



**MIDDLEBURG TOWN COUNCIL**  
**Monthly Work Session**  
**Thursday, August 27, 2009**  
**Town Office, 10 W. Marshall Street**



**6:00 p.m.**

---

**PENDING APPROVAL**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk  
Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Lisa Patterson  
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  
Steven L. Webber, Chief of Police  
David M. Beniamino, AICP, Town Planner  
N. Phil DeLeon, Town Engineer

**ABSENT:** Councilmember Judith Pryor Plescow

The Town Council of the Town of Middleburg, Virginia held their regular work session on Thursday, August 27, 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.

Council Discussion – Next step in Dominion Power Line Expansion Application

The Council reviewed the response from Dominion Power to the Town's letter. They noted that Dominion has agreed to review alternatives such as underground installation and the dual line, which were options recommended by the Town in its letter. Mayor Davis advised Council that she met with a representative from Dominion at a recent Chamber of Commerce event; and, explained that Middleburg believed that all lines should be placed underground in the future. Town Administrator Schiro reported that Mike Morency has reviewed the letter and recommended that the Council wait to take further action until Dominion Power has filed its application. The Council concurred with this recommendation.

Council Discussion – Proposed design – Madison/Marshall Street Intersection

Town Engineer DeLeon advised Council that he and the Town Administrator would meet in the morning with representatives from VDOT to review the preliminary design. He further advised that he has met with the Planning Commission; and, has their comments. Mr. DeLeon presented a copy of the original sketch that was used as a part of the grant application process. He reminded them that the Town has now received two grants for this project. Mr. DeLeon advised that he has surveyed the area, based upon the concept plan, to generate the existing conditions, including buildings and roadway. He explained that one of the issues is right-of-way; and, advised that he wanted to keep the roadway confined within the walls around Mosby's Tavern and the Red Fox Inn, as well as the existing curb in order to avoid right-of-way acquisition costs. Mr. DeLeon advised that the key component of the design was the two existing walls; and,

explained that the concept was to set a new curb line three feet off them. He further explained that he also tried to match the existing pavement elevation in order to avoid cutting and filling near the walls. Mr. DeLeon reminded Council of the utility poles located in front of the walls; and, noted the need for a one foot clearance between the curb and the poles.

Town Engineer DeLeon reminded Council that, based upon Salamander's traffic study, there was substantially more traffic on Foxcroft Road than Marshall Street. He noted that concerns have also been raised during Council meetings regarding the use of Marshall Street as a cut-through. Mr. DeLeon advised that based upon those factors, he has proposed a two lane roadway, following the existing alignment, that would tee Marshall Street into the intersection. He noted that this would result in a "four-way stop". Mr. DeLeon explained that due to the sight distances, location of the walls, curves on the road and safety concerns, he would not feel comfortable with any other design. He advised that the design would result was two fairly large islands – one in front of the Pink Box and one in front of Mosby's Tavern. Mr. DeLeon recommended a pocket park be developed in the 2,500 square feet of space in front of the Pink Box. He noted that both islands could be landscaped; and, would enhance the area. Mr. DeLeon advised Council that there were marks on the existing pavement to identify the location of the proposed curb line and islands; and, noted that the proposed islands would go to the existing island.

Councilmember Murdock asked about designated parking spaces in this area. Town Engineer DeLeon advised that the creation of the island resulted in the loss of three parking spaces in front of the Pink Box, with two being replaced through the insertion of parallel parking spaces, for a net loss of one space. He noted that the Planning Commission has suggested the use of angled parking; and, advised that he planned to run this by VDOT. Mr. DeLeon reiterated that two spaces were all he could get in the design. Councilmember Shea inquired about parking on Marshall Street. Town Engineer DeLeon confirmed there were no changes on Marshall Street; and, noted that the plan was to connect to the existing sidewalk on the Pink Box side of the street. Councilmember Snyder advised that there was really no parking on Marshall Street in the project area. Town Engineer DeLeon noted that he contemplated parking in front of Mosby's Tavern; however, he suggested it would not have been attractive.

Town Administrator Schiro advised Council that the staff has met with the affected property owners; and, noted that they were generally in favor of the design as proposed. Town Engineer DeLeon noted that the Sporting Library took the design back to their board.

Councilmember Snyder noted that the island in front of the Pink Box was proposed to contain sidewalk around the perimeter; and, asked why it needed to be around the entire perimeter. Town Engineer DeLeon explained that there would be a crosswalk in this area; therefore, sidewalk was needed to get pedestrians to the crosswalk. Councilmember Snyder agreed.

Councilmember Murdock advised that she felt the design was wonderful; and, agreed the majority of the traffic flow was between Route 50 and Foxcroft Road. She noted that she would love to see a four-way stop. Councilmember Snyder asked how a four-way stop would work when the intersection would essentially be a staggered t-intersection. Town Engineer DeLeon confirmed there were four stop signs at various locations within the project area. He explained that this would prevent motorists from speeding in the vicinity of the elementary school. Mr. DeLeon advised Council that the staff was trying to schedule a meeting with school officials to determine the preferred location of the sidewalk that would connect to the school. He noted the options of taking the sidewalk down Foxcroft or Marshall Streets; and, advised that if it went down Foxcroft there would be the potential to eventually connect the Salamander Project area was well. Mr. DeLeon reiterated that the staff was awaiting input from the school.

Vice Mayor Kirk and Councilmember Murdock asked for Chief Webber's input on the design. Eura Lewis, a citizen, expressed concern about the four-way stop. Town Engineer DeLeon expressed concern that if the crosswalk were installed without a stop sign that pedestrians would have a false sense of security. He noted that VDOT may say differently; and, advised that this would be part of the conversation with them. Councilmember Shea recommended the use of the term "four stop signs" as opposed to "four-way stop"; and, noted that this was not truly a four-way stop intersection. Vice Mayor Kirk suggested the term "staggered stop". Town Administrator Schiro encouraged the Council to look at the painted markings on the street so they could get a good idea of the design.

Mayor Davis asked whether the improvements in the existing island would be moved to the new one. Town Engineer DeLeon confirmed the Civil War Trail sign would be moved; however, he noted that the tree would have to be removed. He suggested the new island could be used for other purposes such as the Farmers Market or as a concert area if Marshall Street were closed; and, noted that the island could be landscaped so as to be isolated. Councilmember Snyder reminded Council of the need to plan the landscaping; and, noted that it would involve future maintenance. Councilmember Littleton asked whether there were any funds in the budget to hire a landscape architect. Vice Mayor Kirk suggested the Streetscape Committee work on the landscape design. Town Engineer DeLeon confirmed that there were landscaping funds in the budget. Councilmember Snyder reiterated the need to factor in the maintenance impacts on future budgets. Mayor Davis expressed her opinion that it would be no different than what currently existed. Town Engineer DeLeon noted that the plans anticipated two tree wells, as well as green space in the center courtyard that could contain seasonal flowers. He advised that he anticipated working with the Town on the details of the plantings.

Town Engineer DeLeon reviewed the Planning Commission's comments; and, explained that they have not been incorporated into the draft plan as he wanted to get Council and VDOT's input first. He advised Council that the Planning Commission has questioned whether angled parking could be used; and, noted that VDOT was generally not in favor of having vehicles back out onto the street. Mr. DeLeon explained that the Planning Commission had concerns about the use of parallel parking. He advised Council that the Planning Commission has also recommended moving the curb in order to place a sidewalk in front of the wall by the Red Fox Inn; and, to add an additional crosswalk. Mr. DeLeon further advised that the Commission has recommended extending the sidewalk in front of Mosby's Tavern to connect to the sidewalk in front of the Town Office. He explained that the Commission was also interested in moving the crosswalks closer to the intersection. Vice Mayor Kirk reminded Council that the staff's proposed crosswalk locations would slow traffic. Town Engineer DeLeon reminded Council of the desire to minimize the distance required for a pedestrian to cross the road; and, noted that VDOT would offer its input. He advised that the Planning Commission has recommended that Mosby's Tavern be responsible for the plantings in front of their building; however, he reminded Council that this would be VDOT's right-of-way. Councilmember Snyder suggested the Town should have the final say on what was installed. He expressed his opinion that the Town should not get into an unrealized expectation that Mosby's Tavern would be responsible for the maintenance. Town Engineer DeLeon explained that the Commission recommended an agreement with Mosby's Tavern for the installation of the landscaping and its maintenance. Councilmember Snyder expressed his opinion that this would not work; and, reiterated that the Town should have the final say over the landscaping of both areas as it would potentially be responsible for both. Councilmember Littleton recommended that Mosby's be given an opportunity to make a presentation to the Council. Councilmember Snyder reiterated the need to make sure the Town could accept any design that may be proposed since the Town may eventually be responsible for maintaining the space.

Councilmember Murdock asked why the Planning Commission recommended the addition of another crosswalk by the Red Fox Inn. Town Engineer DeLeon explained that the Commission felt that there were pedestrians who came down the other side of Madison Street. Councilmember Murdock noted that there was already a signalized crosswalk at the traffic light. Councilmember Littleton agreed; and, noted that this would make the area too busy. Councilmember Patterson advised Council that this suggestion was made for those pedestrians who cross at this intersection, not the signalized one; and, noted that she did so to avoid making vehicles stop a second time when she crossed in front of them. She suggested that this would provide more connectivity for pedestrians accessing the Pink Box and other tourist-related businesses in this area. Councilmember Shea noted that this would result in three crosswalks on the street. Councilmember Littleton asked whether this would involve another stop sign. Town Engineer DeLeon explained that the thought was that the stop sign could be relocated if the crosswalk were added; and, traffic would be slowed. Vice Mayor Kirk noted that she liked the idea of stopping traffic rather than slowing it for safety reasons. Town Engineer DeLeon reiterated that the staff was attempting to get as much input as possible. Councilmember Patterson explained that the Planning Commission's view was that the safety of the pedestrian came first; and, was the basis for their comments. Councilmember Murdock suggested the Council wait to hear VDOT's comments before incorporating any changes into the plan. Town Administrator Schiro explained that this was why the staff was waiting before making changes. Councilmembers Kirk and Murdock advised that they liked the preliminary plan. Town Engineer DeLeon advised Council that he would incorporate whatever changes they desire into the design if VDOT approved it. Councilmember Snyder expressed appreciation for the Planning Commission's input; however, he suggested the need to get VDOT's comments prior to incorporating any changes into the plan. He noted that he would hate to make changes, only to have VDOT reject them. Town Engineer DeLeon noted that this was shared with the Planning Commission during the last meeting. He reiterated that he and Mr. Schiro would meet with VDOT in the morning and get their comments. Vice Mayor Kirk expressed a preference for the Town Engineer's design, which kept pedestrians in a concentrated area, as opposed to the Planning Commission's comments. She asked whether this matter would be revisited during the next work session. Town Engineer DeLeon expressed hope to have VDOT's comments within a month. Town Administrator Schiro advised Council that he would give them an interim report on the VDOT meeting during the September 10th meeting.

Councilmember Patterson asked whether VDOT would require a document to be written. Town Engineer DeLeon confirmed that VDOT would write the document as a part of the enhancement grant. He noted that the Town knew that the walls were historic, which meant they should not be touched. Councilmember Patterson asked whether VDOT would require a review. Town Engineer DeLeon noted that he was not sure; and, advised that the VDOT representative that was handling the enhancement program was being laid off.

#### Council Discussion – Utility Capital Improvement Program

Councilmember Snyder noted that the Town was having discussions with Salamander about financing opportunities before they opened. He reminded Council that they stood down on the capital items because of budget uncertainty; and, asked whether there was any more certainty at this time. Mr. Snyder explained that he anticipated trying to find a way to move forward with the capital items; and, suggested that it may be more realistic to identify goals without setting a schedule. Councilmember Murdock agreed. Councilmember Snyder suggested the Town was not ready to address scheduling as it did not have the funds for the capital items. He expressed his opinion that the Council should prioritize the goals, taking into consideration the engineering importance. Mr. Snyder advised that he would like to adopt a goal of setting aside something – even three percent of the budget to address capital projects, including replacement of major assets in the future. He explained that the reason he suggested this was when the majority of the

members came on Council, they faced the horrible task of determining how the Town would replace the wastewater treatment plant; and, noted that the only option was to take out loans that the Town would have difficulty repaying. Mr. Snyder suggested the Town start trying to build a capital fund to address current issues, working in projects as the Town could afford them, without going into debt. He noted the need for a reserve fund, hopefully not too modest, that would address future capital improvements; and, cited the example of the wastewater treatment plant that could be replaced in fifty years if two percent were saved per year. Mr. Snyder expressed his opinion that the Town would be saving for capital replacements; and, advised that he would like for the improvements to come from availability fees. He advised that the replacements should be covered through user fees. Vice Mayor Kirk expressed her opinion that the Town may have to bond some of the improvements. Councilmember Snyder suggested this would depend upon how quickly some of the projects needed to be done; and, how large a priority they were. He expressed his opinion that the Town was already borrowing from the availability fees that Salamander paid for the forty-nine houses; and, explained that this was borrowing because the Town would have expenses associated with providing utilities to those homes. Mr. Snyder suggested the Council take the Town Administrator's package of capital improvements; and, discuss their priorities during the next work session. He further suggested that members of Council may have other items they would like to add to the list. Mr. Snyder recommended that they identify a list of capital goals that, once the Town's financial situation was more certain, could be tied to a near term, realistic schedule. He expressed his opinion that the Council has avoided this for way too long. Mayor Davis asked that the Town Administrator also prioritize the list. Councilmember Patterson noted that the Town Administrator has already prioritized the list by placing it within a schedule. Councilmember Snyder suggested the Council could agree with the Town Administrator's schedule; and, advised that he would either like to accept the schedule or give the Town Administrator direction to tweak it. He agreed that the list contained the more important capital projects; and, noted that they would not be done within a year.

Councilmember Murdock inquired as to the cost for the capital improvements on the list. Councilmember Snyder suggested the Council identify an acceptable budget figure for capital improvements in the near term; and, then determine how to fund it so the Council was not drawing down on the availability fees from the forty-nine houses. He expressed his opinion that the Council needed to build these costs into the user rates.

Town Administrator Schiro noted that the information in the packet contained a status of the projects. Councilmember Snyder expressed his opinion that the Town Administrator had provided a good package. Councilmember Murdock noted that the Ridgeview Subdivision improvements were projected to cost over \$500,000. Town Administrator Schiro reminded Council that these numbers were assembled for the stimulus applications. Councilmember Murdock noted that there was a second project involving Washington Street on the list; and, noted that the entire list totaled more than \$1 million. Councilmember Snyder reiterated his opinion that the Council needed to figure out what it could spend per year; and, how it could fund that amount. He noted that they may not spend any money for three years, but instead would build up the money for a project. Town Administrator Schiro reminded Council that he has been trying to include a contingency reserve in the last couple of budgets. He noted that the Town did do some utility work several years ago; and, reminded them that it was not insignificant. Councilmember Snyder expressed his opinion that the Council did not fund the projects; and, explained that they were not planned. Town Administrator Schiro noted that until Salamander came on line and generated significant user fees, the money that would be provided by them would be needed just to operate the new facilities. Councilmember Snyder noted that the funds provided by Salamander would be a loan to operate the facilities until they came on line. Councilmember Shea expressed her opinion that they would be more of a pre-payment. Councilmember Littleton agreed this was a better word; and, noted with under a pre-payment system, if the customer did not use it, he lost it. Councilmember Shea noted that it would also

reflect the fact that the Town would be decreasing its income in the future as it would be a credit against future bills. Mayor Davis asked whether the budget included a line item that reflected the availability fees that have already been paid. Town Administrator Schiro reminded Council that it was shown in the Town's reserves; and, was not shown as a revenue/expenditure in the current budget. He advised Council that he did not know what the Town ultimately planned to do with it; and, suggested it may be needed for operations. Councilmember Snyder explained that, for this reason, he wanted to plan for a capital fund so the Council could make a conscious decision on how much it would raise and spend each year. He further explained that he was trying to improve the Town's ability to plan; and, noted that there were a number of approaches that could be used to fund capital improvements. Mr. Snyder suggested that part of the funding was the user fees; and, noted that the Council needed to be sensitive to this. He asked what amount should be spent for capital; and, whether it should be two or three percent of the annual budget. Councilmember Littleton asked whether this should be done in anticipation of Salamander or with the existing cash flow. Councilmember Snyder proposed that the Council decide what percent of the user fees should be used for capital projects annually. Town Administrator Schiro suggested that the Town may want to consider using the availability funds to leverage that money for grants or low-interest loans; and, expressed his opinion that the Town would not be able to handle these projects on a cash basis. Councilmember Snyder noted that loans would add to the Town's debt service, which in turn added to the user rate structure. Town Administrator Schiro expressed his opinion that in looking at repayment options, it would not be a good idea to use the Town's user fees for capital improvements. Councilmember Snyder noted that he was proposing this for capital replacement, not capital improvements. He advised that this should, to the extent possible, be part of the rate structure. Mr. Snyder explained that he was trying to come up with a capital program that was anticipated in the utility rates; and, suggested that five or ten percent of the total utility budget should be planned for capital items. Councilmember Littleton expressed his opinion that this was simply a matter of putting the cost at ten percent into the budget; and, seeing if people could live with the rates necessary to generate that amount. He suggested that if they could not, the question was what the number with which they could live was. Mayor Davis reminded Council that this number would not result in a ten percent rate increase. She expressed her opinion that the Council was talking about the contingency reserve; and, suggested that it be called a replacement fund.

Town Administrator Schiro reminded Council that they have been increasing the utility rates at six percent a year. Councilmember Snyder suggested this was a number that could not be sustained. He noted that he was only talking about a one to two percent increase to build up a capital fund. Town Administrator Schiro reminded Council that the Town's operational costs for the utility system have been increasing by three to four percent a year or more. He expressed his opinion that the Council could not earmark this revenue for capital; and, suggested the user fees needed to cover operations. Councilmember Snyder reminded Council that the funds the Town has received from availability fees would run out. Town Administrator Schiro recommended the Council use those funds as leverage. He suggested that once the Salamander Resort was on line, the Town would have a better revenue flow that may make this possible. Councilmember Snyder noted that he did not disagree; however, he was not talking about the coming fiscal year or two. He further noted that he was talking five to ten years from now. Mr. Snyder explained that he was trying to provide future Councils with the flexibility to fund capital in the utility system; and, noted that doing so has been a horrible task in the past. He reminded Council that the Town has never had the ability to build up for capital projects in the past; and, was always fixing things that broke.

Councilmember Shea asked whether there were any other areas besides user fees from which a certain amount could be designated each year for capital. Town Administrator Schiro confirmed there was not if the Council kept the costs strictly within the utility budget. He noted that some localities use part of its other funds to cover such expenses, such as its refuse fund; however, he

reminded Council that Middleburg did not charge extra for refuse collection. Mr. Schiro explained that the Town only had user and availability fees that were purely utility related. He reminded Council that, realistically, the money from the Salamander Resort would be used for the next two to three years to off-set operational costs. Councilmember Snyder agreed; and, explained that he was not trying to identify short-term funding, but rather was looking to improve long-term funding. He noted that this may not address the projects on the list. Mr. Snyder explained that he did not want the Council who would be in place ten to twenty years from now to experience the same problems as this Council.

Vice Mayor Kirk recommended the Council take the project list provided by the Town Administrator and prioritize what needed to be done so the Council could see if it could work the projects into the budget in the future. She noted that she was hesitant to increase rates again. Councilmember Snyder expressed his opinion that the Town was done playing catch up through rate increases; and, advised that he would not advocate an increase next year. Town Administrator Schiro reminded Council that they were not finished; and, noted that the increases were based on a six-year plan, with the Town having initiated three increases. Councilmember Snyder agreed that until the Town caught up on its operational costs, it could not fund capital improvements. Mayor Davis expressed her thoughts that the operational rate increases were to occur for three years. Town Administrator Schiro confirmed it was either five or six years. Councilmember Snyder recommended that once the operational rate increases were completed, the Council should consider placing a modest amount in the budget, one to three percent, for capital improvements. Councilmember Murdock expressed her opinion that the utility fund would not be healthy enough for this until the Salamander Resort was operational. Councilmember Snyder suggested the Council should discuss how to implement a capital program once the finances were stable. He advised that he was not trying to rush the issue; however, he was trying to figure out how to get there. Councilmember Littleton expressed his opinion that the key to this was the Salamander Project; and, noted that the Town was currently holding its own pace. He suggested that two years from now when the Salamander Resort was on-line and the utility fund's cash flow changed, the Council could address capital issues. Councilmember Snyder agreed; however, he reminded Council that it would take a long time to work through those issues. He recommended that they start their discussions now with the goal of implementing them in two to four years. Vice Mayor Kirk reminded Council that there would be a new council on board at that time. Councilmember Snyder suggested that this Council give them something to review. Town Administrator Schiro expressed his opinion that the Town could borrow from the General Fund once it was strong.

Mayor Davis asked Council when they wanted to come back to this item. Councilmember Snyder recommended it come back next month during the regular work session, unless the other members of Council thought they needed longer. Town Administrator Schiro asked whether the Council was going to provide input on their priorities during the September meeting. Councilmember Snyder suggested they should. Councilmember Shea recommended the Council set a deadline for providing their comments to the staff. Vice Mayor Kirk suggested the Council simply bring the comments in during the work session. Council held some discussion as to whether it would like to set a deadline for making the comments. Councilmember Murdock advised Council that she did not feel qualified to set utility priorities; and, noted that these were technical issues. Mayor Davis agreed. Councilmember Littleton also agreed; and, noted that the Council was not familiar with when a particular pipe should be replaced. Councilmembers Murdock and Littleton expressed their opinions that this was why the Town had a professional staff and was utilizing the services of Loudoun Water. Town Administrator Schiro reminded Council that they have invested money to study the utility priorities; and, noted that this was done by Whitman Requardt. Mayor Davis asked the Council how they wished to proceed. Vice Mayor Kirk recommended the Council meet with the Town Administrator and Town Engineer during the September work session for a briefing on the system. Councilmembers Murdock and

Snyder agreed. Councilmember Snyder asked if all of the members of Council had a copy of the Whitman Requardt study. It was noted that Councilmembers Littleton, Shea and Plescow did not. Councilmember Snyder asked that the Town Administrator get copies to them. Mayor Davis confirmed that this item would be discussed again during the next regular work session.

Council Discussion – VDOT letter regarding the closure of Madison Street for local events

Town Administrator Schiro reminded Council of the letter received from VDOT regarding the closure of Madison Street for local events; and, noted that this has not been discussed as a group. He explained that he mainly wanted to bring some closure to this item. Mr. Schiro noted that he has heard comments from some members of Council that do not wish to pursue this matter further; and, advised that he was looking for direction on whether the Council wished to pursue it beyond the VDOT official who said “no”. Councilmember Snyder noted that he asked that this matter be placed on an agenda for discussion; and, advised that his question was whether VDOT said “no” or “maybe” for the concerts. He suggested that if there was a chance that VDOT would allow the Town to continue to use Madison Street for the concerts only, it was worth asking for approval for next year. Vice Mayor Kirk expressed her opinion that the Town needed clarification on what was said and meant. She asked whether they meant that the street could be closed for nothing or whether it was nothing on a continuous basis. Town Administrator Schiro expressed his opinion that if the Town applied for a permit to close the street for the Bluemont Concerts and Christmas in Middleburg, VDOT would go along with that. He suggested they were not as excited about long-term closures, such as for the Farmers Market, due to their duration. Mr. Schiro noted that he was not saying the Town could not go farther; and, explained that the staff wanted to know whether the Council wished them to pursue the closure or whether they wanted to move the concerts back to the Community Center as was previously discussed.

Councilmember Patterson inquired as to the cost for closing Madison Street for the Bluemont Concerts. Town Administrator Schiro noted that the Town would have to purchase barricades; and, estimated the cost at \$1,500. Vice Mayor Kirk reminded Council that they have previously discussed buying barricades for the Christmas in Middleburg event. Town Administrator Schiro noted that the Bluemont Concerts did not require as much control at the intersections due to the time of day; therefore, the closure cost was not as significant. He suggested that it would be limited to the cost of the barricades and the employees’ time. Councilmember Murdock asked whether the Police Department supplemented the event anyway. She further asked whether they would supplement the event if it were moved to the Community Center. Chief Webber confirmed he did; and, would continue to supplement it if it were moved to the Center. Town Administrator Schiro noted that there was a difference between patrolling the event and controlling an intersection. Councilmember Snyder reminded Council that the officers were not spending the entire time at the event; and, noted that they check in and if all was well moved on. Councilmember Patterson reminded Council that the Town has not had a VDOT permit for the event in the past. She noted that when it had a permit, the officers would be required to be at the intersection. Ms. Patterson advised that now that this issue has been raised by a business on the street, specifically the Bluemont Concerts, the Town was no longer in a situation where it could hold the event without a permit. She noted that the Council has been talking about squeezing money; and, advised that she did not want to be in a situation where it costs \$5,000 to hold the event. Councilmember Snyder reminded Council that the funding for the Bluemont Concerts came from the Health Center Fund, not tax dollars. Councilmember Patterson asked whether the Council was going to take more money from the Health Center Fund to cover the cost to have it on a road. She suggested that she would not be doing a good job as a member of Council if she did not know the cost for the closure. Ms. Patterson explained that she did not want to make a decision without information. Vice Mayor Kirk suggested the Council needed to decide whether the staff needed to do more work on this issue. She further suggested they research the cost. Councilmember Shea suggested the staff not explore the cost for the Bluemont Concerts, farmers

market, etc., but rather it determine the costs to close the street for a certain number of hours at various times. She expressed her opinion that the Council should approach this as a question of permitting, including fees, so it could make a decision on whether to even apply for permits. Ms. Shea suggested that if the Council agreed to do so, they needed to decide if there would be a fee for those people who want to close the street for an activity. Vice Mayor Kirk noted that the fee could vary due to the time of the event. Town Planner Beniamino noted that during their meeting with VDOT, they used the term “impact to the traveling public”; and, suggested that this would be a factor in VDOT’s decision on whether to allow a closure for an event. Vice Mayor Kirk and Councilmember Shea expressed an understanding that it would be up to VDOT as to whether the closure would be permitted. Councilmember Shea explained that she was asking for the financial cost to the Town. Town Administrator Schiro confirmed that he would calculate the costs.

#### Council Approval – Request to close Liberty Street Parking Lot for the Cobra Car Classic

Vice Mayor Kirk asked whether the Liberty Street Parking Lot was large enough for this event. Economic Development Coordinator Pearson confirmed it was; and, noted that the event consisted of approximately thirty cars. She advised Council that the event organizers asked to use the parking lot instead of the main street as they did not like their car doors being opened by spectators onto the main street.

Councilmember Snyder asked about the benefit to the Town of holding this event; and, noted that the request would result in a loss of parking revenue. Economic Development Coordinator Pearson advised Council that the event participants bring their spouses to Town to shop and dine. She noted that, last year, the spouses were disappointed that they were only here for a couple of hours; and, this year, were bringing their own cars so they could stay longer. Councilmember Murdock asked about the details of the event. Economic Development Coordinator Pearson explained that it consisted of Cobra cars; and, advised that they have a following of people, who would also shop while in Town. Councilmember Littleton confirmed there were members of the public who looked at the cars. Vice Mayor Kirk noted that the Cities of Winchester and Leesburg hosted car shows a lot.

Councilmember Snyder inquired as to the amount of revenue that would be lost by closing the parking lot. Town Administrator Schiro estimated the loss at \$50-\$100. Councilmember Snyder expressed his opinion that this sounded like a good opportunity for the Town.

Mayor Davis asked whether the public parking lot located behind the church would be better since it was more visible. Economic Development Coordinator Pearson advised that the organizers asked for the Liberty Street lot due to the shade it offered. Councilmember Shea expressed her opinion that the Council should address the request before them. She asked whether there were any costs to the Town for traffic control. Chief Webber confirmed his officers would have to bag the meters, install signs and provide traffic control. Vice Mayor Kirk asked whether this would be handled by officers already on duty or whether it would require overtime. Chief Webber noted that this would be done by officers who were already on duty, with the hope that they would not become busy with something else.

*Councilmember Murdock moved, seconded by Councilmember Snyder, that Council approve a request to close the Liberty Street Parking Lot on October 17, 2009 for the Cobra Car Classic.*

Vice Mayor Kirk asked whether there were any regular users of the parking lot; and, suggested that notices be put on their vehicles to alert them of the closure on October 17<sup>th</sup>. Councilmember Patterson confirmed the lot had approximately five regular users on Saturdays. Mayor Davis suggested a message regarding the closure be posted on a sandwich board sign in the parking lot.

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

---

Council Discussion – Board of Elections letter regarding Town elections cost/date

Town Administrator Schiro advised Council that he asked the Town Clerk to contact the County regarding costs; and, noted that she has prepared a memorandum – a copy of which was on their desks. He expressed his opinion that this was a push to move town elections to November when other general elections were held so it would be easier for the electoral boards. Mr. Schiro noted that he did not know if the Council was interested in such a move; and, advised that there were State Code provisions that would allow it if they so desired. He advised that there were pros and cons to moving the elections. Mr. Schiro explained that there was a philosophy that town issues tend to get lost in larger elections; while, on the positive side, there was greater voter turnout. He noted, however, that some voters turn out just for the state and federal elections; and, would vote for members of the Council even if they didn't know the issues.

Vice Mayor Kirk noted that non-Town residents could not vote for Council. Town Administrator Schiro noted that more Town voters come in if there were multiple elections on the ballot. Councilmember Snyder noted that this was why there may be multiple cost savings for the election. He suggested there would have to be two ballots – one for Town residents and one for out-of-Town residents. Mr. Snyder explained that the Town would still get charged for the Town ballots. He advised that he did not like the idea of changing the election date. Councilmember Littleton agreed that the date should remain the same. Councilmember Murdock noted that she spoke with Dottie Martel, who has run the local voting precinct for years; and, reported that she was not in favor of changing the date unless there was a great cost savings. She reminded Council that the Town elections were small; and, advised that Ms. Martel indicated that poll workers used to hand count the votes. Ms. Murdock advised that during the last election they had two computers as well as paper ballots. She suggested the Town could save money simply by having one machine. Ms. Murdock reiterated that the votes could easily be manually counted. She advised that it was her instinct to leave the elections in May as long as it did not involve a huge cost. Mayor Davis asked whether the poll volunteers were paid. Councilmember Snyder confirmed they were. Councilmember Murdock advised that she asked Ms. Martel whether she would like to work one less day by moving the election; however, she said she would not. She reminded Council that there were signs in the Loudoun County office asking people to please donate their time; however, she suggested that Middleburg had plenty of people willing to work the polls. Mayor Davis asked whether the Council wished to gather more information or whether they would just as soon leave the date alone. By straw vote, the Council agreed to leave the elections in May. Councilmember Murdock expressed her opinion that the Town citizens received more attention if the elections are held separately.

Council Discussion – Town Hall Energy Audit Report

Town Clerk North advised Council that a representative from ConEdison Solutions inspected the Town Office and took copies of the Town's utility bills, which he then analyzed. She noted that the report before Council contained his recommendations for providing energy savings in the building, including the installation of new windows, furnace, lighting and other small items. Ms. North reminded Council that the Town currently had no capital funding available to implement the recommendations; and, advised that she was exploring possible grant funding. She noted that she has contacted the U.S. Department of Agriculture; and, learned that the Town would qualify

for a community facilities grant. Ms. North explained that the drawback, however, was that the grant amount was based upon median household income; and, Middleburg only qualified for a ten percent grant. She noted that this amount could be used toward a grant match if another grant could be found for the remaining ninety percent. Ms. North advised that she has also left phone messages for the organization that was handling the Weatherization Program; and, noted that she has been told there may be some funding in that program for municipal buildings. She advised that she has also spoken with the representative from Congressman Wolf's office who handled grants; and, she was exploring what funding may be available. She noted that this individual believed there may be some "green" funding available. Ms. North suggested that even if no grant funding could be found, the Town now had a list of items that could be used in the future when capital funding became available. Councilmember Snyder asked whether the Town was still using the old oil furnace. Town Clerk North confirmed the Town Office was heated through a combination of heat pumps and the oil furnace.

Town Planner Beniamino reminded Council that the Town Office was located in the Historic District; and, noted that often green improvements are in conflict with historic district regulations. Town Clerk North noted that she was aware of the Town Planner's concerns; and, suggested that if grant funding was available that it be use for the furnace and lighting projects first, with the windows being saved for last. Town Planner Beniamino expressed his opinion that this matter needed to be addressed as this conflict would become more frequent in the future.

Town Clerk North reminded Council that ConEdison provided the audit free of charge; and, noted that the Mayor has sent a letter of appreciation for their services.

#### Council Review – Report on Loudoun County Community Action Board

Councilmember Shea reported that the Loudoun County Community Action Board was considering three options for its continuation. She advised that the first option was to find a non-profit group that currently existed; however, she noted that this has been pursued unsuccessfully for several years. Ms. Shea advised that the second option was to participate in the joint organization that has been formed by Fauquier County, Prince William County, the City of Manassas and Manassas Park. She explained that the drawback of this option was that these jurisdictions have different needs that are based on the needs in their territory. Ms. Shea advised that the third option would be for the existing board to establish itself as a 501(C)(3) organization; and, take over control of the program. Councilmember Murdock inquired as to the source of funding. Councilmember Shea explained that the CAB's job was to take funding from the state and federal governments; and, to disburse that funding in the community. She further explained that if they were a 501(C)(3) organization, they would have the ability to fundraise. Ms. Shea explained that once a decision was reached on the best option, a recommendation would be forwarded to the Loudoun County Board of Supervisors and the Governor.

#### Council Discussion – Re-scheduling of September 7<sup>th</sup> work session due to Labor Day holiday

Mayor Davis noted that the September morning work session fell on the Labor Day holiday; and, asked whether Council wished to move it to Tuesday, September 8<sup>th</sup>. After some discussion, Council agreed to move the meeting to 8:00 a.m. on September 8<sup>th</sup>. Councilmember Snyder noted that he would try to move some meetings; however, he may not be able to attend.

Discussion

Vice Mayor Kirk asked when the Health Center Advisory Board should meet again. Town Administrator Schiro noted that they normally met in December. Vice Mayor Kirk suggested they meet in October so they could recommend an allocation of the money. Town Administrator Schiro recommended that Ms. Kirk pick date for a meeting and provide it to the staff.

Councilmember Snyder read a brief statement regarding the passing of Senator Ted Kennedy. He expressed his opinion that Senator Kennedy was someone the Council could learn from. Mr. Snyder noted that he was elected in 1962, at the age of thirty – the minimum constitutional age; and, reminded Council that he went on to serve for almost fifty years. He advised that Senator Kennedy was a lion for liberal causes that some embraced, and others opposed; however, he was an effective senator for his generation. Mr. Snyder expressed his opinion that the key to Senator Kennedy's effectiveness was his legendary talent for reaching out to unlikely colleagues to find common ground with those who opposed his views. He encouraged Council to emulate his talent by reaching out to find commonalities with opponents, striking new friendships and making unlikely allies.

Councilmember Shea presented Council with a set of draft goals that she and Councilmember Plescow have prepared. She asked that they review the document; and, offer any changes.

There being no further business, the Council moved to adjourn the meeting at 7:25 p.m.

APPROVED:

---

Betsy A. Davis, MAYOR

ATTEST:

---

Rhonda S. North, MMC, Town Clerk