



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, December 9, 2010**



**PENDING APPROVAL**

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

**STAFF:** Martha Mason Semmes, Town Administrator  
Rhonda S. North, MMC, Town Clerk  
Elizabeth D. Whiting, Town Attorney  
David M. Beniamino, AICP, Town Planner  
Steven L. Webber, Chief of Police  
Cindy C. Pearson, Economic Development Coordinator

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, December 9, 2010 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

Mayor Davis expressed her opinion that a wonderful weekend was experienced in Middleburg due to the tree lighting ceremony, which was a great success. She noted the huge crowd that attended. Ms. Davis also noted the performances of the members of "A Place To Be". She expressed her opinion that the Christmas in Middleburg event was also a huge success. Ms. Davis thanked DeeDee Hubbard, Jim Herbert, the many volunteers and the Town staff for their hard work. She noted that the Town was very lucky and thankful to have these individuals.

**Public Comment**

Donna Strama advised Council that she has been a volunteer for the Christmas in Middleburg event for the past five years. She noted that she and Eura Lewis were in charge of the hayride. Ms. Strama advised Council that she went to a few stores after the event to see if they liked having the parades back-to-back; and, noted that she received all negative comments. She advised that the participation in the hay ride was "bad". Ms. Strama explained that the hayride started; however, it could not continue due to the traffic. She advised that it tried to take an alternate route; however, that was also bad. Ms. Strama reminded Council of the cost to close the streets twice; however, she expressed her opinion that the event was not as successful with only one parade. She reiterated that the retailers told her it "killed" their business. Ms. Strama advised that she would love to go back to two parades.

Jim Herbert, Co-Chairman of the Christmas in Middleburg Committee, expressed his opinion that everyone had anecdotal reactions to the combination of the parades. He suggested that it was easy to hear a lot from all over; and, expressed his opinion that one would probably hear isolated comments of one desire or another. Mr. Herbert suggested an undertaking to gather thorough information; and, asked that this be accomplished through the Economic Development

Coordinator and outreach to the members of the Middleburg Business and Professional Association. He noted that there were logistical realities associated with the event; and, advised Council of the need for more sanitation and to do a better job of creating and/or organizing parking. Mr. Herbert suggested the need to do a better job in creating electronic messages that contained valid parking information so people did not park far away when there were close spaces available. He noted that the Committee has already held two follow-up meetings. Mr. Herbert reiterated his suggestion to use the Middleburg Business & Professional Association and the Economic Development Coordinator to gather feedback.

### **Approval of Minutes**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the November 18, 2010 Regular Meeting Minutes as amended.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Hazard

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

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### **Staff Reports**

Town Administrator Semmes reported that the Town has a snow removal contractor; and, advised that he would sign the contract in the morning. She further reported that the Town was exchanging letters with Salamander regarding the acceptance of the water and wastewater treatment plants; and, advised that the Town Attorney was drafting the Town's response to the letter that was received this week. Ms. Semmes noted that she has been summonsed for jury duty in the U.S. District Court in January. She advised that she would call on New Year's Eve to find out if she would be required to serve.

Councilmember Murdock noted that the Town Administrator's report indicated that the Town used the electronic signs on the ends of Town to announce flushing events. She reminded the Council that she asked for a small sign that would be located at the actual fire hydrant from which water was flowing. Ms. Murdock explained that the situations in which she received calls were related to people who were seeing water gushing from the hydrants in town. She expressed her opinion that it was great that the staff was working on alarms for the pump station.

Councilmember Snyder noted that he was concerned about the same issues. He agreed with most of the items that were outlined in the Town Administrator's report. Mr. Snyder advised that as to item #3, he would like for Loudoun Water to provide the process and a schedule for flushing the water system so the Council could discuss it. He asked for the criteria that has delayed the flushing so the Council could weigh in on and understand that as well.

Town Administrator Semmes reported that there was a Health Department walk-through scheduled for Tuesday, December 14<sup>th</sup> at the new water treatment plant. She invited the Council to attend. Councilmember Murdock noted the Meandering Trail Committee meeting that was scheduled for this same time. Town Administrator Semmes reported that the Town Planner would attend that meeting.

Town Administrator Semmes noted that the utility report showed a large water loss for the last month; and, advised that it was larger than the Town has seen in the past. She noted that she asked Charlie Triplett, of Loudoun Water, about this. Ms. Semmes reported that Mr. Triplett

went back and read the flow meter from the membranes; and, found that it registered 877,000 gallons more than the meter at the end of the plant. She suggested that something may be wrong with the meter; and, advised that Loudoun Water was checking it out. Ms. Semmes expressed her opinion that a faulty meter could help explain the Town's water loss.

Councilmember Snyder reported that he wanted to explore the water loss issue once the new treatment plants were operational to see if the Town could determine the reason(s) for the loss and whether it was reasonable.

Mayor Davis noted that she liked Loudoun County's State of the Town's report that was included in the Economic Development Coordinator's monthly report. Councilmember Snyder asked whether this report would be flushed out further or produced again. Economic Development Coordinator Pearson advised Council that a similar report was prepared last year. Councilmember Snyder noted the wide discrepancy in the forms of data provided by the various towns. He suggested it would be good to compare the data more. Economic Development Coordinator Pearson expressed her belief that the County would continue to produce this report.

Councilmember Murdock inquired as to what was being done in the community charity wise. She noted that Crème de la Crème had an Angel Tree. Economic Development Coordinator Pearson noted that she was not aware of that tree; however, she was aware of one at the Union Bank. She advised that she would disseminate this information in her weekly e-mail blast. Councilmember Murdock asked what Ms. Pearson meant by "choice" with regard to the Seven Loaves Christmas Store. Economic Development Coordinator Pearson explained that individuals could donate gift cards, clothing for toddlers or items for teens. She reminded Council that previously only toys were collected. Ms. Pearson reiterated that individuals could now give gift cards and clothing.

Councilmember Murdock noted that the Tack Box was accepting clothes for Seven Loaves. She asked whether Union Bank was doing a coat drive. Economic Development Coordinator Pearson advised Council that she just learned that they were. She reported that she would add this information to her Friday e-mail blast. Councilmember Murdock noted the need to get this information out, as the need for assistance was greater than ever.

Vice Mayor Kirk asked whether the Fire Department was participating in the Toys for Tots Program. Allie Love, of the Middleburg Volunteer Fire Department, confirmed that all of the County fire houses had Toys for Tots boxes.

Mayor Davis noted that the Town Treasurer was out sick. She asked whether anyone had any questions related to her report. Councilmember Snyder expressed his opinion that there was "nothing exciting" in her report. Vice Mayor Kirk noted that she had some questions that she would ask the Treasurer.

(Councilmember Hazard arrived at the meeting at 6:14 p.m.)

**Action Items** (non-public hearing related) –

**Council Approval** – Health Center Fund Donations

Vice Mayor Kirk reported that the Health Center Advisory Board met a while back. She noted that they talked briefly about the donations; and, suggested that the Town make \$30,000 worth again this year. Ms. Kirk advised that she did not know if the Council wanted to make any changes.

Councilmember Snyder noted that the Bluemont Concerts cost the Town \$5,000. He asked the source of the other \$2,500. Town Administrator Semmes reported that \$5,000 was also included in the Town's budget under Economic Development.

Mayor Davis asked whether the recommended donations were the same as last year's. Vice Mayor Kirk confirmed they were.

Councilmember Snyder asked whether the \$2,500 from the Health Center Fund was in addition to the \$5,000 the Town budgeted for the Bluemont Concerts. He noted that he wanted to make sure these funds were in the budget as he did not want to lose the concerts. Mr. Snyder expressed his opinion that this was one of the few things the Council provided to the residents.

Vice Mayor Kirk noted that this was one of the considerations the Committee has used in the past when selecting groups to receive donations. She explained that the contributions were to organizations from which Middleburg's citizens received a benefit.

Councilmember Shea asked whether the Committee considered supporting the Middleburg Elementary School this year. Vice Mayor Kirk reported that the Committee talked about a lot of things that were going on around the building, including maintenance. She advised that the consensus was to make \$30,000 worth of donations again this year. Councilmember Snyder expressed his opinion that this was a good decision given that people were "hurting" again this year.

Vice Mayor Kirk advised Council that she met with the Town Administrator, who has been meeting with the Street Superintendent, regarding maintenance items that needed to be dealt with at the Health Center building.

Councilmember Murdock asked Councilmember Shea whether she was referring to the Middleburg Elementary School's Endowment Fund that was recently announced. Councilmember Shea confirmed she was.

Vice Mayor Kirk suggested the Council did not have to vote on this item tonight. She noted that she only suggested that it be on the agenda so the staff could get the checks out. Ms. Kirk suggested the Council could move the item to a work session. Councilmember Snyder noted that doing so would delay the approval until next month. He advised that he would prefer to vote on the item during this meeting if possible.

Town Administrator Semmes confirmed that the Town's Economic Development budget contained \$5,000 for the Bluemont Concert Series.

Mayor Davis suggested the Committee consider making a contribution to the Endowment Fund next year. Vice Mayor Kirk suggested that money could be pulled from something if the Council wanted to make a donation this year. She reiterated that they were looking at doing a lot of work at the Health Center this year. Councilmember Murdock advised that she did not want to pull money from any organization as they were all in need.

Vice Mayor Kirk asked whether the Council wanted to increase the contribution to the Library Advisory Board and make one to the Middleburg Elementary School Endowment Fund. The Council held consideration discussion regarding the organizations that received donations and the amounts. It was agreed that in addition to those organizations/amounts recommended by the Health Center Advisory Board, the Council would increase the donation to the Library Advisory Board from \$1,500 to \$2,000 and make a donation of \$2,000 to the Middleburg Elementary School Endowment Fund.

*Vice Mayor Kirk moved, seconded by Councilmember Murdock, that the Council approve donations from the Health Center Fund as recommended by the Health Center Advisory Board in the amount of \$32,500.*

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)

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Council Approval – Temporary water & sewer service – Middleburg Volunteer Fire Department

Town Planner Beniamino reported that the Middleburg Volunteer Fire Department has requested, as a part of their site plan, a temporary facility plan so they could stay open during construction. He noted the need for temporary living quarters for the firefighters; therefore, the Department was proposing to put a trailer on the site. Mr. Beniamino advised Council that there was already a single-wide trailer on the site; and, noted that they wanted to add a double-wide one. He explained that temporary water and sewer connections were needed for the double-wide trailer, as the firefighters would use the trailer for showering and cooking.

Town Planner Beniamino reminded Council that the Town has not done a lot of temporary connections. He reported that the Fire Department did submit a temporary facility plan. Mr. Beniamino advised that he met with representatives from Loudoun Water and the County; and, believed the plan as submitted was sufficient. He reported that Loudoun Water was okay with the proposal. Mr. Beniamino recommended approval of the request, with conditions. He suggested that those conditions include: (1) the temporary water and sewer taps be abandoned by the Middleburg Fire Department prior to the issuance of a Zoning Occupancy Permit for their renovated structure at 910 West Washington Street; (2) all costs associated with the connection of the temporary water and sewer taps, including supervision by Loudoun Water, be billed to the Middleburg Fire Department; and (3) no temporary connections be requested by the Middleburg Fire Department prior to the approval of Site Plan 10-02. Mr. Beniamino reminded Council that the site plan has been conditionally approved by the Planning Commission; and, advised that he expected to receive the revised plans from the engineers this week. He reported that the Streetscape Committee has reviewed the landscaping portion of the plans. Mr. Beniamino advised that the Fire Department questioned whether they would be allowed to make the temporary connections prior to the site plan approval; however, the staff was opposed to that idea. He expressed his opinion that the site plan approval would occur within the week.

Councilmember Snyder inquired as to the size of the tap that presently existed for the Fire Department. He noted that he did not want the temporary line to be abandoned, but rather wanted the temporary tap removed. Mr. Snyder explained that he did not want the temporary tap to be available for someone to connect to in the future. He advised that as long as the Fire Department went back to their existing tap, he was happy to approve the request. Mr. Snyder explained that he was looking for a zero sum change. He suggested that if the Department increased their tap size, they must pay the availability fee.

Town Planner Beniamino advised Council that this request did not deal with the existing tap for the fire hall. He noted that it would involve a temporary water tap with a one-inch meter. Mr. Beniamino advised Council that the staff was also concerned about its removal. Councilmember Snyder explained that he did not want someone to use or take advantage of the temporary tap in order to steal water from the Town.

Town Planner Beniamino noted that these taps would be separate from the ones for the Department's building. Councilmember Snyder noted that he did not need that information to vote on this request.

Councilmember Hazard asked whether the Department would abandon the temporary lines. Town Administrator Semmes expressed her opinion that they would remove them. Councilmember Snyder expressed his opinion that they did not need to remove the lines. He suggested that they could be capped, as long as the meter was removed.

*Councilmember Littleton moved, seconded by Councilmember Snyder, that Council approve a request by the Middleburg Volunteer Fire Department for temporary water and sewer connections, as shown on the Temporary Facility Plan by Bowman Consulting dated December 7, 2010, to their temporary trailers to be located at 910 West Washington Street, conditioned upon the following: (1) the temporary water and sewer taps will be removed by the Middleburg Fire Department prior to the issuance of a Zoning Occupancy Permit for their renovated structure at 910 West Washington Street; (2) all costs associated with the connection of the temporary water and sewer taps, including supervision by Loudoun Water, will be billed to the Middleburg Fire Department; and (3) no temporary connections will be requested by the Middleburg Fire Department prior to the approval of Site Plan 10-02.*

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)

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Council Approval – Town Code Chapter 105 pertaining to Tree Preservation

Mayor Davis thanked the Town Clerk for putting this ordinance together on such short notice.

Councilmember Snyder noted that it was a first draft by the Town Clerk. He asked whether the Council could adopt it; and, ask a committee to examine it for revisions. Town Clerk North agreed that it should have additional review. She recommended that, at the very least, the Streetscape Committee review it. Ms. North noted that the staff would not normally rush an ordinance through so quickly; however, this one was needed in order to meet the deadline for the Tree City USA application. She advised Council that they could amend or even rescind the ordinance next month if desired. Councilmember Snyder recommended it be reviewed by the Streetscape Committee.

*Councilmember Snyder moved, seconded by Councilmember Shea, that Council adopt an ordinance adopting Chapter 105 pertaining to tree preservation.*

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)

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**Closed Session** – (1) Appointment to HDRC and (2) Personnel

*Councilmember Shea moved, seconded by Councilmember Littleton, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Councilmember Shea further moved, seconded by Councilmember Littleton, that this discussion be limited to (1) an appointment to the Historic District Review Committee; and (2) the performance of the Chief of Police. Councilmember Shea further moved, seconded by Councilmember Littleton, that the Council thereafter reconvene in open session for action as appropriate.*

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

No – N/A

Abstain: Councilmember Murdock

Absent: N/A

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

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

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Bill Anderson be appointed to the Historic District Review Committee for a three-year term, said term to expire December 31, 2013.*

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)

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There being no further business, a motion was made to adjourn the meeting at 6:55 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk