



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



**PENDING APPROVAL**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk  
Councilmember Judith Pryor Plescow  
Councilmember Kathy Jo Shea  
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 L. Webber, Chief of Police

**ABSENT:** Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Lisa Patterson

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, September 10, 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.

Mayor Davis reminded Council of the Remembrance Ceremony to be held in memory of those who lost their lives on September 11, 2001. She noted that this event was scheduled for 7:00 p.m. tomorrow evening on the Town Green in Leesburg. Ms. Davis advised Council that the Freedom Memorial would also be open from 7:30 a.m. to 9:00 p.m. for those who wished to pay their respects privately. She reminded Council that Governor Kaine has asked that people do volunteer work tomorrow in memory of 9/11.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the August 10, 2009 Work Session minutes; August 13, 2009 Regular Meeting minutes; and August 27, 2009 Work Session minutes as amended.*

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

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## **Staff Reports**

Town Administrator Schiro advised Council that copies of the Whitman, Requardt Master Utilities Study had been placed on their desks. He reminded them that it was seven years old; and that the Town's priorities had changed as a result of the Salamander Project. Mr. Schiro reported that the parking lot lease with the Middleburg United Methodist Church has been executed. He reminded Council of Salamander's previous request for a shop drawing agreement related to change orders; and, advised that they have changed their request to a simple letter from the Town approving the engineer's recommendations related to the change orders. Mr. Schiro reported that VDOT has raised some issues related to the Madison/Marshall Street Intersection Improvement Project; and, noted that this would be an item on the September 24<sup>th</sup> work session agenda.

Councilmember Snyder noted the membrane change order. He inquired as to the expected life of the membrane. Town Administrator Schiro confirmed it was six to seven years. Councilmember Snyder asked that an item be added to the work session agenda to discuss the aluminum grate issue and how it would affect the warranties for the treatment plant. He expressed a desire that the Council have an understanding of the basics. Town Administrator Schiro advised Council that he hoped to have this issue resolved before the work session. He explained that the staff's concern was that the fiberglass grate could chip and get into the membrane, which would damage it. Mr. Schiro further explained that they were looking for something that would either confirm that the warranty would not be made invalid or for a change in the grate material.

Vice Mayor Kirk advised that she did not have a concern regarding the Police Chief's report; however, she did have a concern. She explained that she has noticed in the mornings, as well as throughout the day, that motorists were running the traffic light across Madison Street. Ms. Kirk reiterated that they were not waiting for the light to change. Chief Webber asked about the time that Ms. Kirk travelled through this intersection. Vice Mayor Kirk confirmed that it was 5:45-5:50 a.m.; however, she noted that she has also witnessed this on Saturdays. She advised that the motorists were not turning right on red; and, explained that they were either turning left or going straight through the intersection. Ms. Kirk noted that the light has been slower to change lately; and, asked that the Police Department pay attention to this intersection. Chief Webber confirmed that he would have his officers keep an eye on it. He noted that he has put in a call to the representative from VDOT who oversaw the traffic light; and, was told that the button was stuck. Town Administrator Schiro reported that VDOT has changed the traffic cue; and, noted that he has discussed this with them. He further reported that VDOT was supposed to be re-evaluating the change to make sure it was working properly. Mayor Davis noted that this intersection received a lot of traffic, particularly during the school year.

Town Planner Beniamino reported the Planning Commission was holding a special meeting on September 17<sup>th</sup> to consider a request from the National Sporting Library to install a temporary construction entrance on West Washington Street. He noted that he has received VDOT's comments; and, they are okay with the entrance as long as it was temporary. Councilmember Snyder asked about the construction schedule. Town Planner Beniamino advised Council that the Library has been approved for a one year permit; and, would need to come back if it took longer. He expressed his opinion that they would not use the temporary entrance for longer than six months while they were doing their initial grading. Mr. Beniamino explained that there were issues associated with having the entrance on The Plains Road. Councilmember Snyder noted that the Council was aware of the issues based upon a reading of the Planning Commission meeting minutes; however, they were not familiar with the schedule. Town Planner Beniamino reiterated his opinion that it would be a maximum of six months. Mayor Davis asked whether the temporary entrance would be located west of the little house on West Washington Street. Town Planner Beniamino advised Council that it would be located twenty to twenty-five feet off the Dimos property, between the hill and Ms. Dimos' driveway.

Councilmember Shea noted that the utilities report showed a larger system loss in August; and, asked whether this was the result of the water line break. Town Administrator Schiro advised Council that the loss gets higher during dryer weather. He noted that the Fire Department was also using a good bit of water for training purposes; and, were filling their tankers more frequently. Councilmember Snyder asked for the location used to fill the tankers. Town Administrator Schiro noted that they were supposed to use the hydrants at Well 3 and on Foxcroft Road. Councilmember Snyder asked whether they could use Well 1; and, noted that since this was free water, he would prefer to give them the less potable variety. Town Administrator Schiro explained that the Fire Department did not like to use that hydrant because it was too slow. Councilmember Snyder reiterated that this was free water for the Department. Town Administrator Schiro advised Council that he met with the Fire Chief and Treasurer; and, they have agreed to stop using the hydrant at the Fire Department and to instead use Well 1. He noted that he preferred that they use the Foxcroft hydrant as it had no impact on the system since there was more flow at that location. Councilmember Snyder agreed. He expressed his opinion that if the Town were giving the Department the water for free, it should be able to direct them to use the hydrants that it wanted them to use. Town Administrator Schiro noted that he was trying to work on this in a cooperative way. Mayor Davis asked whether the Town could secure a portable meter for use by the Fire Department so their usage could be included in the utility report. Town Administrator Schiro confirmed it was possible to get a portable meter. Councilmember Snyder recommended the staff see if they could get a temporary meter on loan from Loudoun County. Town Administrator Schiro reiterated that the Town did have some water line leaks, as well as the dry weather that contributed to the higher system loss. He agreed it would be interesting to include the Fire Department's usage in the report; and, noted that he knew how many gallons a tanker held. Mayor Davis suggested the Fire Department log the number of fills. Councilmember Snyder noted that this would give the Town more system data. He suggested that they also identify which well they used.

### **Public Presentations**

Miriam Nasuti, CEO and Publisher of Talk Loudoun, appeared before Council to brief them on their new electronic newsletter that serves Loudoun County. She explained that after dealing with a couple of life changing experiences, she decided to leave the marketing firm that she had worked with for many years; and, ultimately decided to launch the e-mail newsletter in Loudoun County. Ms. Nasuti noted that she worked in television in Pennsylvania years ago at the time when good news was the story; and, decided to go back to those days with the newsletter. She advised that they launched their first newsletter seven weeks ago. Ms. Nasuti presented a handout to Council; and, noted that those who were interested in receiving the weekly editions could go to their website and subscribe for free. She noted that they could also view past issues on-line. Ms. Nasuti invited the members of Council to call her if they had a good news story they felt would be a right fit. She explained that the stories they were publishing were about people's journeys; and, were unusual stories about the communities within Loudoun County. Ms. Nasuti noted that last week's story was about a pilot who after 9/11 went through a transition; and, was now in the agri-business. She explained that those were the kinds of stories she was looking for; and, noted that the subjects should be fourth or fifth generation from Middleburg and Loudoun County. Ms. Nasuti advised that she was looking for moving stories; and, noted that she would not cover Council meetings or items such as the hospital situation as she believed that readers wanted to hear about good news. She reiterated her invitation to contact her if Council had any ideas for stories. Mayor Davis noted that she received an issue of the newsletter; and, subscribed to it. She recommended that Council read the newsletter as it contained interesting stories. Ms. Nasuti noted that she wrote no more than three stories a week; and, only sold five ads per issue. She advised that she received a hundred e-mails a week that were very rewarding. Mayor Davis thanked Ms. Nasuti for sharing the information related to the newsletter.

**Information Items**

Vice Mayor Kirk announced that the Upperville Fire Department would hold their monthly breakfast on September 13<sup>th</sup> and a Pig Roast on October 3<sup>rd</sup>. She asked the Town Administrator to contact the members of the Health Center Advisory Board to schedule a meeting in October; and, noted that her schedule was fairly open.

**Closed Session** – Contract Negotiations

*Vice Mayor Kirk moved, seconded by Councilmember Shea, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(7) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that this discussion be limited to contract negotiations regarding operational funding for the water and wastewater treatment facilities. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.*

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

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Mayor Davis asked the members of Council to 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. The members of Council did so certify.

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

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk