



MIDDLEBURG TOWN COUNCIL
Monthly Work Session
Thursday, September 24, 2009
Town Office, 10 W. Marshall Street



6:00 p.m.

PENDING APPROVAL

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk (arrived late)
Councilmember Trowbridge Littleton
Councilmember Lisa Patterson
Councilmember Judith Pryor Plescow
Councilmember Kathy Jo Shea
Councilmember Mark Snyder

STAFF: Jerry M. Schiro, Town Administrator
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator
Steven L. Webber, Chief of Police
David M. Beniamino, AICP, Town Planner
N. Phil DeLeon, Town Engineer

ABSENT: Councilmember Catherine “Bundles” Murdock

The Town Council of the Town of Middleburg, Virginia held their regular work session on Thursday, September 24, 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 – Planning Commission recommendation related to sidewalk waivers

Planning Commission Chairman Plescow reported that the Commission’s position was that it would prefer that the Council not waive sidewalk requirements with the exception of cases where a historic structure would have to be altered to construct it. He explained that the reason for this was that Middleburg was pedestrian-oriented and was trying to encourage people to walk. Mr. Plescow noted that the opportunities from development/renovation were few; and, advised that the Commission would like sidewalks to be installed so there would be no gaps in the system.

Councilmember Snyder asked how this would affect the Ridgeview area. He noted that this was an existing neighborhood; and, asked whether the property owners would be required to install sidewalk. Town Planner Beniamino advised Council that sidewalks were not required in residential areas, although they were required for higher-density residential units, such as multi-family units. He confirmed that it was not needed for single-family residential units.

Councilmember Littleton advised that, from a historical perspective, he believed the Council should maintain the ability to offer waivers if required; and, noted that there could be instances where there should not be sidewalks, such as sidewalks leading to nowhere. Councilmember Snyder noted that this was also his concern. He suggested that if the National Sporting Library were forced to install sidewalk on Washington Street, it might be nice for the Dimos residence; however, he noted that parking was not allowed on that side of the street. He asked who the sidewalk would serve; and, suggested it was of no value. Planning Commission Chairman Plescow reminded Council that there were currently gaps in the sidewalk system. He further

reminded them that the sidewalk requirement did not apply to residential development. Mr. Plescow noted that it would benefit commercial uses where pedestrians were trying to get from point A to B. Councilmember Snyder agreed; however, he reiterated his concerns about having sidewalks that led nowhere due to the lack of a waiver possibility. He noted that the National Sporting Library has approximately two hundred feet of frontage on Washington Street; and, reiterated that he did not understand the purpose of sidewalk at this location since motorists could not park there and the area led to very large houses. Mr. Snyder reminded Council that there was sidewalk on the opposite side of the street. Planning Commission Chairman Plescow noted that there was an opportunity when redevelopment occurred to get the applicant to pay for the sidewalk and contribute to the system. He noted that in a perfect world, there would be sidewalk connecting every part of the town. Mr. Plescow reminded Council that there were unsafe areas of town that the Town must either make safe or the property owners must. Councilmember Snyder recommended the Town concentrate on sidewalks that were useful; and, noted that the example he cited was one that did not serve pedestrian traffic, but rather would provide for a thousand feet of concrete that would be an impervious surface.

Councilmember Shea expressed her opinion that this was not just an issue of not having the ability to grant a waiver, but was about developing criteria for waivers. She suggested that the options could include fees-in-lieu-of for situations such as the National Sporting Library where the sidewalk could be moved. Ms. Shea advised that she would like something more comprehensive than simply saying the Council shouldn't allow waivers. Planning Commission Chairman Plescow reiterated that the Commission's recommendation was to grant waivers where historic structures must be altered to accommodate the sidewalk. He suggested that the National Sporting Library was not a good example as there was no reason they could not have sidewalks on The Plains Road and Route 50. Mr. Plescow further noted that there were residential neighborhoods beyond the Library. Councilmember Shea reminded Council of the historic wall associated with the Library. Chairman Plescow noted that the walls could be moved and rebuilt; and, advised that this was not uncommon. He advised Council that, during their hearing, the National Sporting Library's representative stated that moving the wall was an option they were willing to do. Councilmember Shea expressed her opinion that the right to waive sidewalks lies with the Council; however, she agreed that there should be restrictions for doing so in the event that future Councils may not understand the issues associated with doing so. She suggested that there was a middle ground. Councilmember Plescow expressed concern that a future Council may not understand the ramifications of waivers; and, suggested there may be a need for the Council to look to the Commission for guidance. Councilmember Shea agreed with the need for guidance; however, she expressed her opinion that the final responsibility rested with the Council.

Councilmember Littleton noted that when he was on the Board of Directors for the Hill School, they considered placing their property in a restrictive building easement. He advised that he initially said this was a great idea to protect the land; however, after he thought about it, he realized that doing so would tie the hands of the school for fifty or one hundred years. Mr. Littleton advised that he has served on Councils for thirty years; and, noted that there were always responsible people on it. He expressed his opinion that the Council should have the ability to have flexibility. Mr. Littleton suggested that, if not, the Council would have given away what was unique about Middleburg. He noted that the Council was elected by the residents; and, was responsible. Mr. Littleton advised Council that this same discussion occurred in the past; and, a previous Council said they did not want to tie the hands of future Councils. Councilmember Snyder noted that this would not tie future Councils' hands since they could always re-establish the program. He recommended the Council exercise caution to address those issues that it really cared about. Mr. Snyder advised that he was divided on this one as he would like to see sidewalk on The Plains Road; however, he did not believe it had a purpose on Washington Street. (Vice Mayor Kirk arrived at meeting at 6:11 p.m.)

Councilmember Patterson explained that the Planning Commission discussed the waiver program for parking; and, noted that a business did not have to have parking directly in front of it. She further noted that there was a question if sidewalk was waived and a business had no parking of how the customer would walk to the parking lot. Councilmember Snyder explained that this was why he wanted sidewalk on The Plains Road; however, he reiterated that he did not understand the need for it on the south side of Washington Street. Vice Mayor Kirk expressed concern about taking away the Council's ability to waive sidewalks. Planning Commission Chairman Plescow explained that the Commission looked at this issue from a planning perspective. He reiterated that while a sidewalk may lead nowhere now, that may change in the future. Councilmember Snyder noted the restrictive zoning in this area; and, advised that he did not see the Council changing it. Chairman Plescow explained that the Commission was not placing an emphasis on what it did not want the Council to do, but rather felt strongly about the need for sidewalks. Councilmember Shea advised Mr. Plescow that the Council has held the same discussion; and, felt the same. Chairman Plescow reiterated that there were opportunities with new projects to get the developers to pay for the sidewalk in order to save the Town money. Councilmember Littleton agreed; however, he suggested that on rare occasions, the Council still needed limited flexibility. Mayor Davis expressed her opinion that Middleburg was different in that it was a small town and that what was to be built was small compared to larger towns that had more development activities. She noted that the town's main street and side streets that were developed retail mostly had sidewalk. Ms. Davis advised that the issue she was having a hard time with was Federal Street, which contained a number of buildings that were located within the right-of-way. She expressed concern about dealing with the properties in this district; and, advised that she would hate to see sidewalk that took away the character of the town in this area. Ms. Davis noted that she was not saying that she didn't want safety; however, she suggested it was hard to wrap her thoughts around the inability to grant a waiver as an absolute. Planning Commission Chairman Plescow explained that the Commission felt there was good reason to not install sidewalk if a historic structure had to be altered. He advised that other than that, they had a hard time finding a good reason to not install it. Mr. Plescow reiterated that they were looking at the long-range view; and, suggested that in ten to fifteen years, the Town may wish it had the connection. Councilmember Snyder noted that it could also be one thousand square feet of impervious pavement that the Town could never get rid of. Chairman Plescow suggested the need to balance this with closing the door forever on getting sidewalk on that property. He expressed his opinion that the Commission took the long view; and, did not want a permanent gap in the sidewalk. Councilmember Snyder noted that his long view consisted of a generation or two, not whether the Town would ever need sidewalk in three hundred years. He suggested there was a low risk that sidewalk would be needed on the south side of Washington Street in ten to fifteen years.

Councilmember Shea expressed her opinion that there were two different issues before Council. She suggested that one was the sidewalk plan, which Council was behind one hundred percent. Ms. Shea explained that the question for her was the second issue, which was where the responsibility for those decisions would lie – with the Council or Planning Commission. Commission Chairman Plescow noted that this decision would always lie with the Council. He reiterated that the Commission's recommendation was that the Council should not waive sidewalks except in cases that would cause the alteration of a historic structure. Mr. Plescow advised Council that the Commission felt that was the only good reason to grant a waiver. Councilmember Shea noted that she was in total agreement. Chairman Plescow noted that it was up to the Council to decide; however, he reiterated that the Commission was looking at the planning concept that Middleburg was a pedestrian community. He noted that it had parking issues; and, created a system that allowed for parking waivers. Mr. Plescow advised, however, that if individuals could not get from Point A to Point B due to gaps in the sidewalk, then the Town had not planned the system very well. Councilmember Snyder reiterated that he shared the Commission's concern on The Plains Road, but not West Washington Street. Commission

Chairman Plescow suggested there could be a parking lot developed in that area in the future. Councilmember Snyder noted that his vision was that there would not; and, suggested that in ten to twenty years that was a low risk. He expressed his opinion that Council needed more flexibility in dealing with sidewalk issues.

Councilmember Plescow noted that the individual members' concerns were focusing on specifics; and, suggested the Council was talking about whether the Planning Commission should have the right to say no sidewalk waivers would be approved, with the exception of historic buildings. Councilmember Snyder noted that the Planning Commission has never had the say in that case. Councilmember Plescow asked whether the Council was the last recourse if a request came to the Planning Commission and the Council disagreed with their recommendation. Councilmember Patterson noted that the waiver authority lied with the Council. Vice Mayor Kirk noted that the Council was the elected body. Councilmember Plescow asked whether a future Council had the right to revoke this Council's decision if it accepted the Planning Commission's recommendation and they no longer had the right to grant waivers. Councilmember Snyder confirmed it would. Councilmember Shea noted that the Council could direct the Planning Commission to do what it was saying and not recommend waivers except in cases where a historic structure was impacted; however, she advised that this was not the same as telling the Council that they could not waive sidewalks. She reiterated her opinion that these were two different issues.

Town Planner Beniamino advised Council that Tim Clites was in the audience; and, noted that he served on both the Planning Commission and HDRC. He noted that he understood the Chairman's position; and, agreed it was always good to get improvements when possible. Mr. Beniamino further noted that the Planning Commission was looking at safety and physical improvements; however, it was the Council's responsibility to look at the bigger picture. He explained that a historic building as defined in the Town Code was one thing; however, there were a lot of buildings that were not historic but rather had charm and were "uniquely Middleburg". Mr. Beniamino suggested that if the issue was that a structure was not historic and needed sidewalk that required the building to be demolished, the Town may not see the same replacement. He suggested the Town did not want to start building "fake history" and advised that the question would be how it would balance the two issues. Mr. Beniamino reiterated that the Town would not want to affect historic structures; however, many of the existing structures were not historic and would be affected.

Town Administrator Schiro noted that he and the Town Planner have discussed this issue. He suggested that if the Town had the opportunity to secure sidewalk through development, it should. Mr. Schiro further noted, however, that there may be instances where sidewalk was not appropriate; and, suggested that one option may be that provisions be implemented that would allow the Town to accept money that could be spent to repair, replace or build new sidewalk. He agreed that when one looked to the future, the hope was that all of the sidewalks would be connected; however, he suggested that in cases where this did not make sense, the Town should build it elsewhere. Commission Chairman Plescow noted that when development received a waiver, it was permanent unless the property owner came back with another project that required sidewalk. He suggested that once waived, the Town could not get it back and would create a permanent gap in the sidewalk system. Town Administrator Schiro reiterated that one option was that, rather than waiving the sidewalk, the Town should have the ability to get money for capital projects so it could build sidewalk elsewhere. Chairman Plescow noted that the Commission kicked around the question of how the Town would be compensated for the waiver; and, noted that in looking at parking lots as an example, parking lots could vary in price. He reminded Council that the location of the alternate sidewalk could vary in price due to grading issues, etc.; and, suggested it was not a simple formula to trade one square foot for another. Councilmember Shea asked whether there was nothing in existence to require sidewalks if a substantial improvement was made to a property. She expressed her opinion that there was a requirement

that if the property experience a change, a sidewalk would be required. Commission Chairman Plescow confirmed it would be if the property were modified by new construction. He cited the National Sporting Library as an example; and, explained that their recent site plan required the sidewalk. Councilmember Shea asked what the difference would be if the Council did or did not grant a waiver if it captured money. She noted that the Council agreed that it wanted the sidewalk plan implemented; and, advised that she did not understand the discussion. Planning Commission Chairman Plescow reiterated that the loss would be permanent if the sidewalk requirement were waived; and, would create gaps in the system. Councilmember Littleton noted that this would only occur for that particular project, not for future projects. He further noted that if the property owner built again, the issue would return. Chairman Plescow agreed the property owner may build again; however, he suggested they may say their property was fine for the next two hundred years. Town Planner Beniamino confirmed that the sidewalk requirement was specific to a site plan. He further confirmed that if the project were the last one a property owner did, there was nothing that allowed the Council to come back and say put in sidewalks. Mr. Beniamino advised that if the building was expanded or a new facility built, then the sidewalk issue would be raised again.

Councilmember Snyder expressed his appreciation for the issues that were explored by the Planning Commission; and, noted that it was helpful. Vice Mayor Kirk thanked them for their hard work. She noted that Councilmember Murdock had strong feelings about this issue. Mayor Davis recommended that its discussion be continued in the future.

Council Discussion – Proposed Charter Amendment related to Town Council quorum

Town Administrator Schiro noted that the Town Attorney has found additional areas within the Town Charter that should be addressed; and, was asking if Council wanted to do a comprehensive update. Council held some discussion regarding the charter amendment process and its timing; and, agreed they wanted to get the quorum changes before the General Assembly during their upcoming session. They further agreed that the remaining items could be proposed by the Town Attorney so long as their inclusion did not affect the schedule for addressing the quorum issue. The Council held some discussion regarding the issue of having a quorum under the charter as written and what was being proposed. It was noted that Council could continue to function without a charter amendment as long as the Council met the current quorum requirements. Town Clerk North expressed her opinion that the Town Attorney would not have raised the issue of the additional changes if she felt she could not get the work done within the schedule. She advised Council that the draft would be available for their review during the October meeting, with the public hearing scheduled for November.

Council Discussion – Request to discuss store vacancies and slow business environment

Councilmember Plescow explained that her concern in walking through town was that the core center of the business area contained six vacancies, with a seventh coming and possibly more. She expressed her opinion that the Economic Development Coordinator did an extraordinary job; however, she recommended the Council consider forming an ad-hoc marketing committee to assist her. Ms. Plescow noted that there was much talent in Middleburg; and, suggested that if the Town spoke with the national and international marketers in the community, it would allow them to think outside the box in terms of marketing Middleburg. She suggested the presentations occur through the Economic Development Coordinator. Ms. Plescow expressed her opinion that the Town needed to get the storefronts filled in order to increase revenue; and, noted that the retail and restaurant revenue accounted for 25% of the Town's tax revenue. Mayor Davis expressed her opinion that the restaurants and retail revenue made up closer to 65% of the General Fund budget. Councilmember Snyder agreed that it made up a large percentage of the budget; and, has been escalating. He noted that the Town has been working on marketing the town since he has

served on Council. Councilmember Plescow noted that she was not criticizing the efforts to date. Councilmember Snyder expressed his opinion that the Town has allocated as much of its budget as possible to marketing; and, suggested there was no new opportunity for funding. Councilmember Plescow reiterated that the community consisted of individuals with marketing experience who could present new ideas. Councilmember Snyder noted that the Town had a consultant to market the Town; and, has brought the County in to leverage those efforts. He suggested it was working in that direction. Vice Mayor Kirk expressed her opinion that Councilmember Plescow was trying to fill a void.

Mayor Davis expressed her opinion that part of the issue with the vacant storefronts was the rents. Councilmember Shea noted that it was also the cost of utilities. Mayor Davis expressed her opinion that rental rates were the biggest issue; and, was the reason why some of the businesses have closed. She reminded Council that they desired mom and pop type of stores. She further reminded them that the business community went through this same lull many years ago; and, noted that the Town changed its zoning ordinances to allow for retail on the first floor and for the waiver of parking requirements. Ms. Davis noted that the Town found ways so that it could stay retail, as opposed to offices which could afford high rents. She suggested the biggest hurdle was how the Town could get to the building owners. Councilmember Littleton expressed his opinion that the owners were listening. He noted that \$500 in rent was better than nothing. Mr. Littleton further noted that many owners bought their buildings as an investment; and, reminded Council that a sudden rent reduction would decrease the value of the building. He suggested that shop owners should go to their landlords to seek assistance with their rent; and, suggested that if they said they would move to a new location, the landlords would reduce the rent. Councilmember Snyder noted that most of the former mom and pop businesses catered to local people; and, were not worried about pulling in tourists. He noted that those businesses were lost prior to the latest economic shake up.

Councilmember Shea recommended that rather than setting up a committee, the Town hold a one-time brain storming session with the Middleburg Business and Professional Association and other organizations. She suggested that this impact would be more effective than another committee. Councilmember Snyder noted that the problem was rent and landowners who lived out of Town. He suggested that they did not budge on the rents; and, were fine that the businesses were failing in their buildings. Mr. Snyder suggested that this problem needed to be addressed. Councilmember Shea reiterated that she liked the idea of holding a brainstorming session, but not a permanent committee. Vice Mayor Kirk recommended the Council hold a special work session and invite the committees, public and specific people. Councilmember Plescow noted that she has spoken with people who would be thrilled to participate in a brainstorming session and throw out crazy ideas, without having people put on the brakes. She expressed her opinion that the Town needed some fresh approaches. Ms. Plescow advised that she has spoken with the Economic Development Coordinator who was open to different ideas and what they could bring. She noted that this was about supporting local businesses. Ms. Plescow advised that she liked the idea that the town needed more than local businesses supported by locals; however, she suggested it needed more. Vice Mayor Kirk suggested the town would start losing tourists. Councilmember Shea agreed with Councilmember Plescow; and, explained that she only disagreed with the need for a committee.

Mayor Davis asked the Council how they wished to approach the brainstorming session. She further asked whether they wanted to pick a date that was agreeable to them. Ms. Davis noted that she understood Councilmember Shea's suggestion; however, she reminded Council that when a meeting became too large, nothing got done. She suggested that if the Council agreed to the one-time brainstorming session, that it should assemble a list of names and let those individuals work on this issue and see what came out of the session. Ms. Davis noted that another session could be held if needed. She advised that everyone would be welcome; however, she suggested the attendees should be filtered through the Economic Development Coordinator. Councilmembers Shea and Plescow agreed. Mayor Davis reiterated that more would be accomplished by a smaller group than a large room of people. She suggested that it be handled in the same fashion as the Council's visioning session in which the Council was broken into small teams. Ms. Davis expressed her opinion that the visioning session was really good; and, that good things came out of it. Vice Mayor Kirk suggested the members of Council send the Economic Development Coordinator their recommendations for who should be included in the session. Mayor Davis recommended that once the list was developed, the Council could talk with those individuals and present their own ideas. She noted that Council could even decide if they wanted to be a part of the session. Vice Mayor Kirk expressed her opinion that the Council should lead it. She noted that this was a way for the Council to say that it was behind the businesses and wanted to do what it could to help the town be viable. Councilmember Shea asked whether Council would be involved in the session or the funding. Vice Mayor Kirk explained that she was suggesting the Council should lead the session; and, say it wanted to help the town. Councilmember Patterson noted that the Economic Development budget was set up in such a way as to be flexible. She suggested the Town could assist in small amounts. Councilmember Littleton agreed the town contained great talent; and, noted that many were existing shop owners.

Councilmember Shea suggested that Councilmember Plescow needed some direction. Vice Mayor Kirk recommended that the Economic Development Coordinator organize the brainstorming session. Councilmember Plescow noted that she would be happy to assist her. Mayor Davis asked that the members of Council notify Ms. Pearson of anyone they believed would be good to participate in the brainstorming session. Vice Mayor Kirk recommended the Town's marketing consultant, Bendure Communications, be involved.

Economic Development Coordinator Pearson noted that the City of Richmond was offering its property owners a break on taxes for xxx years if they would lower their rents for xxx years. She further noted that the filled buildings returned the lost revenue through increased BPOL and meals taxes. Town Administrator Schiro reminded Council that they would need a special taxing district in order to do so. Councilmember Shea recommended that this was an idea that could be discussed. Councilmember Snyder suggested the Council facilitate the brain storming session and not present ideas.

Mayor Davis asked when the Council would like to hold the session. Councilmember Patterson noted that there was not a lot of participation with the Main Street Committee; and, suggested that part of the problem was the time of day when the meetings were held. Mayor Davis noted that the time that was selected was based upon the preference of those involved. Councilmember Patterson suggested it was not working anymore. She noted that they were already a resource; however, she noted that they used to be a larger group. Councilmember Shea suggested this process would work well as it would get them re-involved. Vice Mayor Kirk agreed with the need to get them recharged. Councilmember Patterson expressed her belief that the Council needed to show its support of the business community. She noted that when the Town's meals tax provided 25% of the Town's operating budget, it could start to lose money rapidly through the loss of restaurants. Ms. Patterson suggested the need to look at other ways to get revenue so the Town could avoid tax increases. She noted that when a restaurant closed, it was devastating to

the Town's tax revenue; and, advised that some businesses carried a lot of the Town's budget. Ms. Patterson noted that BPOL revenues provided probably another 35% of the operating budget; and, advised that approximately 55% of the Town's operating budget came from the business community. She expressed her opinion that the Town needed to give the businesses the tools with which to work. Ms. Patterson advised that she would rather see the businesses get together to do this; and, noted that the town had a business and professional association. She reiterated that the businesses needed assistance, but suggested that it must come from them. Ms. Patterson suggested it would be good to focus on this and let them know that they have the Council's support. She noted that if the session provided some good ideas, the Town may be able to provide some funding and staff time. Ms. Patterson reiterated the need to let the business community know that the Council was there to assist. Councilmember Plescow noted that she was not looking at a specific industry. She reiterated that there was a lot of talent in Middleburg that has done marketing; and who would love for the Town to hear their ideas. Councilmember Shea asked Councilmember Plescow if she was satisfied with the brainstorming session. Councilmember Plescow confirmed she was. Mayor Davis asked whether the Council wanted to hold the brainstorming session now or in January. Councilmember Plescow suggested it be scheduled immediately. She reiterated that she would work with the Economic Development Coordinator. Vice Mayor Kirk agreed the session should be held sooner. Councilmember Plescow noted that Christmas was approaching; and, advised that she did not want to have empty storefronts as the face of Middleburg.

Town Planner Beniamino noted that he has been getting a lot of calls about Federal Street; and, explained that people were looking to get away from the core district and the associated high rents. He suggested a land use discussion on the areas of town that were under-developed and the identification of creative solutions that would allow the buildings on Federal Street to be a good resource. Mr. Beniamino noted that the vacant buildings in this area could not currently be utilized due to the investment cost associated with changing them. He suggested this be discussed by the Planning Commission. Vice Mayor Kirk noted that this was a good point. Mayor Davis agreed it was something that could be discussed.

Council Discussion – Request to create individual e-mail accounts for members of Council

Mayor Davis explained that this stemmed from a concern that arose a year ago when the Loudoun County Board of Supervisors were hit with a FOIA request for their personal e-mails. She advised that for security reasons, she felt very strongly that the Town's entire e-mail system should be under the roof of the Town Hall, with the Town having full responsibility for it. Ms. Davis further advised that she would like for the Town to have a ".gov" system like other towns, with the Town's e-mails being secured through its site. She noted that she would also like for each member to have their own e-mail account that would come through the Town's server so that if someone were to ever FOIA a member's e-mails, they would all be on the server.

Town Administrator Schiro advised Council that the staff has explored this; and, determined that it was possible to secure a ".gov" address; however, it would take awhile to get. He confirmed the individual member's could also get e-mails at home or they could log onto the Town's server through webmail. Mayor Davis reiterated her opinion that the individual member's e-mails needed to be on the Town system. Town Administrator Schiro reminded Council that they had individual e-mail addresses at one time. Vice Mayor Kirk noted that the Council never had access to them. Town Administrator Schiro confirmed they were not used much. He reiterated that the Town could set up individual e-mail addresses that the Council could access through webmail. Mayor Davis suggested that all Town business should be conducted under a Town e-mail address. Town Administrator Schiro explained that the problem in the past was that no one was checking the e-mails. Town Clerk North noted that 99% of Council's e-mails were junk that she simply deleted each morning. Mayor Davis recommended that the Town Clerk continue to

delete the junk items. Town Administrator Schiro noted that some of this would go away when the new addresses were set up. He advised that the accounts could be set up so Council accessed them through webmail or the Town Clerk could forward them to the individual members. Councilmember Snyder noted that part of the issue was that when the e-mail addresses were published on a server, people find them and send out spam. Mayor Davis noted that this was no different than what occurred now. Councilmember Snyder noted that his company deleted an incredible amount of spam from the e-mail system. He advised that he was not set up for an exchange on his home computer; and, would need to use webmail. Mayor Davis advised that she preferred the webmail option. Councilmember Snyder noted that if the Council went with the first option, the home computer set-up would have to change each time there was a change of Council. Councilmember Littleton advised Council that if an immediate response was needed, he needed to get the e-mail on his black berry. Councilmember Snyder noted that most mail applications could be set up to forward to a blackberry. Town Administrator Schiro confirmed that it could. He noted the need for Council to check their e-mails; and, advised that no one was checking them in the past. Councilmember Snyder recommended the e-mails be set up to automatically forward to the members' normal accounts. He noted that this would still address the FOIA concerns and be secure. Mayor Davis noted that it would be the Council's responsibility to check their e-mails daily. She asked whether everyone was in agreement to go with the second option of having individual e-mail accounts through the Town, with Council checking them through webmail. Council agreed they did. It was noted that if something were urgent, the Town Clerk would know and could contact Council by phone.

Council Discussion – Aluminum vs. fiberglass grating at Treatment Plant

Town Administrator Schiro reported that Salamander has agreed to go with the aluminum grating.

Council Discussion (continued) – Proposed design – Madison/Marshall Street Intersection

Town Engineer DeLeon reported that he and the Town Administrator attended a meeting with VDOT to present the draft design; and, advised that they were very receptive to it. He noted that they offered some suggestions and ideas; and reminded Council that some of the design aspects may require waivers. Mr. DeLeon advised Council that he was told to run a traffic movement program, which he did for the area of Foxcroft/Madison. He explained that, as a result, he has had to tweak the design; however, it was close to what Council previously saw. Mr. DeLeon advised that he would get back with VDOT within the next week for clarification on a few items. He further advised that, otherwise, it looked like the preliminary design as presented was advancing. Mr. DeLeon noted that VDOT was opposed to angled parking, as recommended by the Planning Commission; and, stated that it must be parallel parking or none. He further noted that they were not supportive of the additional pedestrian crossing. Mr. DeLeon explained that he did raise those issues with VDOT during the two hours that he and the Town Administrator spent reviewing the project in detail.

Council Discussion (continued) - Utility Capital Improvement Program

Councilmember Snyder asked that the Town Administrator provide Council with a brief highlight of his recommendations; and, noted that he wanted him to give Council the option of updating the study. Town Administrator Schiro advised Council that his report included a history of recently completed projects, an outline of priorities, funding alternatives, a copy of the rate increase pro-forma and a memorandum from the Town Engineer regarding the prioritized capital. He noted that the recommendations were tied with funding. Mr. Schiro reminded Council that the Utility Fund was slowly recovering; and, expressed a belief that the trend would continue this year. He noted that the audit report would be available later in the year; and, suggested that if the trend was continuing, the Town may be able to begin implementing a three-year capital program as

recommended by the Town Engineer. Mr. Schiro advised that one of the things the Town needed to do was to update the comprehensive master plan that was done in 2003 as much of that had changed due to the Salamander Project and new facilities, most of which addressed the Town's treatment needs. He suggested that with these new facilities, the Town's priorities could shift to the distribution system. Mr. Schiro noted that sewer inflow & infiltration was a priority. He reminded Council that the Town was doing some line televising to identified areas of concern; however, it needed a more comprehensive program. Mr. Schiro noted that on the water side there were galvanized lines that needed to be replaced. He recommended that the Town start next year with an update of the study and a re-identification of priorities.

Councilmember Snyder asked whether the best approach was to work the cost of the study into next year's budget. Town Administrator Schiro suggested the Town look at the audit at the end of the year to determine the utility figures; and, if discretionary funding was available, to do the study. Councilmember Snyder asked whether the work would be done this year or next. Town Administrator Schiro confirmed it could not be done in this year's budget; and, recommended it be included in next year's. Councilmember Snyder agreed. Town Engineer DeLeon noted that the Town Administrator has asked him to look at water line replacements. He explained that he recommended replacing the line in Washington Street first; and, the lines in the Ridgeview Subdivision second. Mr. DeLeon noted that there were sections of Ridgeview that contained no lines and others that contained small lines; however, Washington Street had a huge demand for water. He reiterated that his recommendation was to make Washington Street a priority over Ridgeview. Mr. DeLeon noted that Council has the option of determining the priorities. He advised that the Ridgeview work could also be phased. Councilmember Snyder noted that he liked the idea of phasing the Ridgeview work; and, suggested that what he was hearing was that there was not much of an opportunity to phase the Washington Street line. Town Engineer DeLeon confirmed that was correct. He reminded Council that the Town replaced a portion of the Washington Street line a few years ago. Mr. DeLeon explained that if VDOT were to improve the road, the Town would not to tear it up later to replace the water line.

Councilmember Shea asked whether it was possible to implement the recommendation for grease traps on new restaurants. Town Administrator Schiro recommended the ordinance apply across the board. He reminded Council that any new restaurant would have to pass Loudoun Water's inspection, which would require grease traps. Mr. Schiro explained that the problem was trying to retrofit the existing restaurants. Councilmember Shea expressed an understanding of this; however, she asked whether it would be possible to impose this requirement on new restaurants, such as whatever replaced Salvia's. Town Administrator Schiro confirmed the Town could not impose it on new restaurants that located in an existing space as they were not required to have a new inspection. Councilmember Snyder asked that this item be continued for discussion next month.

Council Discussion (continued) – Closure of Madison Street for local events

Town Administrator Schiro reported that the cost to close the street for permitting, staffing and signage would be \$2,900 for the first event. Councilmember Snyder asked whether the signage would be required anyway for the Christmas in Middleburg event. Town Administrator Schiro confirmed that it could use some of them. He noted the need for barricades. Councilmember Patterson asked whether VDOT required a specific type of barricade. Town Administrator Schiro confirmed the barricades would be heavier than those currently used by the Town; and, noted that they have more striping. Mayor Davis expressed her opinion that, once the Town was past the initial signage cost, the cost to close the street would be around \$500 per event. Town Administrator Schiro confirmed that it was based upon the staff time that was spent for the Bluemont Concerts. He noted that with the new barricades, the Street Superintendent's assistance would also be needed, requiring the payment of overtime. Mr. Schiro advised that there would

also be overtime for the police presence; and, comp time for the Economic Development Coordinator. He explained that the cost was based upon their hourly rates. Mayor Davis asked whether this was provided just for Council's information. Town Administrator Schiro confirmed that, at some point, the Town must make a decision on where the Bluemont Concerts would be held. He suggested that if they are proposed for Madison Street, the staff must pursue the road closure approvals. Mayor Davis suggested this question be placed on a future work session agenda for discussion. Councilmember Patterson asked whether the application was a simple one. Town Administrator Schiro confirmed it was. Mayor Davis asked whether this item could be held until the winter. Economic Development Coordinator Pearson confirmed that a decision was needed by May. Councilmember Snyder noted that he wanted a decision by May. Mayor Davis asked the Town Clerk to place this item on the January work session agenda. Councilmember Shea commended the staff on their report which was easy to read and contained all the necessary information.

Council Discussion – Plaque in memory of those who have served the Town

Economic Development Coordinator Pearson noted that the list contained some names that were not highlighted that should have been. Mayor Davis expressed her opinion that it was a nice list. She suggested the Town create a booklet that could be kept at the front counter for people to review. Councilmember Shea suggested that standards be developed before a name could be placed on a plaque, such as a minimum number of years of service. She recommended that members of Town committees, such as the Planning Commission, should also be included. Town Clerk North noted that the committee minutes from older years did not necessarily exist. Councilmember Shea confirmed that those lists could be prepared from this date forward. She suggested that there be a differentiation between volunteer and paid persons. Mayor Davis asked whether the book would be in place of a plaque. Councilmember Shea expressed her opinion that it would be cumbersome to have all of the names on a plaque. She suggested this honor be reserved for those who have performed outstanding service, such as twenty or thirty years. Councilmember Patterson reminded Council that the thought was that the names would only be listed on the plaque if the individual were deceased. Mayor Davis reiterated her suggestion that the names of the Mayors, Councilmembers and staff be included in a nice leather booklet. She noted that it could also include the names of members from the Planning Commission and HDRC. Vice Mayor Kirk suggested this would be easier than a plaque. Economic Development Coordinator Pearson reminded Council that the reason this discussion started was because of Council's desire to honor Billy Leach. Councilmember Shea recommended the staff develop standards for who would be placed on a plaque. Councilmember Snyder noted that he liked the idea of leather bound books that could be updated. Mayor Davis suggested the book be created so everyone would be honored. Councilmember Shea noted that it could be placed in the museum in the future.

Council Discussion – Follow-up on helicopter landing at Hill School

Mayor Davis expressed her opinion that the e-mail from the County Department of Fire & Rescue did not answer the Council's question. Town Administrator Schiro confirmed that the e-mail basically indicated that they would land the helicopter wherever they needed. He noted that they indicated that they did send a fire truck to secure the landing site. Mr. Schiro reiterated that they would set the helicopter down where they felt it was necessary. Councilmember Snyder noted that this was fine; however, the Council wanted them to communicate with those on the site as early as possible. Town Administrator Schiro explained that the Fire Department was saying there was no time to do so. Mayor Davis noted that a fire truck secured the site; and, suggested that whatever personnel were present should go inside and alert the occupants. Town Administrator Schiro noted that he was not defending the County. He explained that their e-mail indicated that the responders saw some children, evaluated the situation and did not believe they

were in danger. Mr. Schiro noted that it was easier to say things in a meeting; however, when someone was involved in an emergency situation, it was not the same. Mayor Davis noted that if she was in an emergency vehicle and saw kids in the area, she would tell them to get inside. She advised that this had nothing to do with the helicopter or dispatch, but rather was done by those who were securing the site. Vice Mayor Kirk expressed her opinion that the Council was getting two different stories. She suggested the important thing was that someone should have gone to the school when they arrived on the site to tell them a helicopter was coming. Councilmember Shea expressed hope that the County would be more sensitive in the future due to the Council's inquiry. Councilmember Plescow agreed that the Town was on the record that it had a concern; and, expressed hope that in the future, the department would notify those on the scene. Mayor Davis asked whether the local fire department was involved in this matter. Town Administrator Schiro confirmed that another fire department secured the helicopter landing site. Mayor Davis expressed her opinion that the local department would not normally allow a helicopter to land with children present. Town Administrator Schiro agreed with Councilmember Plescow that the Department now understood the Town's concerns. Vice Mayor Kirk asked that the Town send a copy of the e-mail to the Aldie Fire Department. Town Administrator Schiro noted that the County's Deputy Fire Chief has already spoken with them. Councilmember Patterson recommended that the e-mail be sent to the Hill School so they could do whatever they needed to do. She noted that the Council has addressed the matter; and, suggested that the Hill School needed to proceed if they had issues. Councilmember Shea suggested that they be asked to let the Council know if they have future problems. Town Administrator Schiro recommended that they let the fire department know since the Town had no authority over their operations.

Discussion

Mayor Davis announced that the round-about at Gilberts Corner would be open on or about September 30th.

There being no further business, the Council moved to adjourn the meeting at 7:35 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk