



**MIDDLEBURG TOWN COUNCIL  
Monthly Work Session**



**Monday, June 8, 2009  
Town Office, 10 W. Marshall Street**

**8:00 a.m.**

**PENDING APPROVAL**

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**PRESENT:** Mayor Betsy A. Davis  
Councilmember Trowbridge Littleton  
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  
Cindy C. Pearson, Economic Development Coordinator

**ABSENT:** Vice Mayor Darlene Kirk  
Councilmember Catherine "Bundles" Murdock

The Town Council of the Town of Middleburg, Virginia held their regular work session on Monday, June 8, 2009 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 8:00 a.m.

Mayor Davis announced that Eura Lewis' daughter, Carla Gregory, passed away over the weekend. She noted that she has asked the staff to send flowers from the Council; and, that she personally spoke with Mrs. Gregory's husband to express the Town's condolences. Mayor Davis advised Council that Mr. Gregory expressed his appreciation for the Town's prayers and thoughts. She advised Council that she did not have the details regarding the service; and, would share them once available. Ms. Davis noted that she planned to attend if possible.

Council Discussion - Request to allow free parking in municipal lots for Sidewalk Sale

Economic Development Coordinator Pearson expressed her opinion that it would be great if the Town could provide free parking in the municipal lots during the Sidewalk Sale. She reminded Council that the sale was scheduled for August 8 and 9; however, she noted that the parking meters only had to be fed on Saturdays. Ms. Pearson advised that the sale would be held on Sunday only for those merchants who wished to participate.

Mayor Davis reminded Council that the Town has provided free parking in the municipal lots during the Christmas in Middleburg event. Councilmember Shea advised that she did not disagree with the provision of free parking; however, she expressed concern that the Town was doing so at a time when it had the opportunity to bring money into the Town coffers. She noted, on the other hand, the need to also support the businesses. Mayor Davis reminded Council that there were only fifty to sixty meters in the parking lots; and, noted that they were \$.25/hour meters. Ms. Davis expressed her opinion that the amount involved would only be \$120 a day if the parking lots were full. Councilmember Snyder reminded Council that the Sidewalk Sales

were held during a time when business was slow and demand was lower. Mayor Davis expressed her opinion that the other benefit was that it encouraged the use of the municipal lots. Councilmember Patterson noted that she parked in the Liberty Street Parking Lot on a regular basis; and, advised that there had been three regulars who used the lot in the past. She further advised that after the Town offered free parking in December, this number increased to five. Ms. Patterson noted that the usage of the lot has changed as free parking was offered. Councilmember Shea noted that she was not in disagreement; however, she wanted the Council to think about not giving away money. Mayor Davis reminded Council that they have discussed holding four large events per year in Town. Councilmember Patterson expressed her opinion that the free parking promoted businesses. She explained that motorists who saw merchandise on the sidewalk may be more likely to stop if there was a parking space available on the street. The Council agreed to offer free parking in the municipal lots during the Sidewalk Sale.

Council Discussion – Request to make a donation to the Community Center fireworks display

Councilmember Littleton advised Council that he served on the Board of Directors for the Community Center; and, noted that they were hurting for donations like everyone else. He further advised that they would love to have the Town participate in their fireworks display; and, noted that it was a small town tradition. Mr. Littleton reminded Council that the Community Center was a community organization that did not make a profit. He reiterated that they needed assistance. Mr. Littleton advised Council that he agreed to advance the matter to see if there was money available in the Health Center Fund.

Mayor Davis asked whether the Town already gave money from the Health Center Fund, a portion of which went toward fireworks. Councilmember Snyder confirmed the Town made a general support donation annually to the Community Center, as well as for the fireworks. Town Administrator Schiro expressed his opinion that the Health Center Fund donation was \$2,500 annually. Councilmember Littleton asked whether there was a specific donation toward the fireworks display. Economic Development Coordinator Pearson confirmed it was a general donation. Mayor Davis reminded Council that this issue arose two years ago; and, at that time, the Council said the Community Center could use the money as it would, but that it was the Council's intention that a part of it be used toward the fireworks display. She expressed her opinion that the Center may not be acknowledging it as such. Ms. Davis noted that the donation also occurred in the fall; therefore, it may not appear that it was being given toward the fireworks.

Councilmember Shea asked how much Councilmember Littleton was seeking. Councilmember Littleton advised that they were looking for anything; and suggested \$500 would be great. Town Administrator Schiro advised Council that the Town had some money in the Economic Development Budget that could be used for this purpose if the Council wished to make a donation.

Councilmember Littleton reminded Council that the Community Center's 4<sup>th</sup> of July celebration was intended as a day-long event to bring people into Town. He noted that they would serve hotdogs; and offer events for the kids. Councilmember Patterson suggested that attendance may be larger this year since the event fell on a Saturday. Councilmember Littleton reiterated that it brought people into Town who did not have anything else to do or who could not afford anything else. Councilmember Patterson reminded Council that the Community Center was trying to follow the format set for the Doc Saffer events, which were sponsored by groups. She noted that the Center was also trying to take the event back to the time when it was the heart of the 4<sup>th</sup> of July for the area; and, an event to which everyone came. Ms. Patterson expressed her opinion that fireworks displays were generally a function of towns; and, that the costs usually come out of town budgets. She suggested that the donation from the Health Center Fund was a support of the

Community Center as a unit; and, noted that it was privately endowed. Ms. Patterson expressed her opinion that the fireworks display was similar to Christmas in Middleburg; and, suggested it was something that was a Town responsibility. She suggested that it made more sense to make a donation out of the Economic Development Budget for the fireworks display. Ms. Patterson noted that times were tight and that the Town was tightening its belt; however, she suggested this event was important for the citizens. Town Administrator Schiro confirmed a donation could be made from either the Health Center Fund or Economic Development Budget. Councilmember Shea asked for the donation amount the staff was proposing. She further asked how much was available. Town Administrator Schiro confirmed the Town could make a \$500 or larger donation if the Council desired. Councilmember Shea asked how much the fireworks display cost. Councilmember Littleton advised that the cost was \$7,000. He noted that the event was organized by volunteers. Councilmember Snyder advised Council that if they would approve a \$750 donation, he would donate an additional \$250. Councilmember Shea expressed her opinion that the 4<sup>th</sup> of July celebration was a huge community activity. She suggested that when times were hard, the Town needed to be supportive of events that supported the citizenry. Councilmember Snyder noted that both the citizenry and businesses depend on the event. Councilmember Littleton noted that families loved the event. Mayor Davis suggested that if the Town made a donation, it would be more for that reason since, other than a few restaurants, the businesses were closed.

Mayor Davis asked whether the Council was comfortable making a \$750 donation. Councilmember Patterson expressed her opinion that it would help tremendously. Councilmember Littleton advised that he would make sure that Councilmember Snyder's donation was noted. Mayor Davis asked whether the Community Center has seen much response from the flyers they sent to the business community seeking donations. Councilmembers Patterson and Shea noted that they did not receive one at their businesses. Councilmember Littleton noted that he signed four hundred letters soliciting donations.

*Councilmember Snyder moved, seconded by Councilmember Shea, that Council donate \$750 to the Community Center's fireworks display, said donation to come from the Economic Development Budget.*

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Murdock

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

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Council Update – Federal Street Sewer Back-Up - Turner Property

Town Administrator Schiro reminded Council that they requested additional information during the last meeting; and, advised that the details were provided in his written report. He reported that Ms. Turner's furnace was manufactured in 1996; and, installed in 1997 by Climatic. Mr. Schiro advised Council that he spoke with Sonny Swan, Vice President of Climatic, who indicated that the unit had been serviced annually since its installation; and, that it was operating fine up until this event.

Mayor Davis noted that she was absent from the last meeting; however, she read the discussion in the minutes. She further noted that she had spoken with the Town Administrator prior to the meeting. Ms. Davis acknowledged the Council's concerns about setting a precedent; however, she suggested that given the actions that have already occurred and the fact that the Town's

insurance had paid for a portion of the clean-up costs, she believed the Town has already accepted enough responsibility that it felt it needed to make things right. She noted that this was a traumatic and upsetting event for Ms. Turner; and, reminded Council that they were not talking about water damage. Ms. Davis expressed her opinion that the Town would not be setting a precedent by replacing the furnace if it had already cleaned the property. She suggested the need to make sure that the Council made it clear why it was replacing the furnace, if the Council approved it. Councilmember Shea agreed the Council needed to outline why it was replacing the unit so if another incident arose in the future, the Council would have a basis for making a decision on future clean-up costs. She noted the extent of the damage to Ms. Turner's property, the fact that it was sewage, and the fact that the Council had committed to helping Ms. Turner as a basis for the Council's decision to replace the furnace. She asked that it be placed on the record that the Town was not at fault in this instance; and, had no control over the cold weather, did not know the location of the main breaks or of the need to address the grease trap issue, which needed to be addressed. Councilmember Patterson asked that it also be placed on the record that the Council has discussed grease in the past; and, that there have now been threats made to sue businesses because of the assumption that grease was the major culprit. She suggested that residential grease could contribute to the grease problem in the mains as well; and, expressed her opinion that most of the restaurants already had grease traps. Ms. Patterson asked that it be placed on the record that the affected line was an old one, which the Town believed may contain breaks that it was working to find. She asked that the Council not just blame restaurants; and, reiterated that someone has threatened to sue her business. Ms. Patterson suggested that businesses not be placed in this situation because of something the Council said. She noted that the Town was pursuing grease traps; and, advised that while this was a contributing element to the back-up, it was not the sole element. Ms. Patterson reminded Council of the need to determine the issues with the line; and, noted that the Town was doing its due diligence. She agreed with the need to put it on the record as to what caused the back-up and that the Town could not be held responsible for everything; however, she noted that this was the Town's sewer system and it needed to be responsible to its customers. Ms. Patterson suggested that if a back-up occurred, the Town had a responsibility to ensure the affected property was cleaned and returned to its previous condition. She noted that Ms. Turner had a working furnace that was maintained properly; and, the unit no longer functioned properly due to the back-up. Ms. Patterson suggested that with that, she believed the Town needed to memorialize in writing why it was replacing the unit. She noted that the Town was implementing the pieces to protect itself; and, expressed hope that there would not be another sewer back-up in town. Ms. Patterson suggested, however, that if there was, she expected the Town would move forward in the same manner as it had in this one.

Town Administrator Schiro noted that he has been involved in a lot of sewer back-ups; and, advised that this was standard practice. He reminded Council that when municipalities' sewer systems backed-up, the general premise was that unless the municipality had been notified of an issue or problem that it ignored, it was not responsible. Mr. Schiro explained, however, that VML's Risk Management Division stressed that municipalities needed to get into the matter as quickly as possible; and, to mitigate damages as much as possible. He further explained that if the claim ended up in litigation, the municipality could then show it acted in good faith. Mr. Schiro reminded Council that he worked with the Risk Management Division as quickly as possible on this claim; and, followed standard protocol. He suggested that Middleburg was fortunate that it has not experienced sewer back-ups in the past. Mr. Schiro reminded Council that two other businesses were also involved in this claim. He advised that he would like to have the Town Attorney draft a hold harmless agreement that would indicate that the Town would no longer be responsible for the furnace if the Town replaced the unit. Councilmember Plescow noted that the Council was focused upon the furnace; and, suggested that the hold harmless agreement be expanded to cover any damage.

Councilmember Patterson noted that the VML Insurance Program had a written policy on how to handle sewer back-ups. She asked whether the Town followed the VML policy or whether it should have its own policy. Town Administrator Schiro noted that the VML had protocols in place; and, recommended that each instance be handled on a case-by-case basis as there were circumstances that vary with each incident. He reiterated that the VML has a policy and a limit on the amount it will pay on each claim; and, advised that VML spent \$20,000 on this back-up.

Council agreed to proceed with the furnace replacement, with the caveat that the Town secure a hold harmless release from Ms. Turner.

Councilmember Snyder asked where the Town was in determining whether there was any damage to the sewer main. Town Administrator Schiro confirmed the lines have been televised twice; however, nothing significant was found. He noted that the manholes were also examined for damage that could allow gravel to enter the system. Mr. Schiro confirmed they were looking upstream of the back-up location. Councilmember Shea asked about the timing of cleaning the manhole at the intersection of Madison/Federal in relation to the back-up. Town Administrator Schiro confirmed this was part of the issue. He reminded Council that the Town experienced two events at area businesses and jetted the line, with this particular sewer back-up occurring within the following day or so. Mr. Schiro advised, however, that when the line was jetted, the crews checked the entire length of the Federal Street main to make sure they did not simply move a blockage. He confirmed that they saw nothing; and, that the line was flowing freely. Mr. Schiro confirmed the combination of the cold snap and gravel and water in the line water, which froze, along with the pump station that kicked in, created the back-up, with the sewage taking the path of least resistance. Councilmember Shea asked whether VDOT was responsible for cleaning the storm drains in Town. Town Administrator Schiro confirmed they were; however, he explained that the storm sewer and sewer systems were not supposed to be connected. Councilmember Patterson noted that the storm drain cleaning occurred after the back-up event. Councilmember Snyder stressed that the storm sewer system should never affect the Town's sewer system.

*Councilmember Shea moved, seconded by Councilmember Snyder, that Council authorize the replacement of Ms. Turner's furnace, conditioned upon the Town getting a signed release from Ms. Turner.*

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Murdock

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

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#### Council Review – June 11<sup>th</sup> Meeting Agenda

Mayor Davis advised Council that the only action item on the agenda was the Zoning Location Permit for the National Sporting Library Project. She asked whether it was cut and dry. Town Administrator Schiro noted that he was not aware of any outstanding issues. He asked the Town Clerk whether there were any. Town Clerk North reminded Council that the only remaining item to be addressed was the sidewalk issue; and, explained that the sidewalk was currently shown on the site plan with the plan to remove it as soon as the Town worked out the payment-in-lieu-of-sidewalk fee ordinance. Councilmember Shea asked whether the approval was for the demolition permit. Town Clerk North confirmed that the HDRC had already approved the demolition permit. Town Administrator Schiro explained that the item before Council was for the approval of the Zoning Location Permit. Mayor Davis asked about the status of the sidewalk for this

project. Councilmember Patterson reminded Council that the site plan was approved by the Planning Commission prior to Council's consideration of the Zoning Location Permit. She explained that in order to approve the site plan, sidewalk was shown in front of the building as a trail. Ms. Patterson reiterated that the site plan was forwarded with a conditional recommendation. Town Clerk North advised Council that the conditions were that the landscape plan be reviewed by the Streetscape Committee and that the HDRC approve the demolition permit; and, noted that both conditions have been met. Mayor Davis inquired as to what building was to be demolished. Councilmember Littleton noted that it was the end of the building. Town Clerk North confirmed it was a 1950's addition that was reportedly in bad condition. Town Administrator Schiro noted that the staff was also checking the utilities to ensure there would be no affect as a result of the demolition. Councilmember Patterson reiterated that the sidewalk issue was removed by placing a trail on the site plan with the understanding that the Council was still working on that issue. Councilmember Snyder asked whether the sidewalk issue needed to be resolved prior to the issuance of the Zoning Location Permit. Town Administrator Schiro confirmed that the Council was only being asked to approve the Zoning Location Permit.

Town Administrator Schiro advised Council that he and the Mayor have met with representatives from Salamander; and, noted that the issues were covered in his report. He advised Council that the staff could not recommend switching the SCADA system to a GE system. Mr. Schiro noted that the plan was to visit a plant that operated using the GE system; however, the closest facility was in New Jersey. He suggested that this spoke volumes about the popularity of the GE System; and, reiterated that the staff could not recommend its use. Mayor Davis noted that to do so would be more expensive for the Town due to the inventory requirements. Town Administrator Schiro confirmed there would be an inventory issue due to the different manufacturer; however, he advised that there was also only one person in the Loudoun Water system experienced in the GE system. He advised that while that individual was not saying the system was bad, he was saying it was not what Loudoun Water was used to operating. Mr. Schiro reiterated that from an operations perspective, the system would be a problem as the Town would probably have to contract for tech support from GE since Loudoun Water would not be able to trouble-shoot the system. He reminded Council that this system would control the plant's membrane; and, advised that if it went down, the plant would quickly move out of compliance. Mr. Schiro explained that if the system stayed down, the bugs in the membrane would die, resulting in the need to re-start the plant. Mayor Davis asked whether Loudoun Water would be able to re-start the plant if the other system were used. Town Administrator Schiro confirmed it would. He noted that one of the representatives from Salamander has compared the SCADA system to optional parts on a BMW; however, he reminded Council that the SCADA system was not optional, but rather was a typical system that monitored the plant and recorded its operation. Mr. Schiro explained that if the system could not be tied into the plant, it could not monitor, log and record the records. He stressed that the Town was only seeking a system that would meet industry standards. Mayor Davis noted that she suggested that Salamander consider what would happen to their five star resort if the plant were to go down. She noted that the Town was not seeking a top of the line system - it was only seeking an item that was needed to operate the plant. Town Administrator Schiro noted that he was hopeful the Town could make the GE panel work; however, he did not want to spend the Town's money to do so. He advised that after researching the system, it was determined that the GE system would cause problems for the Town.

Councilmember Littleton asked about the cost of the alternate system. Town Administrator Schiro advised Council that Salamander has indicated that it would result in an \$80,000 change order. He noted, however, that Salamander did not have the Town's signature on the submittals for the system prior to ordering it. Mr. Schiro advised that there was not a large cost difference between the GE and the Allen Bradley system the Town was seeking. He explained that the problem was that Salamander authorized the fabrication of the membrane utilizing the GE

system; and, would be hit with change orders. Mr. Schiro reiterated that the Allen Bradley control panel was the system used by Loudoun Water, as well as other PLCs. He noted the need for the system to communicate and interface with others. Councilmember Shea asked whether Salamander would really be out \$80,000 for the change order. Town Administrator Schiro noted that this was what they were saying. Mayor Davis reminded Council that had the Town been shown the submittals before Salamander ordered the system, which was the procedure, the Town would not have approved it. Councilmember Snyder recommended that Salamander be put on alert that if they proceed, they would be putting a \$5 million investment at risk because the Town would not accept it. Mayor Davis reminded Council that the Town did say it was willing to look at the GE System. She advised that when the representatives from Salamander were told that the Town had been waiting for a couple of weeks to look at a sample system, they were not aware that no one had pursued the review from their end. Councilmember Shea expressed her opinion that there was not much discussion to be had as the Town could not accept the GE system. Councilmember Littleton agreed; and, noted that if the Town had been informed prior to ordering the system, it would have said no and there would have been no additional cost to Salamander.

Councilmember Shea noted that the Town Administrator's report indicated that Salamander has agreed to advance the operational costs for the wastewater treatment plant as long as they could get a credit against future billings. She asked whether this credit would be at the full rate. Town Administrator Schiro advised Council that he had come up with some calculations; and, advised that they were thinking of a \$1 for \$1 credit, with the credit being spread out over three years. Mayor Davis explained that the Town shared that their biggest concern about the delay in opening the resort was that the Town did not want to raise rates for its customers during this period because of the need to operate a larger plant. She further explained that she shared with Salamander that if the Town were to raise its utility rates, the citizens who have supported Salamander in the past may be very unhappy. Ms. Davis noted that they asked if there was a way to work something out that was agreeable to all. She reminded Council that the plant's operating costs have been projected at \$120,000 a year, or \$10,000 a month. Town Administrator Schiro confirmed this was a cash flow issue for the Town; and, noted that the Council needed to keep the cash flowing so it would not have to increase rates. He calculated that the Town would receive \$230,000 annually in utility fees from Salamander once they were on-line; and, suggested that a three-year repayment plan would keep the Town in the black. Mayor Davis noted that this equated to a \$3,800/month credit; and, suggested it was fair for both the Town and Salamander. Councilmember Snyder noted that he was under the impression that Salamander would need some water prior to the resort's opening. He expressed hope that a credit would not be granted for everything they paid. Town Administrator Schiro confirmed that Salamander would pay for the water they would use. Mayor Davis noted that the \$120,000 would basically be a loan. Councilmember Patterson reminded Council that the fact that Salamander was willing to write a check was a huge statement; and, suggested that people would be more confident that the resort would open. Mayor Davis advised that Salamander did want to make things work. She noted that there was an issue with the control panel; however, she suggested the need to look at both sides of the issue. Ms. Davis reiterated that Salamander has expressed a willingness to work with the Town. She advised that she did not know for sure whether this has been approved by Dr. Johnson; however, she expressed hope that it would happen.

Councilmember Littleton asked whether Salamander has spoken with their engineers about the error in ordering the equipment without Town approval. Town Administrator Schiro confirmed this was one option they were investigating. Councilmember Snyder agreed the situation was the result of a procurement defect. Councilmember Littleton expressed his opinion that there were at least a dozen times when someone within the Salamander organization, such as the engineer, contractor, or design team, should have asked whether the Town has approved this system.

Councilmember Snyder advised Council that it was his expectation that once Salamander was fully operational, the Town would have less rate pressure on the remainder of its customers. He further advised that he would like to resolve this issue to ensure that improvements, to the extent the Town was reasonably able, were made to the system so the Council could then look at a rate reduction. Mayor Davis agreed; and, noted that she would like to reduce the 6% rate increases. Councilmember Snyder noted that the rate reductions may not be possible; however, he noted the need to at least put some money in a reserve for capital improvements. Mayor Davis expressed hope that the Town could reduce its rates some. Town Administrator Schiro confirmed that Salamander would have a significant impact on revenues. Councilmember Shea recommended that this goal be reflected in the Town Council goals she was working on. She reminded Council that everything changed with the economic crisis; and, suggested the need to look at the goals differently. She reiterated the need to put the rate reduction in the goals. Councilmember Snyder noted the need for a capital replacement plan for the utility system. He expressed his opinion that when a future Council had to decide how to replace one of the treatment plants, it would not be as hard if a plan were in place. Mayor Davis reminded Council that they have said that they wanted to put an annual capital improvement plan in place. Councilmember Shea reiterated that she would put this in the Council's goals.

### Discussion

Councilmember Patterson advised Council that her business has been participating in the Farmers Market; and, suggested the need for a meeting between the participants and the Economic Development Coordinator to talk about its survivability. She explained that there were issues associated with the current situation, including how the market was operated. Ms. Patterson advised Council that the market has lost some of its long-time vendors; and, explained that Loudoun Valley HomeGrown Markets Association (LVHMA) was now charging a three percent (3%) fee on all sales, in addition to the application and market set-up fees. She noted that for some vendors, 3% was all they made. Ms. Patterson advised that this was the first weekend she participated in the market; and, while it was a good weekend for her, the rest of the vendors said it was slow. She suggested the need for a Council work session discussion or that the Economic Development Coordinator bring recommendations forward to Council. Councilmember Shea expressed her opinion that this matter needed to be discussed by the Council. Councilmember Snyder expressed his opinion that the LVHMA was getting out of hand; and, noted that the market's application form was incredibly long. He suggested they were also charging too much. Mr. Snyder expressed his opinion that an alternate organization was needed to operate the market. Councilmember Patterson noted that Lovettsville and Sterling were handling their own markets. Councilmember Snyder recommended the market be self-organized and self-policed. Councilmember Plescow agreed. She asked what Middleburg would have to do to disenfranchise from LVHMA. Councilmember Patterson noted that Middleburg would have to withdraw from the organization. She advised that liability insurance would be the important issue; and, advised that all of the vendors had their own liability insurance. Economic Development Coordinator Pearson noted that LVHMA named the Community Center on their insurance. Councilmember Patterson advised Council that her business' liability insurance held the LVHMA harmless in the event that someone was to get sick from eating her food. She reiterated the need to talk to other organizers to determine how they handle their markets. Ms. Patterson noted that the Town must sponsor the market or the vendors would be required to purchase business licenses. Councilmember Snyder recommended the organization itself be licensed; and, reiterated his hope that the market could be self-organized.

Mayor Davis asked whether this could be implemented this year. Economic Development Coordinator Pearson reminded Council that advertising was a big issue.

Councilmember Patterson advised Council that she was approached three weeks ago and asked to participate in the market as a bakery. She explained that in addition to the \$25 application fee, she must pay \$20/week for the market space. Ms. Patterson noted that the application was twenty-five pages long, with six pages requiring completion for a business that already had a health permit. She advised that when she was asked if she could bring coffee to sell or hand out, she was told no. Ms. Patterson suggested that the LVHMA's application and regulations were so stringent that other vendors have declined to participate in the market. She noted that she was also told that she could not use olive oil as a dipping sauce for her bread samples, as she did not produce the olive oil. Mayor Davis described an incident in which a Middleburg woman was told that she could not sell her home-made salsa at the Farmer's Market because she did not personally grow the tomatoes used in the salsa. Councilmember Plescow noted that one popular vendor has been blocked from participating because he did not personally grow all of his produce. Councilmember Shea expressed her opinion that there were problems with the limitations that have been imposed; and, noted that coffee and olive oil limitations were only part of the problem. She expressed her opinion that the market could be larger if the restrictions did not require everything to be home-grown.

Councilmember Littleton noted that he was hearing the Council say they wanted the LVHMA removed from the market's operation. Councilmember Plescow asked whether the Town could withdraw mid-year. Mayor Davis suggested that if it could not that it simply start its own. Councilmember Patterson noted that the vendors did not have a contract with LVHMA – they simply paid a fee. Mayor Davis suggested the Town could start its own market; and, let people chose which one they wished to use.

Councilmember Patterson noted that she has been told that she must pay 3% of her weekend profits within twenty-four hours of the market; however, she has not been told to whom she should make her payment. She advised that this amounted to \$5.75 for the weekend on her gross receipts.

Councilmember Shea suggested that the only way to make the market appealing for the vendors was to have the community's support. She further suggested that the only way to have the community's support was to have enough vendors. Councilmember Plescow noted that she was familiar with someone who has volunteered to play music during the market. She suggested the market be made a destination. Councilmember Snyder advised Council that his goal was to support the market; however, he would like to minimize revenue. Councilmember Patterson suggested that the only cost would be the Economic Development Coordinator's salary; and, noted that this was why the Town had that position. Councilmember Snyder agreed. He suggested the need for an organization to deal with the Health Department and any other State issues that needed to be addressed; and, who could keep the vendors from fighting. Mayor Davis expressed her opinion that this was the same type of situation as existed with the fireworks event; and, explained that it was something that was for the community. She noted that this was not about making money for the Town, but rather was to make this activity work. Councilmember Plescow suggested that if the market became a destination, visitors would go into town for lunch or shopping. Councilmember Patterson noted that, under the LVHMA regulations, she could not put her restaurant's menu on her Farmers Market table.

Councilmember Littleton expressed his opinion that the Council was in agreement with the need to replace LVHMA. Councilmember Patterson reiterated her opinion that the Economic Development Coordinator should research other farmers markets and their requirements, as well as whether the Town could disenfranchise from LVHMA this year. She noted that she could get major vendors immediately. Mayor Davis suggested that even if it were to cost the Town a slight fee, they should do it to make the market better. Councilmember Patterson expressed her opinion

that the Town would recoup its costs through increased business license receipts if the restaurants participated in the market. Mayor Davis asked that the Town deal with this matter quickly; and, suggested that, if necessary, the Economic Development Coordinator could e-mail the Council or the Council could hold a special meeting. Councilmember Shea recommended that Councilmember Plescow serve as the liaison between the staff and Council. Councilmember Plescow agreed to serve in this capacity. Councilmember Snyder noted that the Council could meet if needed; and, noted that it could not delegate everything.

Councilmember Snyder noted the letter to Chief Webber from David Crandall, Criminal Investigator with the Loudoun County Sheriff's Department, regarding the Middleburg robberies. Mayor Davis advised Council that she planned to read the letter during the upcoming Council meeting.

There being no further business, a motion was made to adjourn the meeting at 8:59 a.m.

APPROVED:

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Betsy A. Davis, Mayor

ATTEST:

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Rhonda S. North, MMC, Town Clerk