hear the Commission's thoughts first. He noted that this has been discussed at the Council level; however, it was new to the Commission.

Councilmember Snyder suggested the staff show the Commission a template and explain why the items were on the list so the Commission could then have a discussion. Town Planner Beniamino suggested that he show the Commission how other jurisdictions, such as Purcellville, handled the processes so they would have an opportunity to select what they liked.

Mayor Davis asked whether this needed to be handled in the form of a motion. Town Planner Beniamino requested one.

Town Planner Beniamino advised Council that Chairman Plescow made a comment that because Middleburg was so small, every project was important. He suggested that if it was Council's desire, the Town could require a pre-application meeting with the Planning Commission for minor site plans; although he expressed his opinion that it was not always necessary.

Councilmember Snyder urged the staff to include the Planning Commission even for minor site plans. He asked whether a site plan would be required for instances in which businesses moved a different use into a building, but did not change the building or grounds. Mr. Snyder expressed his opinion that there may be times when the Town would want one; however, he suggested that mostly it would not. Town Planner Beniamino expressed his opinion that this would be addressed as a part of the zoning ordinance update. He suggested the need to develop a system so site plans would not be required in that instance. Mr. Beniamino noted that there could be a situation where the current and proposed uses could have such a discrepancy in the amount of people generated that the Town may want to require a site plan.

Councilmember Shea suggested the issue of an electronic tracking system be taken to the Planning Commission so they could flesh out the details.

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that the Council refer the alternatives for the Town's development review processes, including the ideas enclosed in the Town Planner's memorandum, to the Planning Commission for their recommendation.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

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#### **Council Discussion** – Town Council Goals for 2011

Mayor Davis noted that the Council had a list of the goals that have been proposed for 2011. She asked whether they were items that were previously on the list but have not yet been completed. Town Clerk North advised Council that the list was based upon the information provided by the individual members of Council; and, noted that she combined all of the suggestions onto one list. She advised that once the Council selected the goals that they wished to work on for the coming year, she would add the remainder to the on-going list.

Mayor Davis noted that the first proposed goal was to establish a historic committee for the Town, with a goal to found a museum by the end of the year; and, at a minimum, to have a display of historic materials somewhere in town. She expressed her opinion that the Town was already doing this. Vice Mayor Kirk expressed her opinion that there was not an historic committee; however, she noted there was a museum committee.

Councilmember Snyder advised that he was reluctant to tag this as a goal for this year. He suggested the goal be to get it started this year.

Mayor Davis noted that part of the suggested goal was to have a display somewhere in town by the end of the year. Councilmember Snyder advised that he would be satisfied if the committee had a plan by the end of the year.

Councilmember Shea expressed her opinion that this goal was already further along than that. She noted that the Museum Committee has been established. Vice Mayor Kirk asked whether it had been. Councilmember Snyder noted that he has heard otherwise. Councilmember Shea noted that the Pink Box had said it was willing to put the displays there. She expressed her opinion that establishing a committee and having displays was a workable goal. Mayor Davis expressed her opinion that this goal was in the process.

Mayor Davis advised Council that the second proposed goal was the creation of a living history of Middleburg by collecting stories and photos. She suggested it be combined with the previous goal. Vice Mayor Kirk suggested the living history be developed sooner rather than later, while some of the Town's citizens were still available.

Mayor Davis agreed it was important to have a record of the information; and, to have someone translate it. Councilmember Murdock noted that her mother had a good recollection of Middleburg's 1930s history that needed to be captured. Mayor Davis reiterated her suggestion that this be combined under the Museum Committee's work.

Vice Mayor Kirk noted that there has been talk about getting Eura Lewis before the Council so they could find out what she was doing.

Councilmember Shea expressed her opinion that committee meetings have been set up for the third Thursday of each month. Town Clerk North advised Council that those meetings were removed from the calendar. Vice Mayor Kirk noted that this spot was put on the calendar as a holder; however, the meetings have not been scheduled. She suggested that Councilmember Stewart as the Pink Box Advisory Board representative, the Economic Development Coordinator and the Town Administrator meet with Mrs. Lewis.

Councilmember Shea advised that she did not know whether the creation of a living history should be a goal for this year. She suggested it be a directive for the Museum Committee. Mayor Davis suggested it be identified as a part of their plan.

Mayor Davis noted that the next proposal goal was to review the HDRC guidelines as necessary. Councilmember Snyder asked who would do so. Councilmember Murdock suggested it would be handled by the Council. Councilmember Shea suggested it be handled by the HDRC and Zoning Administrator. She noted that there were items that needed to be addressed by the HDRC.

Councilmember Snyder advised that he would like to hear their comments before the Council started a review. Councilmember Shea suggested the Council did not need to do this themselves, but rather could make this a goal to the HDRC that could occur this year. She reminded Council that they did not have to do all of the goals this year.

Councilmember Snyder asked about the purpose of the goal. Town Planner Beniamino advised Council that the HDRC operated under two sets of standards. He expressed his opinion that the process in the zoning ordinance was fine; however, the HDRC's guidelines, which talked about architecture and materials, contained large holes. Mr. Beniamino suggested that the HDRC was "flying by the seat of their pants". He advised that the Committee needed to dedicate time and resources to finalizing the document so that if they were challenged, they would have a completed document.

Councilmember Shea reported that she personally just went through the HDRC review process; and, advised that the guidelines contained holes. Mayor Davis suggested the HDRC be asked to start reviewing the document; and, to bring forward their suggestions.

Councilmember Shea suggested there was a difference between the Council's goals and a request to the staff and/or committees. Councilmember Murdock suggested this goal be sent to the HDRC. Town Planner Beniamino confirmed they were already working on this item.

Mayor Davis noted that the next proposed goal was to develop events, like Christmas in Middleburg, for other seasons to bring people into Town. Vice Mayor Kirk noted that this was one of her goals; and, explained that she would like another event such as Dog Days. Mayor

Davis reminded Council that Dog Days was replaced by the Sidewalk Sale. She further reminded them that a lot of people were upset about having dogs on the pavement, while others did not want them at the Community Center. Vice Mayor Kirk expressed her opinion that the summer was too hot for the dogs. She reiterated the need for another event to get people here.

Mayor Davis expressed her opinion that the Middleburg Business & Professional Association was working on that item. She recommended this goal be given to the Economic Development Coordinator to ensure the Association was looking at the options. Councilmember Hazard reported that the Business Association was working on at least two events to draw people into town. Mayor Davis noted that they were trying to work on having one event during each season.

Town Administrator Semmes suggested the Economic Development Coordinator be asked to update Council on this item during her monthly reports.

Mayor Davis noted that the next proposed goal was to review and update the Town Code. She reminded Council that this was something that was underway. Councilmember Shea asked whether this should be a goal for this year. Councilmember Snyder noted that the Town Code was the Council's responsibility. He further noted that there were ordinances that might be appropriate for review by the Council; and, others where they may want input from other committees. Mr. Snyder asked the purpose of reviewing and updating the Code this year.

Town Planner Beniamino expressed his opinion that this should be a Council goal since they identified the update of the zoning ordinance as a Planning Commission goal. He noted that there were some things that the police currently dealt with that were traditionally handled by zoning departments. Mr. Beniamino suggested that because these items were in the Town Code, they could not be processed the same way as a zoning violation. He expressed his opinion that some processes, such as for junk and tall grass, should be reviewed.

Mayor Davis asked whether the Council needed to say that the goal should be finished by the end of the year. Town Administrator Semmes suggested the goal be to begin the review process. She expressed her opinion that it was not a bad idea to review it; and, noted that things have recently come up that indicated a need for its review. Mayor Davis advised that the Council would not want it be a failure if it was not finished by the end of the year.

Councilmember Snyder explained that this was why he was asking about the goal's purpose. Councilmember Shea expressed her opinion that it would not be a failure if the entire Code was not addressed. She suggested the need to have measurements in the goals. Ms. Shea noted that this year, she reported on the areas that were addressed or how they were addressed. She suggested that having this as a goal did not mean that all of the ordinances needed to be reviewed. Ms. Shea expressed her opinion that the Council should focus on some sections this year, if it was chosen as a goal; and, assess the progress at the end of the year.

Councilmember Snyder suggested that a reasonable goal was to begin the review and update of the Town Code. Town Administrator Semmes suggested the Council could review, identify and recommend updates. She expressed her opinion that if it was completed this year, this would be great; however, she suggested the Council should be able to begin the review this year.

Mayor Davis noted that the next proposed goal was to install or contract for a phone alert system to send messages to businesses and residents. She reminded Council that this has been an item that she has raised for several years. Ms. Davis advised that she did not necessarily think it needed to be installed this year, as it was expensive; however, she would like to gather information on it. She noted that when she raised it in the past, the Town just said it was "expensive". Ms. Davis suggested the need to determine all the options.

Town Administrator Semmes noted she recently attended a Local Government Managers Association Conference, during which she learned about social media. She described an incident in which police sent out an Amber Alert on Twitter, with a request to re-tweet. Ms. Semmes advised that because this Tweet went out nationwide, the girl was found. She noted that there was no cost to Twitter.

Mayor Davis explained that she was thinking about a phone alert system in which a message would play, such as identifying water problems. Town Administrator Semmes noted that these messages already went out by e-mail. Mayor Davis advised that there were some individuals who did not have or read e-mail. Councilmember Snyder expressed his opinion that this system had not been connected to the water customers. Town Administrator Semmes suggested that this was something that was worth looking into.

Councilmember Snyder expressed his opinion that a more realistic goal was to gather costs and to identify sources of funding. He advised that he would like to gather more information; and, noted that this was a terrific goal. Mayor Davis agreed with the need to gather more options.

Councilmember Shea suggested that rather than identifying this as a Council goal, they ask the staff to investigate it and bring back recommendations this year. Councilmember Snyder noted that it would still be a goal for the Council. He suggested that they should direct the staff to gather information. Mr. Snyder noted that it was the Council's job to discuss the costs and source of funds recommended by the staff.

Councilmember Shea suggested the need to clarify who was doing what so the goals did not "sit out there".

Mayor Davis asked the Town Administrator to investigate this item. Councilmember Hazard suggested the staff not discount social media. He noted that it was big; and, suggested it would get much bigger. Mr. Hazard expressed his opinion that social media would replace the phone system. Mayor Davis agreed it was important; and, suggested it needed to be explored as well.

Councilmember Snyder expressed his opinion that this goal was a good idea; and, noted that the Town had problems communicating emergencies to its residents.

Mayor Davis noted that the Town had a Facebook Page. Town Administrator Semmes confirmed it did; however, she noted that it may have to be taken down. She explained that the Town could not meet the Terms of Service for a regular Facebook Page. Ms. Semmes reported that there were separate Terms of Service available for local governments; and, suggested the Town would probably want to move to a system that was legal. She noted that the Manager's Association recommended that municipalities not have a fan page, but rather have a business page that would let individual's respond to what the government was saying rather than posting whatever they wanted. Ms. Semmes suggested the need to set a policy for that; and, noted that this was a topic for another agenda. She noted that the Manager's Association recommended that local governments have a policy for social media for their operations.

Mayor Davis suggested the staff come back with more information on both Twitter and Facebook; and, that they offer recommendations on how best to use them for emergencies and for the sharing of information.

Councilmember Hazard noted that the Town was already using Constant Contact for its weekly newsletter. Mayor Davis suggested the Town Administrator work with the Economic Development Coordinator and Town Clerk on this item. The remainder of Council agreed.

Mayor Davis noted that the next proposed goal was the review, update and keeping on file in the Town Office all policies and procedures that pertain to the Council and Town Employees. She suggested this was pretty straight forward. Councilmember Snyder expressed his opinion that the Town was already doing this.

Town Administrator Semmes recommended that this be something that she work on as the Town Administrator. She noted that things have arisen that have made it clear that things were not as clear as they could be. Ms. Semmes suggested this would be a good opportunity to look at this issue; and, to spell out who did what.

Vice Mayor Kirk expressed her opinion that this tied into the Employee Handbook. She expressed her opinion that the Town's personnel files were not in good shape.

Councilmember Shea recommended this be removed as a Council goal; and, that the Town Administrator be allowed to address it. She asked that Ms. Semmes check with the Council periodically. Town Administrator Semmes noted that in April, she would have been here for six months. She suggested the need for a six-month check up and to set goals for when she should get items done.

Mayor Davis recommended this item be deleted from the goal list; and, that Council allow the Town Administrator to work on it. She asked that Ms. Semmes keep Council advised of the status.

Mayor Davis noted that the next proposed goal was that in cooperation with the Planning Commission, the Council establish routines which would provide good communication for the purpose of setting clear goals for Town planning. Councilmember Shea noted that the Council has already started this item; and, recommended it be adopted as a goal.

Mayor Davis noted that the next proposed goal was to coordinate and review a cooperative agreement between the Council, Planning Commission and staff; and, to develop a work plan with priorities and set a process for on-going review. Councilmember Shea expressed her opinion that this goal has been completed.

Mayor Davis noted that the next proposed goal was to review and assure compliance with the Town's meeting procedures. She reminded Council that they adopted their procedures a year ago.

Councilmember Shea noted that the Council had two new members. She further noted that they have not gone over the procedures during a meeting since she has been on the Council. Ms. Shea recommended that the procedures be scheduled for a review so the Council could have an understanding of how they should conduct meetings.

Councilmember Snyder asked who would be involved in the review. Councilmember Shea noted that it would be the Council since these were Council regulations. Councilmember Murdock recommended that the Council be sent the regulations so they could review them. She further recommended that the Council return with their suggestions. Mayor Davis asked the Town Clerk to e-mail the procedures to the Council; and, schedule this for a work session agenda.

Mayor Davis noted that the next proposed goal was to have regular reports of Town committees to the full Council. Town Administrator Semmes asked whether the Town had any committees. Councilmember Snyder noted that the Council used the committee-as-a-whole system. Mayor Davis confirmed the Town had committees; and, that the Town Clerk had the list. Town Clerk

North explained that the list consisted of the chairs, with the entire Council serving as the committee. Mayor Davis explained that when former Town Administrator Schiro came on board, the Town used the committee system. She further explained that many members of the Council felt that they did not know what was going on; therefore, Mr. Schiro recommended that rather than having individual meetings, the Council adopt the committee-as-a-whole system. She noted that she named committee chairs in the event that something had to be raised.

Town Administrator Semmes expressed concern that if the Town had committees that consisted of one individual, anytime that person met, the meeting must be advertised. She expressed her opinion that listing "Reports of Town Committees" as an agenda item raised expectations for something that may not be present. Ms. Semmes recommended the Council form committees if needed; although, she advised that she liked the committee-as-a-whole system.

Mayor Davis suggested the agenda title be changed. She noted that Councilmember Snyder handled utility issues; and, advised that if there was a related issue, he would put it on an agenda. Ms. Davis suggested this was not really a report.

Town Administrator Semmes recommended the members be appointed as Council "liaisons" as opposed to chairs. Councilmember Snyder agreed. He suggested the work session agendas list the committees and the liaisons; and, that they be asked if they had anything to report. Mayor Davis suggested it be made clear that the purpose of the discussion was to discuss general items.

Town Administrator Semmes expressed her opinion that there was nothing wrong with having a Councilmember with an interest in something serving as a liaison. She noted that Councilmember Hazard was different in that as a member of the Planning Commission, he could provide a report.

Councilmember Snyder suggested the Council set a deadline for getting agenda items to the Town Clerk for the monthly work sessions. Councilmember Shea noted that everyone was assigned a responsibility, not necessarily a committee. She expressed her opinion that the assigned members had a responsibility to keep Council informed of the information they were getting in those areas. Ms. Shea expressed her opinion that this was where the Council was "falling down".

Vice Mayor Kirk asked whether Councilmember Shea was suggesting that an item be placed on the work session agendas to allow each member to give a report. Councilmember Shea confirmed she was. She noted that some months, the members may have nothing to report. Councilmember Snyder expressed his opinion that this was the same thing he suggested. He suggested that the agenda list each topic and the associated liaison. Mr. Snyder further recommended that the liaison alert the Town Clerk before the deadline if they had an agenda item for discussion.

Vice Mayor Kirk expressed her opinion that this was different than what Councilmember Shea recommended. She noted that she was saying to list everyone. Town Administrator Semmes noted that everyone may not have a report to offer.

Councilmember Murdock advised that she was aware of a new Councilmember who attended all of the committee meetings, as well as the Council meetings. She reported that she was attending three to four meeting a week because she felt that not all of the information was being presented to the Council. Ms. Murdock suggested it was a waste of time to have meetings, particularly when no action was taken.

Town Administrator Semmes expressed her opinion that addressing issues in open session was a better way to handle items.

Vice Mayor Kirk noted that every member of Council was attending the Personnel/Finance Committee meetings. Councilmember Murdock suggested this was the reason for the change, as the committee meetings had gotten out of control.

Town Administrator Semmes expressed her opinion that the issue was one of communication.

Councilmember Murdock noted that she would not be reporting every month on public safety issues, unless there was something the Council needed to talk about. She advised that this did not mean that she did not talk to the Chief.

Mayor Davis suggested the members of Council let the Town Clerk know if they had specific issues for discussion. Councilmember Murdock noted that she may not be ready to say things. Vice Mayor Kirk suggested the agenda topic be handled like the staff reports, with the committees being listed on the agenda.

Councilmember Shea noted that doing this did not mean the Council had to discuss sensitive issues publicly. She suggested the liaison could just say "this is what's going on". Councilmember Snyder noted that this would also give Council the opportunity to ask questions. He agreed the liaison may not have anything to report. Councilmember Shea suggested this be removed as a goal if it was regular work session item.

Town Clerk North asked for clarification as to whether this would be a part of the regular meeting or work session. Council confirmed that they wanted it be a work session item.

Mayor Davis noted that the next proposed goal was the development of an Emergency Management Plan for the community. She reminded Council that it was on the list before; however, it was not carried forward. Ms. Davis noted that Councilmember Murdock started to work with Chief Pozzo; and, advised that Chief Brower was now the appropriate contact. She suggested that Councilmember Murdock contact him and say that the Council wanted to do this this year.

Councilmember Murdock noted that she did meet with Chief Pozzo at the Community Center. She noted that they also did some research. Ms. Murdock agreed with the need to return with a status report on this item. She advised that she would meet with Chief Brower.

Town Planner Beniamino recommended that Councilmember Murdock also talk to Chief Webber. He expressed his opinion that he has already met with someone about developing an emergency plan. Mayor Davis suggested that once a handbook existed, people could pick it up. She further suggested it would be great to have it in an electronic format.

Mayor Davis noted that the next proposed goal was to explore ways to efficiently pump and distribute water and address I&I issues. Councilmember Snyder expressed his opinion that this was something the Town has been doing for years.

Councilmember Shea expressed her opinion that this goal, as well as the next two, would be addressed through the water loss study. She suggested the three goals be combined under that study.

Town Administrator Semmes noted that I&I was different than water losses. She advised Council that she recently attended a grant meeting for water system improvements. Ms. Semmes reported that, while there, she learned that the Rural Water Association performed water leak detections for free; and, advised that they would be contacting the staff about doing this in Middleburg within the next month. She further reported that she had a great meeting with representatives from Water Management, Inc., who were very excited about the possibility of working with the Town under a public/private partnership. Ms. Semmes noted that this would involve public education. She reminded Council that if the Town found a water meter that was not registering correctly, when it was replaced, the customer's water bill would "skyrocket". Ms. Semmes explained that in conjunction with having another company to identify losses, Water Management would perform an audit and help identify ways a customer could reduce his usage.

Councilmember Murdock expressed her opinion that the staff was already working on this goal.

Councilmember Shea noted that the Go Green Committee was also looking at water issues. She advised Council that they have started to look at the Comprehensive Plan and environmental issues. Ms. Shea noted that Ken Reed was assisting, with Jilann Brunett heading up the committee.

Councilmember Murdock expressed her opinion that these three goals were already occurring. Councilmember Snyder noted that they were continuing, not starting. Councilmember Murdock noted that the repair and replacement of water lines was also a continuation.

Councilmember Snyder reminded Council that the Town conducted a utility study in 2003. He suggested it may be time to update it. Mr. Snyder expressed his opinion that the Town has been pursuing these goals since at least 2003.

Mayor Davis noted that the repairs/replacements were put on hold due to the economy. She expressed her opinion that the Town's CIP "went down the tubes".

Town Administrator Semmes reported that water loss was a priority for the State, as they are concerned about contaminants getting into the water supply.

Vice Mayor Kirk asked whether there was a need to update the 2003 study. Town Administrator Semmes suggested the Council leave it as is for this year; and, that they allow the staff to determine the cost for updating it. Vice Mayor Kirk noted that the Council was about to start its budget discussions. Councilmember Snyder suggested the staff get the cost to update the study. He further suggested that they pursue additional research. Councilmember Shea requested that the Town Administrator keep in contact with Go Green to ensure there was no duplication of efforts. Town Administrator Semmes confirmed that she would contact Ms. Brunett.

Mayor Davis noted that the next proposed goal was to decrease the cost of water to the citizens. Councilmember Shea expressed her opinion that this should be an on-going commitment of the Council to balance against the cost of covering the system. Mayor Davis suggested it was a goal for the future. Councilmember Snyder suggested the Town needed to get to the point of sustainability. He further suggested that once stable and sustainable, the Council could entertain ways to cut the costs to the citizens.

Councilmember Hazard expressed his opinion that Water Management would help do this. He suggested it was an educational issue. Councilmember Snyder expressed his opinion that the goal sounded like the proposal was to cut the water rates. He suggested that if published as written, this would be what people would expect.

Councilmember Hazard explained that if the Town contracted with Water Management, they would work with the citizens. He noted that they did so on a percentage basis; therefore, there would be no out-of-pocket costs. Councilmember Snyder noted that two years ago, he obtained copies of Tucson, AZ water conservation policies; however, he did not get anywhere with them in trying to develop a handbook for those who were worried about their water bills.

Mayor Davis noted that the next proposed goal was to establish full-time police coverage for the Town. She noted that this was put on hold given the budget. Town Administrator Semmes suggested this would be more appropriate once Salamander opened. She recommended it be removed from the list for now.

Councilmember Shea recommended that when the goal was raised again that it be re-written to include the need to look for office space. She advised that this was not just an issue of increasing hours. Ms. Shea expressed her opinion that the police office was a “health hazard”. Councilmember Murdock noted that she has been continuously looking for a new space.

Councilmember Snyder suggested that it made more sense to start planning for 24/7 police coverage. Councilmember Shea recommended this item be put on next year’s goal list. Councilmember Snyder agreed.

Mayor Davis noted that the next proposed goal was the development of a CIP Plan. Town Administrator Semmes noted the need for an estimate on utility CIP items as well. She reminded Council of the need to include items such as when things would start to break on the new treatment plants. Ms. Semmes suggested that the Town put money away so it did not have to replace a membrane in one year. Mayor Davis noted that the Town had such items in a CIP; and, advised that the Council said it did not want to be in a bind in the future when it needed a new plant. She expressed her opinion that a twenty-five year projection was used.

Councilmember Snyder reminded Council that they put the water towers under the maintenance expenditures. He suggested that if they had not, the Town would have been on the verge of losing them.

Mayor Davis noted that the Council looked at past costs; and, divided them over a period of years. She advised, however, that she did not remember the projected replacement cost. Ms. Davis noted that the Council knew this needed to be done; however, the economics did not allow it at the time. She agreed it needed to be on the list; and, suggested that by next year’s budget, the Town may be able to address it. Town Administrator Semmes suggested the Town develop a CIP Plan, even if the Council did not fund it.

Mayor Davis noted that the final proposed goal was to begin the review process for the Comprehensive Plan. Councilmember Shea advised Council that she put this item on the list. She expressed her opinion that there were a lot of things that could be done in preparation of the Comp Plan update. Ms. Shea suggested that Go Green, the HDRC and Planning Commission should take a look at what the Plan currently said, with their recommendations being the basis for beginning the update. Ms. She suggested that the work be divided and assigned to committees for their review. She further suggested that they return to the Council at the end of the year.

Councilmember Snyder expressed his opinion that this goal was pre-mature. He suggested that getting comments from other committees to the Planning Commission would be a reasonable goal; however, he noted that he did not expect the Commission to act upon them this year and present a revised document to the Council.

Councilmember Shea expressed her opinion that there was nothing wrong with letting the committees look at the Comp Plan and identify their concerns.

Mayor Davis recommended the Council be sent an electronic version of the Comprehensive Plan. Town Planner Beniamino noted that he could provide the text; however, e-mailing the maps would be difficult. Vice Mayor Kirk suggested the document be given to Council on a disk. Town Planner Beniamino noted that the document must be scanned. Councilmember Snyder recommended the graphics be sent out as a PDF. Town Planner Beniamino advised Council that he would have Middleburg Printers scan the document.

Mayor Davis expressed her opinion that it would be nice if the Council received copies of all of the Town's ordinances electronically. Town Planner Beniamino advised Council that the zoning ordinance was available digitally. He noted, however, that the HDRC Guidelines were too large. Mr. Beniamino advised Council that the Comp Plan has never been digitized.

Mayor Davis asked whether the Council wanted to hold a specific work session to discuss the Comp Plan update. Councilmember Shea confirmed she did not. She suggested that if this was made a goal over the next couple of years that people should be encouraged to give input. Ms. Shea expressed her opinion that allowing them to bring their ideas forward would put this project further ahead.

Town Planner Beniamino reminded Council that the Town must review the Comp Plan in 2012. He noted that he has been trying to give Go Green some room to work on an environmental chapter. Mr. Beniamino explained that this was an experiment to see the final product. He expressed hope that the Planning Commission would complete the zoning ordinance update this year; and, would then do the Comp Plan update in 2012. Mr. Beniamino suggested that if the final product provided by Go Green was good, he would see if he could get other committees involved in the update.

Councilmember Snyder reminded Council that the State Code required municipalities to review their Comp Plans once every five years; however, it did not require that they be updated or revised. He suggested that generally the goal was to improve the Plan every five years. Mr. Snyder expressed his opinion that this was a recent change in the way the Town addressed the Comp Plan; and, noted that it started in the mid 1990s. He advised that prior to that, it had been ten years before the Comp Plan was changed.

Councilmember Shea advised that when Go Green looked at the Comp Plan, they found a lot of information on the bedrock the Town was built upon. She noted that bedrock meant that the Town did not have a re-filtering of the water; and, had the potential to draw down on its water supply. Ms. Shea suggested this would not be apparent to those who did not know anything about water. She noted that Go Green has taken this information and put it into a separate section so it would become a working document for the Council and Planning Commission.

Mayor Davis suggested the staff send copies of the Comp Plan to the Council for their review. She further suggested that if anyone wanted to hold a work session discussion, they could do so. Councilmember Shea expressed her opinion that a work session discussion was not needed until the end of the year.

Town Planner Beniamino advised that he would get the document to them. He noted that it was very long; and, suggested they should not feel as if they must read it in its entirety. Mr. Beniamino noted that it contained a summary at the end.

Mayor Davis suggested the Council identify anything they wanted to have addressed so it would be reviewed as a part of the Plan update. Councilmember Hazard reminded Council that when the Planning Commission reviewed the zoning ordinance, it would include a Comp Plan review. He suggested the Commission would probably make recommendations for Comp Plan updates as it worked on the zoning ordinance.

Mayor Davis expressed her opinion that it would be nice if the Council familiarized themselves with the document. Town Planner Beniamino noted that the staff was comfortable updating the zoning ordinance before the Comp Plan, as they did not believe there was anything in the Plan that would change drastically. He suggested there may be some items that would need to be added.

Mayor Davis asked whether the Council was comfortable with the goals as discussed. Councilmember Shea asked for a re-cap. She noted that the Council only identified four goals.

Mayor Davis noted that the museum item could encompass three goals.

Councilmember Shea noted that the items were not goals as written. She suggested the need to clarify them in some way; and, asked that the Town Clerk do so. Town Clerk North reported that she would; and, would send them to the Council.

#### **Council Discussion** – Water Accounting Issues

Councilmember Snyder reminded Council that the report still compared water pumped from the ground to water treated at the wastewater treatment plant. Town Administrator Semmes noted that she also included information related to billing. Councilmember Snyder expressed his opinion that it was useful for the Council to have the comparison of water pumped versus treated; however, he advised that he would like to get better information as to the volume of water pumped, the volume of water used in the production process and the volume of water that was billed. He noted that as to the volume of water billed, he would also like to know how much the Town was giving to the Middleburg Elementary School.

Town Administrator Semmes advised Council that every customer was billed, including the Town. She explained that the Treasurer then wrote off the bills for those customers who were not charged. Ms. Semmes confirmed the Town was accounting for the water even if it was not paid for by a customer. Councilmember Murdock expressed her opinion that Councilmember Snyder was asking to see the amount of the excused bills separate from the rest. Councilmember Snyder confirmed that he wanted information on the amount of water that was metered but unbilled. He explained that he would like to know where the unbilled meters were located. Vice Mayor Kirk suggested the Council let the staff provide a report.

Town Administrator Semmes advised Council that the number for Well 4 was its net production. She noted that water was used for the back wash and in the softener at that well. Ms. Semmes reminded Council that there was no treatment performed for Wells 2 and 3.

Councilmember Snyder explained that he wanted to see where the loss was occurring.

Councilmember Murdock expressed her opinion that this was what the Town was trying to hire a firm to do. Town Administrator Semmes advised that Rural Water would listen to the lines to determine if there were any leaks. She advised Council that Whitman Requardt has given her a proposal to conduct a water loss study. Ms. Semmes noted that one component of the study was to identify possible leaks; and, advised that this would cost \$10,000. She reiterated that Rural Water could find water lines or meters that were leaking. Ms. Semmes noted that there was also

the question on the billing side as to whether the meters were working properly and capturing the water use data. She advised that there was also a paper side of the study. Ms. Semmes explained that there were three components to the study: meter reading, accounting and what happened in the ground. Ms. Semmes reiterated that the Town would get the water loss portion done for free. She advised that she would bring an estimate for the remaining components to the Council to see how much the Town could do over time. She expressed her opinion that it was important to have an independent company do this as the staff had a lot of work to do. Ms. Semmes noted that she was learning more about this issue every day; and, suggested there was a science to it. She expressed her opinion that the good news was that the State understood it was a priority. Ms. Semmes reported that Middleburg was not the only town in this situation; and, advised that having a 50% water loss was common in smaller systems. She noted that it was not good to have unaccounted for water; and, agreed the Town needed to get a handle on it so the customers knew the system was running efficiently and effectively. Ms. Semmes advised Council that she should know more before the end of the fiscal year.

### **Council Discussion** – Preliminary Budget Discussion – FY 2012 General Fund

Town Administrator Semmes advised Council that the information provided was still preliminary; and, noted that Chief Webber has not given his feedback. She expressed her opinion that she may not have been conservative enough in some areas. Ms. Semmes suggested that she give Council an overview of the draft budget during this meeting; and, that the Council then hold a work session to discuss it.

Town Administrator Semmes noted that the Davenport memo gave the Council a perspective on the remarkable financial progress that has been made since 2006. She advised that Davenport has reported that the Town was on sound financial footing; however, challenges remained. Ms. Semmes noted that Davenport indicated that the Town was in a much more favorable posture to address its financial challenges.

Town Administrator Semmes advised Council that she was still waiting on numbers from Loudoun Water related to the Utility Budget. She noted that in looking at the General Fund, Davenport indicated that the Town has brought its fund balance back up from a negative position to a positive one. Ms. Semmes noted that there came a time when small towns must raise their tax rates; and, commended the Council for having the political courage to do so. She reiterated that the General Fund's fund balance was back up, even though it was down a little in the last year. Ms. Semmes advised Council that Davenport has recommended that the Town remain fiscally conservative, especially while it was waiting for the Salamander Resort to open. She noted that their report cited the reasons for keeping the fund balance up.

Town Administrator Semmes advised Council that as to the draft FY '12 General Fund budget, the real estate assessments dropped overall, with the exception of two categories that increased (tax-exempt properties and townhouses). She reiterated that residential and commercial assessments went down overall; and, noted a 4% decrease in the commercial assessments. Ms. Semmes reminded Council that this was the second year the assessments have gone down. She reported that while the assessed values were down, overall the total assessed value was up 1.8% due to new construction. Ms. Semmes noted the Salamander construction supplement, as well as the Chinn's Crossing Project that contributed to the new construction values. She advised that overall, if the Town maintained the current tax rate, it would have some money to "sock away" and some to use on things that needed to be done. Ms. Semmes suggested the Town could implement some CIP items on the General Fund side. She reminded Council that even if the Council left the tax rate as it currently existed, Middleburg would still have the lowest real estate tax rate in the County by two cents. Ms. Semmes noted that the other communities did not provide the same level of service.

Councilmember Murdock noted that while the taxes were low, the utility rates were high. Councilmember Snyder advised that as the real estate assessments went up, he would talk about decreasing the rates; however, he would not do so until that time. He reminded Council that they started raising the tax rate four years ago; and, noted that before that it had been ten cents for twenty years.

Town Administrator Semmes advised Council that even if the tax rate was left at its current level, most residents' tax bills would go down. She reiterated that the total assessed value increased as the result of the Salamander and Chinn's Crossing Projects. Ms. Semmes noted that townhouses would see an increase in their real estate bills. She reported that the bigger picture was that other local taxes were trending upward. Ms. Semmes advised that she tried to be conservative in her revenue projections; and, asked that the Council make sure she was conservative enough. She reported that the meals tax revenues were up; however, the cigarette tax revenues were flat. Ms. Semmes reiterated that the meals tax revenues were "going great guns". She reminded Council that the current budget included \$185,000 in meals tax revenue; and, advised that mid-year, the Town had received \$123,000. Ms. Semmes suggested the question was whether people would continue to eat out, particularly if gas prices continued to rise. Councilmember Snyder advised that he would defer to the Economic Development Coordinator on that question. He suggested there may be some possibilities for capturing other markets or strengthening the marketing to get people into town.

Town Administrator Semmes advised Council that the restaurants were in good compliance in paying their meals tax now. She noted that this made a difference. Ms. Semmes suggested she should factor in the two new wine bars that were coming to town. Town Planner Beniamino noted that one of the wine bars would not serve food, just wine. He reminded Council that there were special rules for vineyards that offered off-site tastings. Prem Devadas, of Salamander Hospitality, noted that some tastings included the food; therefore, they would not "sell" food. Mayor Davis noted that the Middleburg Commons Grounds would have food. Town Planner Beniamino reminded Council that meals tax was paid on drinks. He suggested that the Red Vineyard would sell more drinks than food. Mayor Davis expressed her opinion that it was reasonable to consider the new restaurants when preparing the budget.

Councilmember Murdock expressed concern about gas prices; and, noted that next year's revenue projections could be "tricky". She expressed her opinion that the Town had not yet experienced the brunt of the economic downturn. Councilmember Hazard agreed that as gas prices jumped, everything else would go down.

Councilmember Murdock suggested the need to consider a COLA for the Town's employees; and, noted that they have not had one for several years. She expressed her opinion that with prices increasing, the Town could not let its employees go without a raise. Vice Mayor Kirk expressed her opinion that the Town had good people; and, noted that it did not want to lose them. Town Administrator Semmes advised Council that she would get more information on what other localities were doing in the way of a COLA. She expressed her opinion that the Town would also know about the VRS and the 599 (police) money by the end of the week.

Councilmember Murdock noted that Jerry Schiro really got the Town back on track financially. She expressed gratitude for what he did. Ms. Murdock reminded Council that he made them "tighten the belt"; and, "pushed" them down the path they needed to go.

Town Administrator Semmes advised Council that she would love to look at employee raises. She advised that she would be happy to schedule a future work session discussion on the budget. Ms. Semmes asked that Council get their comments on the draft budget to her by the next meeting. She expressed hope to have comments from the staff by that time.

Councilmember Snyder asked that the Council receive the next version of the budget electronically.

Mayor Davis asked Council whether they were okay with where the draft budget was at this point. Council agreed they were. Town Administrator Semmes reported that she would have additional refinements. She noted that the Treasurer was getting the costs from VML Insurance to insure the new plants. Ms. Semmes further noted that Loudoun Water owed her information on the cost to operate the new systems. She reported that the Town's health insurance costs only increased by .8%. Ms. Semmes noted that she had not received the numbers from VML Insurance; however, she had heard that they were holding steady on the liability side.

#### **Council Discussion** – Bids – Removal of electric pole at Wastewater Treatment Plant

Town Administrator Semmes advised Council that she has received two bids, which were far apart for the same job.

Councilmember Snyder advised that before the Town spent money to reconnect electricity to the building, he wanted to know the plan for using the structure. He noted that he had agreed to look at the building with Councilmember Littleton; however, he had not yet done so. Mr. Snyder advised that he would like to defer making a decision on this matter.

Town Administrator Semmes noted the need to remove the pole. She advised Council that the Town could disconnect the power; and, noted that it must drain the water from the restroom before doing so. Ms. Semmes explained that the only thing that was currently being operated through the use of electricity was a heater in the bathroom. She reiterated the need to disconnect the electricity in order to move the power pole.

Town Planner Beniamino advised Council that Salamander wanted to deal with the project bond. He explained that this issue was holding up that process; and, advised that Council needed to take action one way or another. Mr. Beniamino expressed his opinion that they did not need to decide the fate of the building.

Councilmember Snyder advised that he was fine with removing the power pole. He further advised that he would like to look at the building and hear what it would be used for. Mr. Snyder noted that Councilmember Littleton disagreed with him. He expressed his opinion that keeping the building may be more of a liability than an asset.

Councilmember Murdock reminded Council that they discussed keeping the building for storage. Councilmember Snyder inquired as to what equipment would be stored there. He asked whether this storage would require electricity.

Councilmember Hazard inquired as to the cost to reconnect the power later if it was disconnected now. He expressed his opinion that there would not be a huge difference. Town Administrator Semmes advised Council that the bids were only to reconnect the power. She suggested that the Town could just let Salamander remove the pole and disconnect the power.

Councilmember Hazard inquired as to where the service would terminate if the pole was removed. Town Administrator Semmes confirmed it would stop at the transformer on the adjacent pole. She reminded Council that the Town did not need the same level of service as before. Ms. Semmes advised that another pole was located just eight feet away from the pole in question. Councilmember Snyder expressed his opinion that the current connection was probably a 220 volt, 200 amp service. He suggested the Town just needed 110 volts, 100 amps.

Mayor Davis expressed her opinion that the Council was saying don't connect the power at this time, but get rid of the pole. Councilmember Hazard suggested that if the Council decided to reconnect the power later, there would be no difference in the price. Mayor Davis summarized that the Council has agreed to take the power pole down for now and to discuss the future of the building at a later date.

Councilmember Hazard inquired as to who would disconnect the power. Town Administrator Semmes confirmed that Dominion Power would do so.

### **Reports of Town Committees**

Councilmember Shea reminded Council that she has been attending the Fauquier Community Action Committee meetings. She noted that she was the only representative serving from Loudoun County. Ms. Shea reported that there have been financial problems with the new organization; and, advised that the latest proposal was for Loudoun County to take back \$5,000 that was given to the agencies in the County. She noted that she did not know if that would happen. Ms. Shea reported that the Committee has asked that all of the representatives stay on the board for eighteen months. She noted that the local committee has decided that she might as well as they could not get a new organization set up in that amount of time. Ms. Shea reported that she was remaining on board at this point; however, she has asked Scott York for direction/help. She noted that Loudoun County was losing CAP money at this point.

Vice Mayor Kirk reported that as Chairman of the Finance Committee, she met with the Treasurer; and, received a list of the checks written by the Town. She reported that the Town issued a lot of checks to Dominion Power; however, the Treasurer explained that each building was under a separate account. Ms. Kirk reported that there was only one outstanding account that was due to the Town; and, advised that the Treasurer was working on getting that one brought up to date.

Town Administrator Semmes expressed her opinion that having separate electric accounts was good as it allowed the staff to determine how much more electricity was being used at the new wastewater treatment plant. She reminded Council that the plant was constructed using green technology; however, it used more energy. Ms. Semmes noted that the Town was paying more on the electric side; and, advised that she must factor this into the budget.

Town Administrator Semmes noted that Davenport did a utility rate study for the Town several years ago that set up a schedule of 6% rate increases. She asked when these increases were supposed to end; and, noted that she was still looking for the report. Vice Mayor Kirk and Councilmember Snyder confirmed the rate increases were not over yet. Ms. Kirk suggested the information Ms. Semmes was looking for should be in the last audit report.

### **Discussion**

Vice Mayor Kirk inquired as to the status of the house beside Tim Clites. Town Planner Beniamino reported that he drafted a letter to the property owner for the Town Administrator's signature regarding the tree. Vice Mayor Kirk confirmed it had been cut up; however, the debris

was lying in the front yard. She noted that the house was deserted; and, the fence had fallen down. Town Planner Beniamino advised that the solution may be for the Town to hire someone to clean up the property and bill the owner. He noted that the current owner was a Middleburg resident.

There being no further business, a motion was made to adjourn the meeting at 7:37 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk