



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, July 9, 2009
Town Office, 10 W. Marshall Street
6:00 PM



PENDING APPROVAL

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Lisa Patterson
Councilmember Judith Pryor Plescow
Councilmember Mark T. Snyder

STAFF: Jerry M. Schiro, Town Administrator
Rhonda S. North, MMC, Town Clerk
Elizabeth D. Whiting, Town Attorney
David M. Beniamino, AICP, Town Planner
Steven Webber, Chief of Police
Cindy C. Pearson, Economic Development Coordinator
Debbie J. Wheeler, Town Treasurer

ABSENT: Councilmember Kathy Jo Shea

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, July 9, 2009 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m. She led Council and those attending in the Pledge of Allegiance to the flag.

Public Comments

Mike Morency, the owner of a house in Middleburg on Reed Street, appeared before Council regarding the Dominion Power transmission line upgrade that was proposed between the area southeast of Gilberts Corner and the Middleburg substation. He reminded Council that the existing line was 115kV; and, explained that Dominion was proposing to increase it to two circuits – one of which would be 115kV and the other of which would be 230kV. Mr. Morency explained that this was being proposed in order to provide redundancy in the provision of power. He advised Council that the reason he was appearing before them was because Dominion was proposing to replace the existing fifty-five foot tall power poles with one hundred ten foot tall steel poles that would mar the Town's appearance. Mr. Morency reminded Council that the existing power line crossed land located next to several wineries and farms; and, suggested the new lines would be seen from a great distance. He advised that Dominion would file their application in September; and, noted that there was ample time for comments from the property owners and Town, if the Council wanted to make one. Mr. Morency suggested there was a need for a second circuit; however, he expressed his opinion that it appeared to be over-engineered. He further suggested that there may be an opportunity to handle this project under Dominion's pilot program for underground utilities. He expressed his opinion that at the very least, if Dominion lowered the voltage on the second circuit, the poles could be shorter and the visual impact mitigated.

Joe Millehram, of Over the Grass Barn, appeared before Council to present a petition in support of holding the Middleburg Farmers Market on South Madison Street. He noted that some merchants may be concerned about closing the street; and, advised that the vendors' proposal was to leave the street open and to use one side and the sidewalks for the market so it would not block the entire street.

Troya Plaskitt, of Nobel Nielsen Shoes, advised Council that she was approached about closing the street; and, suggested that it was always Madison Street that was proposed for closure. She noted that she has paid someone to keep her store open three times for the Bluemont Concert Series; however, it only resulted in one purchase and lots of people seeking to use the restroom. Ms. Plaskitt advised that she also loses her parking prior to the event. She expressed her opinion that the farmers market was fantastic; and, noted that everyone enjoyed it. Ms. Plaskitt advised that it was a wonderful experience, during which the merchants had a good time. She suggested that it was one of the few times when the street closure was a nice experience; and, advised that the Bluemont Concerts were not nice experiences. Ms. Plaskitt advised Council that she has agreed to offer a ten percent discount for patrons during the Cancer Walk; and, explained that she wanted to prove how little sales this event would bring. She noted that she was willing to do anything; and, often donated toward auctions. Ms. Plaskitt suggested the need to look at why Madison Street was always proposed for closure. She further suggested that the Town look at other streets or open land. Ms. Plaskitt asked that Council consider the fact that it was always Madison Street proposed for closure. She expressed surprise at how well the farmers market worked; and, suggested that if they only used half the street for the market, the remainder could be used by vehicles utilizing a u-turn pattern. Ms. Plaskitt noted the need for the local Boy Scouts to earn Eagle Scout badges; and, suggested they be approached about helping out as a community service project. She reiterated her suggestion that the Council consider closing other streets.

Punkin Lee, the owner of Journeymen Saddlers, agreed with Ms. Plaskitt; and, advised that while she did not attend the farmers market, people were excited. She suggested that, in regard to the suggestion of moving it to South Madison Street permanently, the Council should also consider that it was closed for five weeks for the Bluemont Concerts. Ms. Lee expressed concern that if the street were closed during the day for the farmers market and then again in the evening for the concert, business would go away. She reiterated that if the street was closed consistently for the market, it would not be a good thing. Ms. Lee expressed her opinion that closures should be reserved for certain days. She expressed concern that the closures were hogging business time; and, advised that while some may get business, others may not. Ms. Lee advised Council that when event notices were placed on the parking meters, the tempo of business changed. She suggested the need to also consider through traffic from Landmark School Road and events at Glenn Wood; and, noted that there were a lot of factors that have not been considered in fairness to others who use Madison Street. Ms. Lee suggested that when hunting began in September, the horse trailers would not be capable of making a u-turn. She reiterated that there were more factors that should be considered.

Sonny Underwood appeared before Council on behalf of himself and his wife. He advised that if the Council approved the Madison Street closure, they may as well close the pharmacy as their elderly patrons would not be able to get to it. Mr. Underwood explained that they could not give drugs to kids to deliver to cars; and, advised that when people paid for their medicine, they did not want to wait in their vehicles for their change. He further explained that there were also issues associated with the Privacy Act. Mr. Underwood asked what was wrong with using Pendleton Street or the church parking lot; and, noted that the Town held lots of events on Madison Street. He expressed his opinion that everyone knew where the farmers market was located; and, suggested that to change it was wrong.

Phil Thomas, Blue Ridge Avenue, reminded Council that he has owned a real estate office on the corner of Madison and Washington Streets since 1967. He suggested that he has seen more personal use of a public street; and, advised that he could not get to his office during those events. Mr. Thomas explained that he did not work from 9:00-5:00; and, advised that in the real estate business, work was done after hours and on weekends. He further explained that when the access to his business was blocked, he couldn't work. Mr. Thomas advised that he did not know what VDOT would say about blocking the road; however, he reiterated that he was not in favor of it. He further advised that the gentleman who owned the frame shop was also not in favor of it; however, he was unable to appear this evening. Mr. Thomas asked that Council please look at the big picture.

Councilmember Murdock advised Council that she would like to discuss the Dominion power line issue under "Discussion Items".

Vice Mayor Kirk noted that she would like to propose the use of South Pendleton Street for the farmers market; and, advised that she would hold that to the discussion item. She noted that South Pendleton Street did not contain offices and retail businesses to which people would like to gain access.

Special Recognitions by Mayor and Council

Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council adopt a Resolution of Appreciation recognizing the Middleburg Business & Professional Association, Middleburg Beautification & Preservation, Inc. and Middleburg Garden Club for their donation toward replacing the Town's welcome signs.

Vice Mayor Kirk read the resolution aloud.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Patterson, Plescow, and Snyder
No – N/A
Abstain: N/A
Absent: Councilmember Shea
(Mayor Davis did not vote as there was no tie to require her vote)

Mayor Davis presented a framed photograph of the Town's new Welcome Sign and copy of the resolution to representatives from each organization. She thanked them not only for their donation toward the sign, but for all they did for the community.

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the June 8, 2009 Work Session; June 11, 2009 Regular Meeting; and June 25, 2009 Work Session meeting minutes as presented and amended.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Patterson, Plescow, and Snyder
No – N/A
Abstain: N/A
Absent: Councilmember Shea
(Mayor Davis did not vote as there was no tie to require her vote)

Staff Reports

Town Administrator Schiro reported the infrastructure work has been completed on the Marshall Street Water Line Project, with the old line being abandoned earlier in the week. He reminded Council that the contractor ran into several problems when he first tried to disconnect the line; however, they finally completed the work. Mr. Schiro advised that the only remaining work was the final asphalt overlay. He reminded Council that VDOT has agreed to replace the curb from the Safeway parking lot to the intersection of Madison Street. Mr. Schiro further reminded them that as he reported earlier, the Town would hold off on the restoration of the asphalt in the Marshall/Madison Street intersection where the Town was doing pedestrian improvements. He advised that the remainder of the asphalt restoration would be completed within the next several weeks.

Town Administrator Schiro reported that the work on the water and wastewater treatment plants was progressing. He advised that the Town and Salamander have worked out their differences related to the control issues and SCADA System. Mr. Schiro reported that he and the Mayor met with the Secretary of Natural Resources and Director of the Department of Environmental Protection earlier in the week to discuss the grant application the Town submitted under the stimulus program to assist with cost overruns at the wastewater treatment plant. He advised that while they received no solutions, they did come away with an understanding of the funding process and a pledge from the State to work with the Town to find a solution and possible funding. Mr. Schiro advised that he was not sure the funding would be through conventional programs. He noted that this item would be discussed again at a later date.

Vice Mayor Kirk noted that she received a call from Helen Hyre regarding the concerns she expressed to Council earlier this year. Town Administrator Schiro confirmed that he received a complaint of noise at the water treatment plant; and, advised that the masons had started work early. He reported that he has spoken with the contractor, who has stopped the early starts. Vice Mayor Kirk noted that she received a lengthy e-mail from Ms. Hyre asking questions related to the status of the buffering. Town Administrator Schiro advised Council that the buffering would be installed this fall. Vice Mayor Kirk noted that Ms. Hyre was complaining about the appearance of the building. Town Administrator Schiro confirmed the plant would have a façade. Vice Mayor Kirk suggested it would be nice if the snow fence could be removed. She noted that Ms. Hyre has experienced problems with her dogs due to the noise. Town Administrator Schiro advised Council that he would respond to Ms. Hyre.

Councilmember Murdock thanked the Town Administrator for his letter to the Fire Chief regarding a recent event. She advised Council that she received an e-mail from the affected property owner who was very appreciative of Charlie Triplett's response. Ms. Murdock noted that Mr. Triplett had his cell phone on twenty-four hours a day; and, responded to problems immediately. Town Administrator Schiro advised Council that he received a call from the Fire Chief, who assured him that he would look into this matter. Councilmember Murdock expressed a need to address protocols. Councilmember Snyder expressed hope that all first responders could coordinate with the utilities contractor. Councilmember Murdock reminded Council that she was told by one of the firefighters that "they were not the Town's utility department". She expressed her opinion that Loudoun Water's response was great.

Councilmember Murdock noted that the number of parking tickets issued was high; and, advised that she has heard a lot of complaints. She further advised that her answer was to put money in the meter; and, there would be no problem. Ms. Murdock expressed her opinion that a roll of quarters was cheaper than a parking fine. She expressed sorrow that the Town's employees must take flack for handling these violations.

Councilmember Murdock asked the purpose of Blue Ridge Hospice having an office in Middleburg. Economic Development Coordinator Pearson reported that the office was for the nurses to use to work on their charts and answer the phone, not to see patients. Mayor Davis reminded Council that Blue Ridge Hospice did service the Middleburg area. Councilmember Murdock asked whether this would be an administrative office. Economic Development Coordinator Pearson confirmed it would.

Town Planner Beniamino reported that it had been a relatively slow month from the standpoint of official actions as the Planning Commission did not meet. He noted that while the Town has encountered a slowdown in construction, there was a lot of busy work resulting from individuals who were investigating properties. Mr. Beniamino suggested the Town could receive three rezoning requests, as well as site plans, in the future.

Vice Mayor Kirk asked the Town Treasurer to check on the parking meter receipts identified in the June report; and, noted that the report indicated revenue of \$3,374 versus last year's revenue of \$12,530. She further asked whether the Town really made \$12,000 in one month. Town Treasurer Wheeler confirmed that she double checked this figure. She suggested it may have been the result of two months worth of revenue being reported on last year's report. Mayor Davis noted that the Council just received the Treasurer's Report; and, suggested that they call Ms. Wheeler if they had any questions. Councilmember Snyder noted that he had already reviewed the report; and, was surprisingly pleased as the numbers were better than expected.

Town Attorney Whiting reported a quiet month from a Middleburg perspective.

Town Administrator Schiro reported that given the rainfall for the month of June, the wastewater treatment plant exceeded its design capacity; therefore, the Town would get a notice of violation.

Reports of Town Committees

Councilmember Snyder reported that he has asked the Town Administrator to schedule a work session discussion on the plan for capital improvements to the utility system, including where the Town was, where it should be, what it was doing; and, what it wanted to do.

Action Items (non-public hearing related)

Council Approval – Nanette's Walk - Cherry Blossom Breast Cancer Fund

Jim Atkins, Founder of the Cherry Blossom Breast Cancer Fund, advised Council that the Fund has conducted two successful events in Middleburg. He reminded them that all proceeds benefited local women. Mr. Atkins noted that they have been used to help low-income women receive mammograms; as well as for hospice care and counseling for newly diagnosed women. He noted that they also provided funding to research the eradication of the disease. Mr. Atkins advised Council that this year's walk would occur on Sunday, September 27th; and, noted that they expected more participants. He explained that in order to accommodate the increased walkers, to enhance the event's exposure to the public and to increase the partnership between the Fund, Town and business community, they would like to use Madison Street for the start of the walk. Mr. Atkins noted that they would travel two miles to Federal Street and then to the Hill School; and, would end on Madison Street. He noted that there were three businesses that were open on Sunday; and, advised that all have agreed to the closure. Mr. Atkins advised that Nobel Nielsen Shoes has even offered a discount, which they would use to track business from the event. He stressed that the objective of the street closure was to increase business. Mr. Atkins noted that Chief Webber has suggested a modification to the starting time; and, advised that they would start at 10:00 a.m. and complete it by 3:00-4:00 p.m.

Mr. Atkins advised that he was also seeking the Town's participation in the Paint the Town Pink portion of the event; and, noted that it was successful last year. He reminded them that donation boxes were placed in stores for the entire month; and, the meters were bagged for the weekend with a message waiving the parking meter fees and directing motorists into the businesses to deposit the proceeds into the boxes. Mr. Atkins commended the Middleburg Business & Professional Association for their assistance; and, advised that they collected \$600 for the entire month last year. He noted that this year, Teri O'Dowd would lead that effort.

Councilmember Murdock noted that Mr. Atkins heard the previous discussions regarding the closure of Madison Street. She asked whether he had a response to the comments. Ms. Murdock further asked whether there was another location for the start of the walk that would work as well. Mr. Atkins advised that they could use any street that went into Washington Street; and, explained that they wanted to be within the core of the Town where people were located. He noted that the previous venue in the parking lot at the Hidden Horse had grown too small.

Councilmember Murdock suggested the use of the Middleburg Bank parking lot. Vice Mayor Kirk reminded Council that only three businesses were open on Madison Street on Sundays; and, noted that they have their support. Councilmember Littleton reminded Council that the real estate office was also open on Sundays. Mr. Atkins expressed concern that if the event were located off Washington Street, it would not get as much participation. Councilmember Murdock expressed her opinion that the participants signed up in advance of the event. She asked how many walkers drove by and said "let's walk". Mr. Atkins confirmed that many walkers sign up on the day of the event. Councilmember Murdock expressed her opinion that it was not like the farmers market in which someone would see the market and say "let's stop to shop". She suggested that the walk had a reputation; and, that people would come without the need to put it out front. Mr. Atkins conceded that this may be the case; however, he noted that they did need more space. He suggested it would probably be fine by the Methodist Church; however, he explained that he thought it would be better to have it on Madison Street. Mr. Atkins advised that any street that fronted Washington Street would be a benefit. Mayor Davis reminded Council that the event would occur on Sunday when there were church activities. Councilmember Murdock noted that the bank and post office were closed on Sunday. She asked whether Federal Street would be shut down as well for the walkers. Mr. Atkins confirmed it would. Councilmember Murdock suggested that if the Middleburg Bank would approve the use of their parking lot, the walkers could easily walk up Federal Street to the Hill School. Mr. Atkins explained that he liked the exposure to Washington Street. He advised that if the bank and post office approved, their parking lot would be okay. Councilmember Littleton noted that the bank parking lot did have access onto Route 50. He suggested it would also have more square footage than was available on Madison Street.

Mayor Davis asked what was being done that was different from last year's event; and, noted that in the past it ended by lunch. Mr. Atkins expressed his opinion that they would actually be done by 2:30 p.m. and noted that he was including a buffer. He reminded Council that the walk was also starting later than last year; and, explained that he hoped to avoid scheduling conflicts by moving the event to a Sunday afternoon. Mr. Atkins expressed his opinion that more people would participate due to the different date and time. He noted that they would start the registration at 12:00 noon and the walk at 1:00 p.m. Mr. Atkins reiterated that the walk was only two miles; and, suggested they would be done quickly. He advised that the street would not be used except by event walkers and watchers; and, noted that the registration tent would be located on the sidewalk. He further noted that the trailer would take up a couple of parking spots; and, would be moved quickly.

Councilmember Littleton asked whether Mr. Atkins would have a problem moving the event if the bank and post office agreed to the use of their lot. Mr. Atkins confirmed he would not. Councilmember Snyder suggested this location made sense.

Councilmember Murdock asked about the approval for the bagging of the parking meters. Mayor Davis reminded Council that motorists did not feed the meters on Sundays. Mr. Atkins confirmed that he wanted to bag them on Saturday as well. Councilmember Snyder advised that he was fine doing this again; and, noted that they did so last year. Mr. Atkins confirmed the bags would be placed on Friday and removed on Sunday. Councilmember Murdock inquired as to the amount of revenue lost by the Town. Councilmember Plescow reminded Council that it was estimated at less than \$200 last year.

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council approve the request dated July 1, 2009 from the Cherry Blossom Breast Cancer Fund related to the use of a site to be determined and the bagging of parking meters associated with the Nanette's Walk event to be held September 27, 2009.

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

No – N/A

Abstain: N/A

Absent: Councilmember Shea

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

Mr. Atkins advised Council that he would seek permission from the bank and post office tomorrow to use their property; and, would report back to them. Councilmember Littleton advised Mr. Atkins that he could use the back of his property.

Discussion Items

Farmer's Market

Councilmember Plescow reminded Council that the farmers market was moved to South Madison Street this past Saturday; and, advised that it was wildly successful. She asked that Council consider making the move a permanent one. Ms. Plescow further asked that Council approve holding the market on South Madison Street again this coming Saturday so people could see how successful it would be. She asked that the Economic Development Coordinator provide a report on her findings.

Economic Development Coordinator Pearson advised Council that she has placed a report on their desks outlining the merchant's comments. She noted that the majority were in favor of the move, with a few expressing concerns. Ms. Pearson advised that the owner of Lil's Grape Vine was okay with the relocation. She noted that Ms. Reuter of the Red Fox Inn indicated that her guests were happy to go out to the farmers market. Ms. Pearson reiterated that there were a lot of good comments; however, there were also a lot of concerns. She noted the need to work with VDOT to meet their requirements for a road closure. Ms. Pearson further noted the need to be considerate of the events at the Hill School; although, they have another access. She reminded Council of the hunt races held later in the year that use Madison Street; and, reiterated that there were concerns. Ms. Pearson expressed her opinion that the farmers market held on the 4th of July was a lovely day.

Councilmember Snyder asked what would be lost by moving the market to Pendleton Street. Councilmember Patterson explained that the trees would be lost. She expressed her opinion that no vendors would participate in the market if it were held on South Pendleton Street. Sally Bolton, one of the vendors, suggested the location would be too hot; and, would ruin the produce. Mayor Davis asked how this was handled in the past. Economic Development Coordinator Pearson confirmed the area was tented.

Vice Mayor Kirk advised Council that she spoke with the owner of Lil's Grape Vine; and, advised that she did not like the road closure, nor were her customers happy. She explained that she would not be in favor of moving the market to South Madison; and, noted that many individuals use the street to get their medicine and travel to the doctor's office. Ms. Kirk advised that she liked the idea; however, she could not support it at this location.

Councilmember Murdock noted that she has spoken with Chief Webber regarding the diagonal parking system that was used for the Christmas in Middleburg event, which was very effective. She advised that they plan to study whether a portion of the street could be used for diagonal parking that would serve the doctor's office and pharmacy; and, noted that last weekend half of the street was not used by the market. Ms. Murdock expressed her opinion that a quarter of the street could be used for diagonally parking; and, noted that this would allow for a travel lane. Chief Webber reminded Council that South Madison was closed for use as handicapped parking for the Christmas parade. He noted that a diagonal parking configuration was used for this event. Councilmember Murdock asked whether more spaces could be provided if two-way traffic were eliminated. Chief Webber confirmed it could. He noted, however, that it would be a different situation if the Council wanted to leave the road open. Councilmember Murdock recommended that one entrance remain open. Chief Webber suggested that VDOT may not allow this configuration. Town Administrator Schiro expressed his opinion that VDOT would not allow it; and, advised that he did not know whether they would allow the entire street to be shut down for twenty-six consecutive weeks. Councilmember Patterson reminded Council that the Town already closed South Madison Street at night during the summer for the Bluemont Concerts for five consecutive weeks. Town Administrator Schiro reminded Council that VDOT required a permit to shut down the streets. He explained that they have been casual with this requirement for one-time events such as the Breast Cancer Walk; and, noted that they have said nothing about the Bluemont Concerts. Mr. Schiro advised Council that when this prospect was raised, he spoke with officials from VDOT who indicated the need for a permit. He suggested that once this was on VDOT's radar, the Town may need permits for other events. Mr. Schiro reminded Council that these were not Town streets, but rather were VDOT's. He further reminded them that VDOT has requirements for closing a street, such as traffic control and detour provisions.

Councilmember Plescow noted that the Town Planner was arranging a meeting with VDOT to learn of their requirements. She advised that she had heard of the need to place a police officer on either end of the street; however, she reminded Council that this was not done for the Bluemont Concerts. Ms. Plescow noted that VDOT used flagman when closing streets; and, suggested that the members of the Farmers Market Committee become certified flaggers. She reminded Council of the time they spent last year developing their Vision Statement. Ms. Plescow further reminded them that the statement related to the support of the Town businesses and making Middleburg a thriving place. She advised Council that what she was hearing was to push the market back behind the Community Center, away from the core downtown area. Ms. Plescow expressed her opinion that the Council should be drawing it into the center of Town. She expressed an understanding of the challenges associated with the proposed location; however, she suggested that just because something was a challenge, this did not justify not being willing to try it. Vice Mayor Kirk reminded Council of the Town Administrator's point that by going to VDOT, the Town may make it more difficult to briefly shut down the street. She noted that she was not saying don't do anything; however, she was not sure Madison Street was the

answer. Councilmember Littleton suggested the staff get VDOT's reading of the situation; and, suggested this may solve the problem. He expressed an understanding that thirty to forty percent of those businesses on the street have parking needs; and, reminded Council of the need to provide for emergency access. Mr. Littleton suggested there were some considerations.

Town Attorney Whiting suggested the Economic Development Coordinator check with the Events Coordinator for the Town of Leesburg on how they handle road closures. She noted that Leesburg maintained its own streets and could shut them down; however, she advised that their street engineering division was uncomfortable with deviations from VDOT's standards. Ms. Whiting suggested it was worth making an inquiry to determine if they met VDOT's standards and the cost to the Town to do so. She expressed her opinion that if the Town brought VDOT into the picture, once involved, they would require the Town to go by the book. Ms. Whiting expressed her opinion that the Council may not want to proceed without conducting a background investigation; and, reiterated that she was certain that Leesburg went by the book.

Town Planner Beniamino advised Council that he has held a conversation with Howard Massie, of VDOT; and, noted that Councilmember Plescow has challenged him to make sure the staff got the necessary information. He advised that Mr. Massie promised to get back to him by the end of the week regarding a date for a meeting with him and his supervisor. Mr. Beniamino noted that Mr. Massie did tell him that if there was an alternate location to hold the event, this would be a large consideration in deciding whether to approve the closure. He expressed his opinion that the meeting would be scheduled for the coming week; and, noted that he would invite Councilmember Plescow.

Vice Mayor Kirk clarified that she was not against moving the farmers market; however, she did not believe Madison Street was the answer. She expressed her opinion that there were other streets off Route 50 that would be better. Mayor Davis reminded Council that the market used to be located behind the bank. Ms. Bolton advised Council that the bank shut down the use of that lot. DeeDee Hubbard reminded Council that the bank was now open on Saturdays. Councilmember Murdock reiterated that the farmers market was a huge success; and, advised that she didn't know whether this was attributed to the fact that it was the 4th of July weekend. She noted that there were many shoppers. Ms. Murdock reminded Council that the point of the farmers market was to bring people into Town. She advised Council that she spoke with a couple from Old Town who were trying to get to the farmers market in The Plains; and, she told them they should go to the one in Middleburg. Mr. Millehra advised Council that the residents were standing around; and, expressed his opinion that the event resulted in a feeling of community. Councilmember Murdock agreed the event was successful; however, she advised that she hated to shut down a street without doing her homework. She noted the need for the event to be successful for the entire community.

Councilmember Patterson advised Council that she used to being cornered on the street by residents who told her what was wrong with the Town; and, suggested it was normal to point out the negatives rather than the positives. She further advised that she had three citizens seek her out to thank her for putting the market on Madison Street; and, to thank her for doing something that brought the community together for the first time in twenty years. Ms. Patterson suggested that if another location could be found that allowed for this, it would be wonderful; however, she noted that there were a lot of features associated with Madison Street that did not exist elsewhere. She expressed her opinion that those who were not present last weekend did not understand the difference in the vibe and sense of community that existed. Ms. Patterson reminded Council that they talked about the key to the Vision being community and doing something for the community; and, advised that this was the first positive thing she has seen since she moved back to Middleburg. She further reminded them that they have talked about having other events. Ms. Patterson expressed her opinion that part of the Vision occurred last Saturday; and, advised that if

this could be recreated elsewhere, it would be great. She noted that she would not let VDOT stop the Town; and, suggested it was possible to work with them. Ms. Patterson expressed an understanding of how difficult this could be; however, she suggested that moving the market was a step forward.

Mayor Davis noted that she has been asked about this proposal. She expressed her opinion that last Saturday was a lovely venue; however, she explained that in putting on her Council hat, she had to question the street situation. Ms. Davis noted Ms. Lee's comments regarding other aspects associated with the request. She further noted that Mr. Millehra spoke of closing a portion of the street; and, advised that she did not understand how that would work. Ms. Davis suggested there was a lot to be discussed. She advised that part of what saddened her was that the Community Center was given to the Town for this type of event. Ms. Davis suggested there were other locations, with trees; and, asked why the Farmers Market Committee could not recreate the sense of community that occurred last weekend elsewhere. She asked why residents could not visit at the farmers market when it was held at the Community Center. Ms. Davis reminded Council that the farmers market had not done well in the past; and, the Council was trying to fix the issues. She noted that she was not disputing that the 4th of July market was wonderful; however, she suggested that there were other issues that needed to be addressed.

Councilmember Patterson advised Council that the vendors told her that they did fifty percent better on South Madison Street; and, expressed her opinion that this could not be found behind the Community Center. Mayor Davis suggested there were ways to better promote that location. She reminded Council that the Town used to have a fox sign that sat in front of the bank when the market was held at that location. Ms. Davis asked where the fox went; and, reiterated the need to promote the market to make it what the Town wanted. She explained that she was not trying to diminish the suggestion to move the market; however, she believed the same things could happen if the market were promoted and made to be a happy experience. Ms. Davis expressed concern that there were a lot of issues associated with having the market on South Madison Street every Saturday from May through October. She noted that she was not saying it was not nice; however, it would be a trial to do so.

Councilmember Plescow noted that as wonderful as the location was for the vendors, it was wonderful for the Town's businesses. She advised Council that Cuppa Giddy Up had people in multiple times buying coffee. Ms. Plescow suggested this was a way of promoting Middleburg and its businesses, which was why she felt strongly that it needed to be in the core of Town.

Vice Mayor Kirk reiterated her concerns regarding the pharmacy; and, the need to provide access to the businesses. Councilmember Plescow agreed; and, noted that she was not saying this was perfect. She suggested the market had momentum, with people coming out and exhibiting enthusiasm. Ms. Plescow expressed her opinion that the Town should move forward. She advised that she was the first to say it would not be perfect; and, noted that there would be a learning curve. Ms. Plescow suggested that just because there were obstacles, this didn't mean the Town should give up. She further suggested the need to find solutions.

Vice Mayor Kirk asked about the Council's next step. She suggested the Economic Development Coordinator look into alternative locations and talk to VDOT. Councilmember Murdock suggested the market be held on South Madison Street again on Saturday. Councilmember Plescow noted that she wanted to ask Council to try it again. Councilmember Murdock advised that she would like to try again until VDOT shut it down. Councilmember Littleton expressed concern that doing so without approval could affect the Town's success of gaining a favorable recommendation from VDOT. Councilmember Murdock noted that the Town was already closing the street for the Bluemont Concerts. Councilmember Snyder noted that this could put the concerts at risk. Vice Mayor Kirk noted that the Town also closed the street for the Christmas

in Middleburg event. Economic Development Coordinator Pearson confirmed the necessary permits were secured for that event. Councilmember Snyder recommended that the Council not weigh in on moving the market this coming Saturday. He noted that they have heard some good ideas from the public, as well as concerns, for the first time. Mr. Snyder recommended the staff identify the options and problems so the Council could discuss them. He advised that he would go along with the Council on moving the market for this coming Saturday. Vice Mayor Kirk noted her concern about moving it this coming Saturday; and, noted that the street was blocked last week when businesses were closed for the holiday. She reiterated that patrons would want to get their medicine and travel to the doctor's office this weekend. Councilmember Snyder noted that the Bluemont Concert would be held later in the day; and, advised that to approve this request would essentially close the street for the entire day.

Economic Development Coordinator Pearson advised Council that she had been handed a suggestion to use North Madison Street. She noted that this area would get shade; and, advised that there was an alternate access to the Red Fox Inn. Ms. Pearson reminded Council that this location would not work in the fall due to events at Glenn Wood. Councilmember Littleton agreed there was less retail that would be affected on North Madison Street. Vice Mayor Kirk suggested it be moved back further. Councilmember Plescow noted the need to still worry about the races. Councilmember Littleton recommended the Council look at this Saturday and see how it worked. He noted that there were not that many races; and, reminded Council that they did not start until October. Vice Mayor Kirk noted that she could agree to close North Madison Street. Chief Webber advised Council that he could make either road work. He reminded them that, if approved, South Madison would be closed from 7:00 a.m. to 1:00 p.m. and again from 5:00 to 10:30 p.m.

Town Planner Beniamino reminded Council of the proffer that required Salamander's construction vehicles to use North Madison Street; and, advised that if it were closed, they would not have access to their site. He noted that he did not believe they would be using it this coming Saturday; however, for the long-term, this was not a solution. Councilmember Murdock advised Council that she was in favor of this as long as the Town secured the blessing of the Red Fox Inn. Vice Mayor Kirk noted that this section would affect one business as opposed to multiple ones. She agreed to try it for the coming weekend.

Councilmember Snyder expressed an understanding of the concerns and the desire to bring the market to the center of Town; and, suggested that approving the move was hasty for this weekend. He suggested the market be held at the Community Center this weekend and see what could be worked out for the future. Councilmember Littleton agreed this was a difficult decision; and, noted that the Council was trying to do what was best for the merchants and deal with access issues. He asked what would happen if there were an emergency at the Hill School.

Town Attorney Whiting noted that unless the Council made a motion to change the location, it would go back to the status quo. She reminded them that during their last meeting, they agreed to sponsor the farmers market; and, noted that the Town had given notice of their intent to sever their relationship with the Loudoun Valley HomeGrowers Association. Ms. Whiting further reminded them that they agreed to move the market to South Madison Street for the 4th of July due to the holiday. She advised that unless there was a motion to change the status quo, the market automatically returned to the Community Center.

Councilmember Littleton moved, seconded by Councilmember Murdock, that the Council try to hold the farmers market for one week on North Madison Street subject to the approval of the real estate company on the west side (Long & Foster) and Turner Reuter at the Red Fox Inn; and, that this approval be for one week only until the Economic Development Coordinator and Town Administrator had time to talk to VDOT about their position.

Chief Webber asked whether this would affect the Salamander construction traffic. Councilmember Littleton expressed his opinion that there would be none this weekend. Councilmember Snyder asked that the conversation be confined to the Council unless they were seeking advice. He noted that he was nervous about setting a location with unknown factors two days prior to the event. Mr. Snyder expressed appreciation for securing a full staff report on the location options and potential problems so the Council could make an informed decision later. He suggested that to decide the question tonight was a bad idea; and, advised that he could not support the North Madison Street location this Saturday. Councilmember Murdock noted the need for a caveat that this apply only to this weekend; and, reminded Council that they would not meet again before the following Saturday. She asked what would occur the following Saturday. Vice Mayor Kirk noted that the market would go back to the old location. Councilmember Plescow expressed her opinion that moving the location around would be problematic in that guests would not be able to find the market. Councilmember Littleton advised Council that he was not willing to go past this coming weekend until the Town heard from VDOT. He suggested the Council hold a special meeting to decide the following weekend's location. Mr. Littleton expressed his opinion that if there was momentum, the Council would find out; and, noted that the 4th of July event may have been special. He reiterated his opinion that the Council needed to hear from VDOT.

Vote: Yes – Councilmembers Littleton and Murdock
No – Councilmembers Kirk and Snyder
No – Mayor Davis (to break the tie)
Abstain: Councilmembers Patterson and Plescow
Absent: Councilmember Shea

Councilmember Patterson moved, seconded by Councilmember Plescow, due to the concerns about VDOT and whether the roads could be closed by this Council, that the Bluemont Concert Series not be allowed to be held on Madison Street this Saturday night.

Councilmember Patterson noted the Council had concerns about the affects of closing Madison Street on the businesses; and, advised that the Bluemont Concerts also affected the restaurants' night business as it shut down the street. She advised that she did not want to affect them through Bluemont; and, expressed her opinion that the concerts did not need to be in the core district. Ms. Patterson suggested that if the Council were not willing to close the street for the farmers market which helped businesses, she would like to see the Bluemont Concerts moved for the same reasons. She further suggested that if VDOT did not allow the street closure, that if police were needed, and that if the Town could not hold the farmers market on the street without a permit, she did not feel the Bluemont Concerts should be allowed on the street.

Councilmember Snyder noted that the Bluemont Concerts had a rainy day venue only; and, suggested that what was being proposed would cut off a planned venue that had been advertised in advance. He noted that South Madison Street was the customary location for the concerts; and, suggested that to cut off their access would be to throw away the event. Mr. Snyder expressed his opinion that this would be dramatically unfair. He reiterated that the concerts have been held on South Madison Street for the last two or three years; and, noted that the proposal was asking to change that with only two days notice. Mr. Snyder objected to the proposal. Councilmember Murdock agreed with both members of Council. She noted that when the discussions of holding the farmers market on South Madison Street arose, her first thought was about the Bluemont Concerts. Ms. Murdock advised that she would like to see the concerts moved; however, she expressed her opinion that this could not be done this year. She expressed her opinion that the Town could definitely not hold the event on Madison Street next year.

Councilmember Patterson reminded Council that they were questioning the legality of their closing the street. Vice Mayor Kirk advised that this was not a question for her; and, explained that her concern was for the pharmacy and customers who need to access the services on South Madison Street. She reminded Council that the businesses were closed last week; and, advised that if the closure would not have been for two weeks in a row, she would have had no problem. Councilmember Littleton reminded Council that the vendors said they loved the location; however, he suggested that one of the speakers, Troya Plaskitt, asked whether it had to be located there. Councilmember Patterson noted that Ms. Plaskitt did not say that she did not want it located there. She further noted that Ms. Plaskitt indicated that she had no problems with the farmers market at that location. Councilmember Littleton advised that the impression he received from Ms. Plaskitt was that the merchants loved the market at this location and found it to be wonderful; however, they would like to see South Madison Street open. Councilmember Plescow advised Council that it was her understanding that Ms. Plaskitt loved having the farmers market there; and, stated that the challenge was related to the other closings. Councilmember Murdock reminded Council that Ms. Plaskitt said that she did not like the Bluemont Concerts at this location; and, that other speakers indicated that the market did not bring in business for them.

Mayor Davis advised Council that she loved having the Bluemont Concerts at the Community Center; and, opposed moving it. Economic Development Coordinator Pearson reminded Council that the concerts were moved from the Center because they conflicted with their Saturday rentals.

Vote: Yes – Councilmembers Patterson and Plescow

No – Councilmembers Littleton, Kirk, Murdock and Snyder

Abstain: N/A

Absent: Councilmember Shea

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

Mayor Davis expressed her opinion that the issue was not entirely related to VDOT. She noted that while people who attended the market had a great time and it brought business to the street, there were traffic issues related to people who just want to go down the street, including people who may be shopping. Ms. Davis reiterated that this was not just a VDOT issue; and, noted that there were several issues that needed to be considered. She reiterated the need to look at the other issues; and, not just say that the location was good. Ms. Davis advised Council that she did not understand Mr. Millehram's suggestion to close part of the street and leave part open to traffic. She explained that she would like to see the options.

Councilmember Snyder noted that the Council has asked the staff to explore the alternatives for the farmers market; and, suggested they do the same for the Bluemont Concerts. He further suggested that they explore different venues for next year unless the Council agreed to change the location sooner. Mr. Snyder explained that his concern was that the five concerts have been publicized. He reiterated that he would like to hear from the staff on the alternatives for both events.

Mayor Davis expressed her opinion that there was no member of Council who would not like to see the events held on Madison Street or that were offended by the farmers market; however, she explained that they wanted to do what was right. She further explained that as members of Council, they had an obligation to everyone in Town; and, suggested there was more that must be considered. Ms. Davis noted that when talking about a street closure from May to October, this was a large obligation that needed to be considered carefully before the Council reached a decision. She expressed hope that the citizens appreciated the Council's position.

Vice Mayor Kirk asked whether the farmers market would be held at the Community Center. She further asked whether they could return to the Center. Mayor Davis confirmed it would return to the Center. Economic Development Coordinator Pearson confirmed that it could do so. Vice Mayor Kirk asked whether the Council needed to meet sooner than its July 23rd work session. Economic Development Coordinator Pearson suggested the Council wait until after the staff met with VDOT. Councilmember Littleton noted that a decision may be reached at the VDOT level before the item reached the Council. Mayor Davis agreed the Council would wait to hear from the staff.

INOVA Hospital Petition for Certificate of Public Convenience

Mayor Davis advised Council that she received an e-mail from Dottie Martel regarding INOVA Hospital's petition to the State Health Commission for a Certificate of Public Convenience for a hospital on Route 50. She asked whether the Council would like to send a letter of support to the State; and, noted that having a hospital on Route 50 was something the Town has been working toward. Council agreed it would like to send a letter of support.

Upgrade of Dominion Power transmission line

Councilmember Murdock asked Mr. Morency to draft a letter to Dominion Power for Council's consideration. Mr. Morency agreed to do so. He noted that Dominion's SEC filing would not occur until September. He suggested that the letter not only be sent to Dominion Power, but that it also be sent to Supervisor Jim Burton, Delegate Joe May and Senator Jill Holtzman-Vogel. Mr. Morency noted that Senator Vogel has already expressed a desire to mitigate the effects of the expansion. Councilmember Murdock asked whether Mr. Morency would propose that Dominion opt for two equal sized lines or bury the line. Mr. Morency suggested that ideally, Dominion should bury the line, with the second choice being to have two smaller equal lines. He noted that there would still be a need for seventy to eighty foot poles; however, he suggested this was better than a one hundred ten foot pole. Mr. Morency noted that Dominion has indicated a need to replace the poles regardless of the expansion, as they have been there for fifty-five years. He advised Council that his preference was that Dominion not do anything; however, he noted that it was a requirement that when Dominion upgraded a line that they also provide redundancy so they could continue to supply power if one line went out. Mr. Morency reminded Council that this transmission line did provide power to the substation that served the Town. He noted that sixty percent of the customers on the line were NOVAC customers. Mayor Davis asked Mr. Morency to provide the information to the Town Administrator so this item could be placed on the Council's next work session.

Closed Session – Personnel – Contract discussions – Town Administrator and Town Attorney

Councilmember Murdock moved, seconded by Councilmember Plescow, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Councilmember Murdock further moved, seconded by Councilmember Plescow, that this discussion be limited to contract discussions with the Town Administrator and Town Attorney. Councilmember Murdock further moved, seconded by Councilmember Plescow, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Patterson, Plescow, and Snyder
No – N/A
Abstain: N/A
Absent: Councilmember Shea
(Mayor Davis did not vote as there was no tie to require her vote)

Mayor Davis asked that Council certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting. Each member of Council present did so certify.

There being no further business, a motion was made to adjourn the meeting at 7:53 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk