



**MIDDLEBURG TOWN COUNCIL
WORK SESSION
Thursday, October 28, 2010**



PRESENT: Mayor Betsy A. Davis
Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder
Councilmember David B. Stewart

STAFF: Rhonda S. North, MMC, Town Clerk
David M. Beniamino, AICP, Town Planner
Cindy C. Pearson, Economic Development Coordinator
Debbie J. Wheeler, Town Treasurer

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, October 28, 2010 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Mayor Davis thanked Economic Development Coordinator Pearson for coordinating Mr. Schiro's retirement party. She expressed sorrow that he was leaving the Town's employ. Ms. Davis presented Mr. Schiro with a proclamation, signed by the Mayor and members of the Town Council, recognizing his accomplishments as Town Administrator. (Councilmember Hazard arrived at the meeting at 6:02 p.m.) Mayor Davis also presented him with a framed photograph, taken by Jim Poston, of the 2009 Christmas in Middleburg event. She noted that he would be greatly missed. Mr. Schiro thanked the Council; and, noted that he enjoyed his service in Middleburg immensely.

Presentation – FY '10 Audit Report – Mitchell & Company

Jeff Mitchell and Sandy Tondreau, of Mitchell & Company, presented Council with a summary of the audit report and excerpts from their written report. Mr. Mitchell noted that the audit was for the fiscal year ended June 30, 2010. He reported that everything was found to be in order; and, the transactions were properly recorded. Mr. Mitchell reminded Council that he worked for them; and, advised that if they had found any irregularities, they would have immediately communicated with the Mayor. He advised Council that no irregularities were found.

Mr. Mitchell reviewed page two of the summary, which identified the Town's assets and liabilities. He noted that the Town had total assets of \$8.7 million in FY '10 in its three basic funds (General Fund, Health Center Fund and Water/Sewer Fund). Mr. Mitchell explained that of the \$8.7 million, \$1.6 million was in cash; \$196,000 was in receivables; and, \$7 million was in fixed assets. He noted that the receivables were primarily the result of the July water/sewer billing cycle (\$127,000); and, advised that there were not a lot of old bills owed to the Town. Mr. Mitchell reminded Council that fixed assets were based upon the original costs less depreciation; and, included items such as the Town's water lines, wells, treatment plants, office buildings, etc.

He advised that as to liabilities, the Town's payables were fairly current. Mr. Mitchell noted that the largest item was the Town's long-term debt of \$3.5 million, \$3.2 million of which was from the 2007 bond refinance.

Mr. Mitchell reviewed page three of the summary. He noted that the bottom line was that the General Fund operated at a deficit of \$122,000 in FY '10. Mr. Mitchell reported that the Health Center Fund operated with a surplus of \$14,000. He further reported that the Water/Sewer Fund operated at a deficit of \$215,000. Mr. Mitchell noted that the summary contained a historical view of the revenues and expenses.

Mr. Mitchell reviewed page four of the summary. He reiterated that the General Fund operated at a deficit of \$122,000, principally due to the snow removal costs of \$80,000. Mr. Mitchell advised that the overall deficit of \$215,000 in the Water/Sewer Fund included things that were not truly operating costs. He noted that they performed a reconciliation to show the true operating costs, excluding cell tower rentals, depreciation and miscellaneous fees. Mr. Mitchell further noted that he added in debt service and engineering costs. He advised that from an operating standpoint of service revenue versus service expenses, the Water/Sewer Fund operated at a \$52,000 loss. Mr. Mitchell noted that the summary included a comparison to prior years; and, reminded Council that in 2008, the Town borrowed money to finish a project, which was why a surplus was shown that year.

Mr. Mitchell reviewed page five of the summary pertaining to operating revenues. He advised that the General Fund revenue trend was down. Mr. Mitchell explained that in 2008, the Town received bank tax revenue of \$232,000; however, it was only \$150,000 in 2010. He further explained that parking revenues in 2008 were \$71,000; however, it was only \$39,000 in 2010. Mr. Mitchell noted that this was why the trend was down. He expressed his opinion that this was a general trend in towns; and, advised that Middleburg had budgeted for it. Mr. Mitchell noted that the Town's real estate tax revenue stayed fairly level even though the assessments were down slightly. He further noted that the Town has experienced a slight dent in its real estate tax revenue; however, it was not a huge one as has been experienced in other localities. Mr. Mitchell reminded Council that when he started working for the Town, he stressed the importance of having a balanced budget in the Water/Sewer Fund. He noted that the Town has increased its rates for the last few years; therefore, its operating revenue was trending upward. Mr. Mitchell reminded Council that the Health Center Fund revenue was mostly due to rental activity; therefore, it did not experience a lot of fluctuations.

Mr. Mitchell reviewed page six of the summary pertaining to the percentage of gallons of water billed versus pumped. He noted that this was an issue he has raised over and over again, with no solution. Mr. Mitchell reported that the Town was only billing for 50% of the water pumped. He noted that when the Town was using Well 4 and making system improvements, there was talk that the difference was based on issues such as back washing and testing; however, the percentage has not improved. Mr. Mitchell reiterated that he did not have an answer; and, noted that this was a problem. He advised that he did not know the solution other than to continue to work on the utility lines. Mr. Mitchell explained that the Town was only billing for fifty gallons of water for every one hundred gallons it pumped. He noted that the summary included the percentage billed in relation to other towns so the Council could see the relation of water pumped into the system and billed to customers. Mr. Mitchell reiterated that the Town's percentage was 50%, whereas other towns were 90% and 70%.

Councilmember Murdock noted that the percentage was better in 2007. Jerry Schiro advised Council that this was when Well 4 came on line. Mr. Mitchell expressed his opinion that the Town should have seen a dramatic increase.

Councilmember Littleton noted that the weather has been really dry. Councilmember Snyder noted that this would not affect the percentage of gallons pumped versus billed. He expressed his opinion that the Town was losing way too much water somewhere; however, he suggested that not all of it was being treated.

Vice Mayor Kirk asked whether Loudoun Water had said anything about this. Mr. Schiro reminded Council that previously, the Town was not capturing some of the water that was used in the treatment processes that did not make it to the distribution system. He noted that he made some adjustments to account for this usage. Mr. Schiro advised that other than that, there were some uses, such as the Fire Department's use of water from the hydrants, which were occurring. He noted that the Town has been trying to track that usage based upon the size of the tankers. Mr. Schiro advised that Loudoun Water has taken a stronger look at this issue. He reminded Council that he had hoped to have Whitman Requardt conduct a system study; however, the Town has not had the money to do so. Mr. Schiro agreed the percentage was extremely high; and, suggested that there was some loss in the distribution system. Mayor Davis suggested that this item be put on the Council's plate. Councilmember Snyder noted that he planned to bring these issues back to the Council soon.

Mr. Mitchell reviewed page seven of the summary, which compared the General Fund budget to actual revenue and expenditures. He reported that in FY '10, the Town's actual General Fund revenues were \$1.3 million, with the budget projecting them at \$1.4 million. Mr. Mitchell advised that the biggest difference between the budget and actual revenues was the decrease in the parking and bank franchise fee revenues. He noted the increased snow removal expenses; and, advised that the General Fund's actual expenses were \$1.4 million versus the budget of \$1.5 million. Mr. Mitchell reminded Council that the Town experienced supplemental budget increases over the year, which was a good idea. He explained that doing so was the reason the Town was close to its budgeted expenses. Mr. Mitchell noted that the biggest reason the actual expenses were so close to the budget was that the general government departments were budgeted for expenses of \$668,000; however, they only spent \$581,000.

Mr. Mitchell reviewed the General Fund revenues and expenditures and the changes in the Fund Balance. He explained that during the year, the Town incurred expenses that were not originally budgeted; and, advised that the staff came to them for budget amendments. Mr. Mitchell advised that the General Fund was \$99,000 under the projected expenses. He noted that from a budget standpoint, this was excellent. Mr. Mitchell expressed his opinion that the budget process worked very well; and, noted that the audit did not show anything the Council did not know about even though it operated at a deficit.

Mr. Mitchell reviewed page eight of the summary, which contained the General Fund's surplus (fund balance). He noted that in 2006, the Town was struggling and had a deficit fund balance. Mr. Mitchell expressed his opinion that the Town and its staff worked hard to accumulate a surplus so that when the Town experienced years like 2010 in which it had unexpected snow removal costs, they could be covered. He reminded Council that if the Town had experienced a snow in 2006 like it experienced this past season, the Town would have been in a very difficult financial position. Mr. Mitchell reminded Council that from 2007-2009, the Town accumulated a General Fund surplus, which was a positive statement regarding the management of the Town.

Mr. Mitchell reviewed the Water/Sewer Fund revenues and expenditures and changes in net assets. He reiterated that the Fund operated at a deficit of \$215,000. Mr. Mitchell advised that this was based upon an accounting calculation which he did not like; therefore, he performed another calculation which provided the "real" information.

Mr. Mitchell reviewed the General Fund revenues and other financing sources from a budget versus actual basis standpoint. He reiterated that the Town experienced a slight decrease in its real estate tax revenues. Mr. Mitchell noted that the biggest decreases occurred in the bank franchise tax revenue (\$200,000 budgeted versus \$150,000 actual) and the parking revenues (\$70,000 budgeted versus \$39,000 actual). He advised that the reduction in parking revenue was becoming a trend as the Town was collecting less parking revenue. Vice Mayor Kirk asked whether Middleburg was the only town experiencing a reduction in parking revenues or whether all towns were. Mr. Mitchell confirmed it was principally in Middleburg. Mr. Mitchell reminded Council that years ago, the Town's ABC profit was massive; however, he advised that it was now non-existent.

Mr. Mitchell reminded Council that the Town was a participant in the Virginia Retirement System. He noted that he had heard rumblings that due to their investment portfolio, the VRS rates may increase as they need to have enough money accumulated for the defined benefits they provided. Mr. Mitchell advised that the Town did not experience a rate increase this year; however, he suggested the Council keep their eye on this as large increases may be coming down the road.

Mr. Mitchell congratulated Mr. Schiro on his retirement; and, noted that he enjoyed working with him. He expressed his opinion that Mr. Schiro worked hard to get the Town in a solid financial position. Mr. Mitchell expressed his appreciation for having the opportunity to work with Middleburg. Mayor Davis expressed the Town's appreciation for Mitchell & Company's work.

Council Approval – Request for site plan waiver – 102 W. Marshall St. - Tim Dimos

Town Planner Beniamino advised Council that Tim Dimos has applied for a site plan waiver for his property located at 102 West Marshall Street. He noted that it was a .29 acre parcel that was zoned C-1, Commercial. Mr. Beniamino explained that Mr. Dimos would like to put a roof over an existing rear patio, which he may also potentially enclose with a screen. He reminded Council that the subdivision ordinance required a site plan because it was a commercial business. Mr. Beniamino recommended approval of the waiver as it was compliant with the site plan waiver section of the Town Code.

Mr. Dimos advised Council that the patio was located on the north side of his building; therefore, leaves and snow collected in this area. He noted that he currently could not walk through this area in the winter. Mr. Dimos advised that it was hot in the summer.

Mayor Davis expressed her opinion that the request seemed to be appropriate.

Councilmember Snyder asked whether the application should be sent to the Planning Commission for a recommendation or whether the Council could simply take action. Town Planner Beniamino confirmed that a Planning Commission recommendation was not necessary.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that the Council approve a request for a site plan waiver at 102 West Marshall Street.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea, Snyder and Stewart

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Request for site plan waiver – 101 West Federal Street – Fox Tails Salon

Town Planner Beniamino advised Council that the Fox Tails Salon was seeking a site plan waiver for 101 West Federal Street. He noted that it was a 1,500 square foot parcel, which was zoned C-3, Commercial. Mr. Beniamino reminded Council that this was the same building for which Annie’s Restaurant sought a site plan waiver. He explained that this request was different than the previous one in that concern had been raised that if the restaurant expanded, it could create an enforcement problem. Mr. Beniamino advised that there would be less of a problem with this use. He explained that personal services were required to provide parking at one space per three hundred square feet. Mr. Beniamino advised that the space the salon would occupy was six hundred square feet; therefore, only two spaces were needed, which the property had.

Lynne Kelly, owner of the hair salon, advised Council that her business would occupy only the main floor. She noted that she would only have one customer at a time; therefore, there would not be a lot of traffic associated with the business.

Councilmember Murdock asked whether the staff was recommending approval of the request. Town Planner Beniamino confirmed he was.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council grant a request for a site plan waiver for 101 West Federal Street for the Fox Tails Salon.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea, Snyder and Stewart

No – N/A

Abstain: N/A

Absent: N/A

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

Council Discussion (continued) – Proposed amendments to garbage ordinance

Town Clerk North expressed her opinion that the cover memo was self-explanatory. She noted that Councilmember Shea advised her that one of the sections included the language “the Town Administrator or his designee”. Ms. North advised that she would remove the reference to “his”. Mayor Davis noted that Section 87-11(A) should say “Regular recycling...”. Town Clerk North confirmed this was a typo.

Councilmember Shea expressed concern regarding the recycling language. She noted that she pulled information that Go Green gave out. Ms. Shea reminded Council that the Town allowed for the co-mingling of recycling items; however, the proposed ordinance called for it to be separated. She suggested the two documents were not consistent. Town Clerk North explained that in drafting this section of the ordinance, she used the information the Town provided to new residents. She advised that she assumed that was correct. Mr. Schiro confirmed that recycling items could be co-mingled. Councilmember Shea provided the Town Clerk with the information sheet provided by Go Green. Town Clerk North suggested that she research this section further; and, noted that some of the Town’s other materials may need to be changed. Councilmember Shea suggested the Town Code not be specific, but rather that it be based upon the Town’s contract with CSI. Councilmember Murdock agreed; and, noted that the contract periodically changed.

Councilmember Shea noted that Section 87-12(A) allowed recycling to be placed loose in a trash can. She asked why recycling would be placed in a trash can. Ms. Shea explained that it took her a minute to understand what was being said; and, recommended that the language be changed to state “covered trash cans marked specifically for recycling”. Town Clerk North advised Council that again, she used language that was used in another document. She confirmed that she could make this change.

Councilmember Murdock noted that the Town did not offer covered recycling bins. Town Clerk North advised Council that she included this language based upon Council’s previous discussions. She noted that in talking with the Street Superintendent, she confirmed that CSI did not offer covered recycling bins for free. Ms. North advised that if this section remained as written, the existing recycling bins would not be compliant with the Town Code. She reminded Council that the whole purpose of re-writing this section was to bring it into compliance with existing practices. Ms. North reiterated that CSI did not have lids for the bins they provided.

Councilmember Shea noted that bins that had lids could be purchased for \$50 through CSI. She further noted that these bins were similar to the garbage cans; and, were blue in color. Town Clerk North reiterated that the bins that the Town handed out for free would not be in compliance with the language as it was currently written. She asked whether the Council wanted to require the Town’s customers to purchase a recycling bin if this language was left as written. Ms. North further asked whether they would like to remove the language.

Councilmember Shea expressed her opinion that the Council could not allow recycling to remain uncovered as there was a lot of debris around town. Councilmember Snyder suggested the Council focus on the objective of keeping the recycling in place so it did not blow. He noted that he saw trash blowing in his neighborhood on trash day. Mayor Davis suggested the ordinance require the recycling materials to be secured, but not necessarily that the bins have lids.

Councilmember Murdock noted that Section 87-11(A) required newspapers to be tied with string or placed in a paper grocery bag. Councilmember Snyder noted that people were trying to get away from paper grocery bags. Councilmember Murdock suggested that these two sections conflicted. Town Clerk North noted that Section 87-11(A) was going to be re-written.

Councilmember Snyder suggested that all the Council cared about was that the recycling items be contained so they were not disbursed by the wind. Councilmember Murdock asked whether the customers would have to buy a lidded container. Mayor Davis suggested that a rock could be placed on the recycling materials to keep them from blowing away. She further suggested that they be secured.

Councilmember Shea noted that lidded recycling bins could be purchased from CSI or a home improvement store. Councilmember Snyder suggested that the recycled glass be put on top as it was heavy. Councilmember Shea noted that Loudoun County recommended that regular trash cans be marked and used for recycling. Town Clerk North reminded Council that Section 87-12(A) would allow a customer to use a trash can as a recycling container, as long as it was marked as such. Councilmember Shea suggested that the customer could use any covered acceptable trash can as long as it was marked for recycling.

Town Clerk North noted that Section 87-12(C) required a cover or other means of closure. She asked whether the Council wanted to leave the term “cover” in the draft ordinance. Ms. North suggested simply requiring “a means of closing” to prevent the scattering of the contents. Council agreed this language would work.

Mayor Davis noted that Section 87-12(B) required that the recycling receptacles not weigh more than fifty pounds. She expressed her opinion that this was the result of the crates that were lifted; however, she noted that some residents had receptacles that were lifted by the recycling truck. Ms. Davis expressed her opinion that those receptacles could be heavier. She asked whether this should be changed. Ms. Davis expressed her opinion that her container weighed more than fifty pounds when full.

Town Clerk North explained that she was trying to find a way to make sure that they were not too heavy, without saying that they could not be more than ten or twenty gallons. She further explained that the weight seemed to be the more appropriate means of doing so. Ms. North suggested that the weight limit be increased if it was not enough.

Mayor Davis suggested a specific listing of the containers. Councilmember Shea recommended that the Council work with the company's requirements. She suggested that as long as the Town was with CSI, the recycling bins could weigh more than fifty pounds. Councilmember Snyder noted that he has not seen a recycling bin that was so heavy that it was an issue. Councilmember Littleton suggested that it refer to a designated container. Councilmember Snyder asked who would designate the container. Councilmember Littleton suggested that CSI do so.

Councilmember Shea reiterated her suggestion to use the requirements of the contractor. Vice Mayor Kirk agreed; and, noted that this way, the Town would never be in violation. Town Clerk North noted that she would check with CSI on this item.

Mayor Davis expressed her opinion that the main concern addressed by Section 87-3(C) was when the customers would put their receptacles out for collection and bring them back in. She suggested that the concern was that they not be put out too early or too late. Ms. Davis suggested that the language be re-phrased to state that "To guarantee pick-up, all receptacles shall be set out by...". She noted that last week, she did not set her cans out until 6:30 a.m. due to the wind. Ms. Davis asked whether it was wrong if they put it out later; and, noted that if they missed the pick-up, it would be the customer's own fault. She further asked whether the language should be changed.

Town Clerk North expressed her opinion that if the Town Code did not state a specific time by which the garbage should be put out and the customer missed the pick-up, he/she would say "I was only following the rules the Town gave me". She noted that, according to the Street Superintendent, 5:00 a.m. was the time in which CSI began their pick-ups in Middleburg.

Mayor Davis suggested that instead of requiring that the trash be set out by a certain time that it say "to guarantee pick-up". She expressed her opinion that if the residents wanted to take a chance by sitting it out later, they should not be out of compliance with the Town Code. Councilmember Littleton expressed his opinion that it already said that. Town Clerk North agreed. Councilmember Shea suggested it would not hurt to add the language.

Town Clerk North asked whether by doing so, the Council would imply that CSI would return to collect the garbage if they came earlier than the customer expected. Mayor Davis explained that she was simply trying to soften the language. She noted that, as currently written, she could not put her garbage out after 5:00 a.m. Town Clerk North explained that if the Town had a problem with someone who repeatedly put their trash out after the trash was collected and it started to accumulate, the Town may want to fine them. She suggested that strong language may be desired in the case of someone who did not put their garbage out on time. Mayor Davis noted that the ordinance required that it be put back in that evening. Councilmember Shea expressed her opinion that the garbage would not be allowed to accumulate; and, suggested the Town Clerk was missing the point. She suggested that as written, the Town could fine someone who put their

trash out for collection at 6:30 a.m. Ms. Shea expressed her opinion that if language were added to say “To guarantee pick-up...” it took the Town off the hook if the customer put it out after 5:00 a.m. Town Clerk North advised that this could be added.

Councilmember Hazard suggested the language be added to Section 87-3(A). He noted that this would allow for its insertion, but also ensure the ability to enforce the ordinance. Mr. Hazard suggested that adding it to Section 87-3(C) could confuse the public.

Councilmember Snyder expressed his opinion that Section 87-3(A) already stated this. Councilmember Hazard suggested strengthening Section 87-3(A) by inserting the guarantee language. Councilmember Snyder expressed his opinion that the Town did not guarantee pick-up; and, noted that they have passed him by from time to time. Councilmember Shea expressed her opinion that when this happened, if the customer called the Street Superintendent, he would send the trucks back to get it. Town Clerk North confirmed that CSI would pick it up if they missed a customer; however, if the trash was set out for collection after 5:00 a.m., it was the customer’s responsibility to dispose of it.

Mayor Davis noted that she just wanted to mention this item. She advised that she read this as saying that you could not put your trash out after 5:00 a.m. Town Clerk North confirmed this was what it was saying; and, explained that the Town did not want customers putting the trash out after 5:00 a.m. as the truck could come at 5:01 a.m. to collect it. Councilmember Littleton agreed. He noted that sometimes CSI was there before that time. Councilmember Snyder noted that it depended on where the customer was on the route. Councilmember Littleton noted that they started on the east end of Town. Councilmember Snyder expressed his opinion that they did the commercial areas first and then moved to the west side. Councilmember Shea noted that the trash was picked up at 5:00 a.m. on The Plains Road. Councilmember Littleton noted that they came so early that he has had to chase the trash truck to give them his garbage. Councilmember Shea expressed her opinion that it clarified the ordinance to add the language as suggested by the Mayor.

Mayor Davis noted that Section 87-16 applied to animal waste on private property; however, she advised that this applied to the owner/occupant. She asked whether there was anything that addressed an individual walking their dog who allowed it to defecate on someone else’s property. Ms. Davis noted that she has experienced people who allow their animals to defecate on her property – some of whom pick it up and some of whom did not. Town Clerk North expressed her opinion that this was a good point.

Councilmember Murdock expressed her opinion that the Town could not address private property. Town Clerk North suggested this would involve a trespass on private property by someone’s animal. Councilmember Murdock asked whether the Town could take a stand on something that happened on private property. She further asked whether it was up to the Town to control this situation. Town Clerk North suggested she research this matter further.

Councilmember Littleton suggested this be left up to the property owner. Councilmember Snyder reminded Council that generally the first four or five feet of property was within the public right-of-way. He suggested that something could be done about public space. Mr. Snyder noted that this has occurred on his property; however, he advised that it was generally not public property on which the dogs were leaving a deposit.

Councilmember Murdock asked about the legality of addressing this item. She asked whether the Town could take action on private property. Councilmember Shea suggested it be researched. She noted that it may not belong in the solid waste ordinance. Councilmember Snyder agreed.

Vice Mayor Kirk suggested the Town may want to address this if it was a recurring problem. Councilmember Murdock disagreed; and, suggested an individual should either be allowed or not allowed to legally allow their animals to defecate on private property. Vice Mayor Kirk suggested that if someone had a daily problem, there was an issue. She further suggested that the Town should be able to address the problem.

Councilmember Snyder noted that his neighbor was not cutting his grass; and, advised that there was no evidence he was cleaning up the waste produced by his dogs either. Town Clerk North noted that this would be addressed by Section 87-16. Councilmember Snyder expressed his opinion that there were a lot of issues associated with this; and, suggested they may be better addressed by the public health laws. He further suggested that additional research be done.

Town Clerk North asked that she be allowed to conduct further research; and, noted that this particular issue may be addressed by trespass laws. She suggested it may be a trespass issue versus an animal waste one. Councilmember Murdock suggested that research be conducted on whether this was a town issue or a property owner one.

Councilmember Shea asked whether there were leash laws. Town Clerk North reminded Council that the Town followed Loudoun County's animal control laws. Councilmember Shea suggested this may be addressed there. Town Clerk North noted that she would check those as well.

Councilmember Shea asked whether the Council was going to table this item. Council agreed it was. Town Clerk North noted that the Council was expanding the ordinance greatly beyond what it has had in the past. She suggested it may take some time to get the ordinance to the point where the Council was comfortable adopting it. Mayor Davis thanked the Town Clerk; and, noted that she has done a lot of work on this item.

Council Discussion – Review of Council's 2010 Goal List

Mayor Davis reminded Council that last year, they agreed to review their 2010 goals list in October. She expressed her opinion that it was a good idea for Councilmembers Stewart and Hazard to see the original goals which were identified in the Council's 2008 Visioning Session. Ms. Davis reminded Council that they chose five items to work on in 2010; and, expressed her opinion that they have done well in achieving them.

Councilmember Shea noted that, with regard to the goal related to the Middleburg Foundation, the Mayor sent a letter to the Piedmont Foundation asking for their assistance. She asked whether they responded. Mayor Davis confirmed they did; and, explained that since the Council was working on the hiring of a Town Administrator, she suggested the two bodies talk once things had settled down. Councilmember Shea expressed her opinion that the Council has met the goal.

Mayor Davis noted that with regard to the goal related to the development of a plan for dark sky lighting, the Go Green committee has completed that goal. She advised that as to the goal related to the pursuit of funding sources for the construction and maintenance of sidewalks, this goal was met through the proposed Meandering Trail, as well as the Planning Commission's work to develop a sidewalk plan. Ms. Davis noted that as to the goal related to the new water and wastewater treatment plants, the plants were close to being turned over to the Town. She expressed her opinion that the Council had pretty much addressed their goals.

Mayor Davis suggested the Council discuss establishing new goals in January. She further suggested that between now and then, the Council should come up with more goals. Councilmember Snyder expressed his opinion that this was a good target.

Councilmember Shea reminded Council that they wanted to meet with the Planning Commission in January. She expressed her thoughts that the Council would discuss the establishment of its next set of goals during this meeting. Ms. Shea noted that she had prepared some ideas. She suggested the Council electronically move forward with developing their goals so that something could be partially formed before the Council met with the Planning Commission in January. Ms. Shea advised that she would be happy to send out the information to the Council from the previous goals and those that she would like to add to the list, as well as to collect ideas from the remaining members. She reiterated that she would pull the information together and organize it so the Council would have some idea of its goals when it met with the Planning Commission. Councilmember Snyder suggested that as Councilmember Shea got toward a final draft that it be sent to the Town Clerk. Councilmember Shea confirmed she would do so.

Councilmember Hazard noted the goal related to the new treatment plants. He expressed his opinion that it was “boggling” that the Town was only billing for 46-47% of the water that it was pumping. Mr. Hazard asked what needed to be done to research this further. Mr. Schiro advised Council that he met with Bob Krallinger, of Whitman Requardt, regarding a model that was used to track and study water loss. He reminded them that he had hoped to get money in the utility budget to do a study; however, there was none available. Mr. Schiro agreed with the need to pin down the losses; and, whether they were occurring in the distribution system or treatment process. He noted that the staff had looked at system users such as the Fire Department. Mr. Schiro further noted that they have caught contractors using Loudoun Water meters to hook up to and remove water from the Town’s hydrants, which he has discussed with Loudoun Water. He expressed a belief that water that was not metered was lost at the Salamander site during their construction process.

Councilmember Hazard asked where the Town should be in terms of water billed versus pumped. Mr. Schiro estimated the Town should bill for 70-80% of the water it pumped. Councilmember Snyder suggested that, in a perfect world, the Town would only experience a 10-20% loss.

Councilmember Shea asked whether all of the houses in town were metered. Mr. Schiro confirmed they were. Councilmember Murdock asked whether the elementary school was metered. Mr. Schiro confirmed it was metered, but not billed.

Mayor Davis noted that this was an on-going problem; and, reminded Council that they have tried various ways to address it. She further reminded them that they have discussed the purchase of portable meters for the Fire Department’s use, as well as to meter the Town’s flushing program. Ms. Davis noted that Loudoun Water was currently “guestimating” the amount of water lost due to flushing.

Councilmember Snyder noted that he has been working on utility issues for twelve years. He further noted that one of his goals was to get Well 1 in shape for the Fire Department’s use. Mr. Snyder reminded Council that Well 1 was not good for potable water; however, he suggested that this did not matter for their use. Councilmember Shea noted the need to consider recovery back into the system. She reminded Council that the Town could not have too many toxins due to Chesapeake Bay water shed issues. Councilmember Snyder noted that the water being spraying on a fire was going back on the ground. Town Clerk North reminded Council that one thing that may help was that when the Fire Department’s new facilities were complete, they would contain a cistern to capture ground water, which would then be used to fill the tankers.

Councilmember Snyder suggested that Well 1 was not currently in a condition for the Fire Department’s use. Councilmember Murdock asked why this was the case. Councilmember Snyder explained that it was due to the rate of flow. Councilmember Hazard asked whether this was a pump issue.

Councilmember Snyder expressed his opinion that the Council would not solve the percentage problem during this meeting. He suggested it was the on the Council's "radar". Councilmember Hazard noted that this has been an issue for twelve years. He suggested that addressing four houses a year would allow it to be addressed.

Mr. Schiro expressed his opinion that this was not an end user issue, but rather was a system one. Councilmember Snyder noted that the Town's distribution system was old. He further noted that for a long time, the Town did not spend money to maintain it due to the potential for a rate increase, which the customers opposed. Mr. Snyder advised that the Council has the opportunity to address the issue; and, has been doing so.

Vice Mayor Kirk reminded Council that Mr. Schiro's capital project list included the replacement of the utility lines in Blue Ridge, which was one place where the Town was losing water. She advised the Charlie Triplett, of Loudoun Water, told her that the Town was not losing water there; however, she noted that it was because water was coming from the ground. Ms. Kirk suggested this issue be placed as a priority on the Council's list.

Councilmember Snyder suggested the priorities have been in the downtown area. He noted that the Town has replaced lines there. Mr. Snyder suggested the need to continue to do so and to organize the Town's efforts. He further suggested the need for Council to discuss a plan and to develop a budget. Mr. Snyder reiterated that this was something he was trying to work on.

Vice Mayor Kirk agreed that lines were replaced in the downtown area; however, she noted that they were not done in the residential neighborhoods. She reminded Council of the older utility lines in the Ridgeview Subdivision. Councilmember Snyder noted that this was a very expensive issue.

Councilmember Murdock noted that she received calls when the Town flushed its lines. She asked whether it was possible to have a sign that said "flushing in progress" so the citizens would know it was an approved process. Councilmember Murdock asked whether the Town Office received calls about this. Economic Development Coordinator Pearson confirmed it did recently when the system was flushed due to salty water complaints. Councilmember Shea asked whether an e-mail was sent alerting the citizens of the flushing. Economic Development Coordinator Pearson confirmed there was not. Councilmember Shea suggested it was helpful to receive one. Councilmember Murdock reiterated her suggestion to use a portable sign. She asked whether it was possible to meter the water used in the flushing. Mr. Schiro confirmed it was. He noted that Loudoun Water was currently guessing as to the amount used when they opened the hydrant. Mr. Schiro reminded Council that sometimes they had to open multiple hydrants, resulting in a lot of water going out. Councilmember Murdock asked whether the meters were expensive. Mr. Schiro confirmed the meters were not terribly expensive. He noted that it would be the same type that contractors used. Councilmember Murdock expressed her opinion that the Town needed to get a handle on how much water was being used for flushing in a year.

Councilmember Shea recommended that one of the Council's goals for this year should be to develop a plan to decrease the water loss. She suggested it should be a priority for the Town.

Council Discussion – Holiday parking meter plan

Economic Development Coordinator Pearson reminded Council that in the past they have traditionally offered free parking in the municipal lots during the month of December. She asked if they wanted to do so again this year for the period of December 7-31.

Councilmember Murdock noted that the Town was losing money on parking. Vice Mayor Kirk suggested the need to look at how the money was being lost. Councilmember Murdock expressed her opinion that offering free parking was a good idea as it helped the businesses.

Councilmember Snyder asked the cost of waiving the parking meter fees. Mayor Davis noted that the Town would only be losing \$2/meter for an eight hour period. Mr. Schiro advised Council that they were not talking about a lot of money. Councilmember Snyder expressed his opinion that it was around \$5,000. He suggested that by making Middleburg a destination for shopping, this would be money well spent.

Councilmember Hazard expressed his opinion that the Town would lose \$15,000 in revenue based upon the budget. Mr. Schiro reported that it would not be that much. Economic Development Coordinator Pearson reminded Council that the free parking was not offered at all of the meters, just in the public parking lots. Mr. Schiro estimated the lost revenue would be less than \$500.

Vice Mayor Kirk noted that December 7th was a Tuesday. Economic Development Coordinator Pearson confirmed that they proposed a Tuesday in order to give the staff time to bag the meters on Monday. Mayor Davis inquired as to the proposed dates. Economic Development Coordinator Pearson confirmed that the staff was recommending that free parking be offered on December 7th through December 31st. Vice Mayor Kirk advised that she would assist the Street Superintendent in bagging the meters so the free parking could start on Monday, December 6th.

Council agreed to offer free parking in the public parking lots beginning Monday, December 6th through Friday, December 31st. Economic Development Coordinator Pearson advised Council that she would send out a press release.

Report – Loudoun County Action Advisory Committee

Councilmember Shea reported that the new name for the regional committee was the “Piedmont Community Action Program, LLC”. She noted that they have held a retreat and were moving forward. Ms. Shea expressed her opinion that the regional committee would be cooperative; and, that good things were happening. She noted that they were coordinating with the area food banks and pulling together resources for the region. Ms. Shea reminded Council that she also sat on the Loudoun County Advisory Board; and, noted that they just completed an outline of their duties, which would be included in the by-laws for the regional organization. She advised that there would be opportunities for private fundraising, something that has not been an option in the past when the board was a public one.

Discussion

Councilmember Murdock reported on the status of the Middleburg Meandering Trail. She noted that those who were interested in this project were forming a committee; and, would come back to the Council. Ms. Murdock further noted that they were trying to find a lawyer that specialized in land use law, who would be willing to volunteer his/her time. Councilmember Snyder suggested they seek a recommendation from the Town Attorney. Councilmember Littleton suggested they were looking for a volunteer. Town Planner Beniamino reminded the Council that the Town had grant money to spend on items such as legal fees; therefore, they did not need to find free help. Councilmember Shea advised that she may know of someone who would be willing to assist. Councilmember Murdock advised Council that she did not want to spend \$100,000 on legal fees and engineering. Town Planner Beniamino noted that VDOT has told the Town that it could not use the grant money for construction – only for design and implementation. Councilmember Littleton agreed with the staff. He noted that by having a paid

professional, the Town could “put a fire under him” if necessary. Mr. Littleton noted that when projects involved a volunteer, you had to follow their schedule. Town Planner Beniamino reminded Council that any money that was not spent must go back to VDOT. Councilmember Snyder reiterated his suggestion that the committee seek a recommendation from the Town Attorney.

There being no further business, a motion was made to adjourn the meeting at 7:16 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk