



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, December 11, 2008
Town Office, 10 W. Marshall Street
6:00 PM



REGULAR MONTHLY MEETING
PENDING APPROVAL

PRESENT: Mayor Betsy A. Davis
 Vice Mayor Darlene Kirk
 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 Webber, Chief of Police
 N. Phil DeLeon, Town Engineer

ABSENT: Councilmember Catherine “Bundles” Murdock

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, December 11, 2008 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Public Recognition

Mayor Davis thanked DeeDee Hubbard, Sheila Johnson, Reggie Dawson, Bill Brown, Marvin Simms and Chief Steve Webber for their contributions to the Christmas in Middleburg event held December 6, 2008. She read a Resolution of Appreciation recognizing their accomplishments.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt a Resolution of Appreciation for the volunteers associated with the 2008 Christmas in Middleburg event.

Vote: Yes – Councilmembers Kirk, Littleton, Patterson, Plescow, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Councilmember Murdock

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

Mayor Davis presented a signed copy of the resolution to Ms. Hubbard, co-chairman of the event. Ms. Hubbard advised Council that the businesses were pleased by the results of the event. She expressed her opinion that last year’s crowd was lighter than in the past, as were the crowds this year; however, she noted that they spent more money this year. Ms. Hubbard advised Council that she was trying to put a figure on exactly how much was spent; and, was hearing that the sales were four to five times the norm for a Saturday in December. She advised that Home Farm did

not usually have a great day during the Christmas in Middleburg event; however, their sales were up 12% over last year - 66% of which came from people who live outside of the County. Ms. Hubbard advised Council that businesses were still pulling together their information; and, she would come back with a final report.

Councilmember Shea requested that Council also recognize Middleburg Elementary School's PTA volunteers who handled the auction and Breakfast with Santa. She asked that they be included in future resolutions.

Public Comment

JoAnn Hazard appeared before Council, representing the Middleburg Business & Professional Association, to extend an invitation to their holiday mixer to be held Tuesday, December 16 at the Community Center.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the November 10, 2008 Work Session; November 13, 2008 Regular Meeting and November 20, 2008 Work Session meeting minutes as amended.

Vote: Yes – Councilmembers Kirk, Littleton, Patterson, Plescow, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Councilmember Murdock

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

Staff Reports

Town Administrator Schiro reminded Council of the information contained in his written report regarding the water and wastewater treatment plant projects. He expressed his opinion that the site work was going well; and, noted that the water storage tank was complete. Mr. Schiro reminded them of the issues associated with the telemetry system at the well and treatment plant that must be addressed. He noted that this system would include alarming equipment that would allow the wells to communicate with the treatment plant regarding their pumping status. Mr. Schiro advised Council that he was holding firm on the Town's demands; and, noted that if wireless technology was used, it would be tied to the water tanks so they could communicate together. Councilmember Patterson asked whether the system would include an emergency power generator. Town Administrator Schiro confirmed it would.

Chief of Police Webber advised Council that the Christmas in Middleburg parade went very well; and, was uneventful from a police perspective. He reported that he met with the Town Administrator regarding two grant applications; and, advised Council that the Town would receive \$1,000 in reimbursement for bullet proof vests and \$657 from a federal grant for overtime for traffic enforcement.

Chief Webber noted that the agenda contained an item related to animal control enforcement; and, advised that he was happy to answer any questions Council may have. Councilmember Snyder requested a brief synopsis of why this issue was suddenly raised. Town Administrator Schiro advised Council that the County Animal Control Officer recently said that an agreement needed to be put in place; and, noted that this issue was apparently raised a couple of years ago. He explained that Middleburg was the only jurisdiction that did not submit an agreement. Mr.

Schiro advised Council that the agreement would allow the County to enforce the animal control ordinances and respond to issues such as dog bites. He noted that they have been doing so in the past; however, the need for an agreement has re-surfaced. Councilmember Snyder and Vice Mayor Kirk noted that they had no memory of a past request for an agreement. Chief Webber noted that he was also not aware of a previous request. Councilmember Snyder expressed his opinion that the request died at a previous administrator's level. Vice Mayor Kirk asked that the Police Chief apologize to the County and explain that the Council had not seen the agreement or they would have acted sooner.

Economic Development Coordinator Pearson reported that the Town received the land use permit from the Virginia Department of Transportation (VDOT) for the new entrance signs; and, the signs have been ordered. She noted that there has been a change related to the payment of the signs; and, reminded Council that it had been her understanding that the Garden Club intended to pay for the signs in full. Ms. Pearson expressed her opinion that the Garden Club did not understand the full cost of the signs; and, were now saying they could only pay \$5,000 of the cost. She advised Council that the Beautification/Preservation Committee has agreed to pay \$2,500 of the cost; and, the Middleburg Business & Professional Association has agreed to cover \$1,500 – leaving a balance of \$1,000. Ms. Pearson advised Council that Ms. Hubbard indicated that if she had any funding left from the Christmas in Middleburg event, she would apply it to the signs – otherwise she would use funds from the Town's tourism account to cover the balance. Mayor Davis expressed her opinion that it was fair for the Town to cover \$1,000 out of \$10,000. The remainder of Council agreed. Ms. Davis asked Ms. Pearson to write thank you notes to those organizations who were contributing to the cost.

Councilmember Patterson asked whether the staff has heard from the National Sporting Library. Town Engineer DeLeon confirmed that he and Town Planner Beniamino met with their engineer earlier in the day. He confirmed that a letter to table the application has been submitted.

Town Treasurer Wheeler advised Council that she would be happy to answer any questions they may have regarding her monthly report. Vice Mayor Kirk expressed her opinion that Ms. Wheeler was doing a great job.

Councilmember Snyder asked that an item be placed on the January 22nd work session agenda to review the utilities projects and get a report on their status. Councilmember Patterson noted that she received feedback from a business regarding the last water line flushing. The business did not check their e-mails until two days after the event; and, never noticed it had occurred.

Action Items

Council Approval – Health Center Advisory Board Recommendations

Mayor Davis expressed appreciation that Councilmember Plescow recommended that the staff solicit comments from the Health Center Advisory Board regarding the changes that have been proposed to the donation amounts. She noted that Town Clerk North contacted all of the members, except the member who was absent from the meeting; and, all advised that they were in favor of the changes.

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council approve donations from the Health Center Fund in the amount of \$30,000 as discussed during the Council work session held December 8, 2008. Vice Mayor Kirk further moved, seconded by Councilmember Snyder, that Council approve leaving the Health Center rents as they currently exist as recommended by the Health Center Advisory Board.

Vice Mayor Kirk read the donation amounts as follows: American Legion - \$500; Community Center - \$4,000; Bluemont Concert - \$2,500; Middleburg FISH - \$2,000; Loudoun Abused Women's Shelter - \$1,500; Middleburg Fire/Rescue - \$4,500; Middleburg Library - \$1,500; Windy Hill Tutoring - \$2,000; Seven Loaves - \$10,000; Levis House Wish List - \$1,000; and the Cherry Blossom Breast Cancer Foundation - \$500. Councilmember Snyder expressed his opinion that these donations were for wonderful causes.

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

Council Approval – Resolution of Support – Middleburg Library

Mayor Davis reminded Council that during their December 8th work session, they discussed their concerns about the possible closing of the Middleburg Library. She noted that the information that was available indicated that this was just a remote chance; however, she expressed her opinion that the Council still needed to weigh in on this matter.

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt a Resolution of Support for the Middleburg Library.

Councilmember Patterson asked whether it was accurate that there were no capital costs for the building. Councilmembers Shea and Snyder recommended the ninth paragraph be amended to reflect that the library's land is leased to the County for \$1/year by the Middleburg Community Center. Councilmember Snyder read the resolution. Vice Mayor Kirk noted that the resolution should be amended to reflect that the word "intact" was one word.

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

Mayor Davis noted that Supervisor Jim Burton has stated that he didn't feel the closure would happen.

Council Approval – Ordinance pertaining to the enforcement of dangerous and vicious dog laws in Town by Loudoun County Animal Control

Councilmember Snyder expressed his opinion that this item would allow the County Animal Control Office to assist the Town. He questioned whether he was missing anything. Councilmember Littleton expressed his opinion that Mr. Snyder's opinion was correct. Councilmember Patterson advised Council that a case was thrown out of court in another jurisdiction because no agreement was in place. Councilmember Snyder recommended the second whereas paragraph be corrected to reflect the agreement was for Middleburg. Mayor Davis asked that the spelling of her name be corrected in the document.

Councilmember Patterson asked what would happen if the Town did not approve the ordinance. Town Administrator Schiro confirmed the County would not provide animal control services in the Town.

Vice Mayor Kirk moved, seconded by Councilmember Littleton, that Council adopt AN ORDINANCE SEEKING ENFORCEMENT OF DANGEROUS AND VICIOUS DOG LAWS WITHIN THE TOWN, ADOPTING COUNTY ANIMAL CONTROL LAWS AND AUTHORIZING AN AGREEMENT WITH LOUDOUN COUNTY FOR ANIMAL CONTROL SERVICES.

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

Closed Session – Personnel Matters

Vice Mayor Kirk moved, seconded by Councilmember Shea, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) and (29) 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 and the discussion of the award of a public contract involving the expenditure of public funds, including interviews with bidders or offerors, and discussion of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that this discussion be limited to the reassignment and compensation of specific public employees and the negotiation of a public contract for the operation of the Town's utilities systems. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.

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

Councilmember Shea moved, seconded by Councilmember Snyder, the 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.

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

LOUDOUN WATER CONTRACT

Councilmember Snyder moved, seconded by Councilmember Plescow, that Council adopt the Water and Wastewater System Service Agreement with the County of Loudoun Sanitation Authority beginning January 4, 2009 for a period of five years.

Vote: Yes – Councilmembers Littleton, Patterson, Plescow, Shea and Snyder

No – Vice Mayor Kirk

Abstain: N/A

Absent: Councilmember Murdock

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

Discussion Items

Councilmember Patterson reminded Council of the letter they received from Seven Loaves identifying several areas of special needs. She further reminded them that they just approved a \$10,000 donation to this organization. Ms. Patterson expressed her opinion that based upon the letter, Seven Loaves would probably not utilize that money for one of the listed items as it states that they would not go against someone's trust. She asked whether Council was comfortable notifying them that they could use the money toward those special needs. Councilmember Snyder noted that the Town was making a donation; and, suggested they could use it for any purpose they desired. Vice Mayor Kirk advised Council that she would hand write a note to this effect on the donation cover letter. Councilmember Shea noted that she was aware that they have received donations toward the special needs.

Councilmember Shea announced that the "Change is Coming" meeting requested by President-Elect Obama's staff would be held at Solstice on Saturday, December 13th at 3:00 p.m. She noted that the goal was to get people involved in local government; and, advised that she has received ten to fifteen responses to date.

Councilmember Patterson reminded Council of the letter they received from VDOT regarding the public hearings on their Six-Year Plan. She asked whether this was something the Town needed to address. Town Administrator Schiro reminded Council that the Town could not ask for projects to be added to the list.

Councilmember Shea noted the recent Virginia Municipal League Newsletter article regarding local government's infrastructure wish lists related to the proposed federal stimulus package. Town Administrator Schiro advised Council that he met with the Town Engineer this afternoon to begin preparing a list. Mayor Davis asked that new street lighting be included. Councilmember Snyder advised Council that he would prefer to have a green lighting system. Town Administrator Schiro confirmed he would include this on the list. He noted that he had planned to include larger ticket items. Councilmember Shea advised Council that the National Geographic Magazine recently contained an article on green lighting suggestions. Councilmember Patterson expressed concern about the serious public safety issue related to the lack of lighting between the Episcopal Church and the Middleburg Country Inn. Town Administrator Schiro reminded Council that the VML article recommended that the list include projects that were ready to go to bid; and, questioned whether any studies had been performed on this item. Councilmember Snyder expressed concern that the Town may not be ready to identify lighting as a project that was ready to bid; and, noted that ten years ago when he was on the Planning Commission, he asked them to conduct a night sky study. He noted that they have addressed some aspects of this study, but not all. Mr. Snyder recommended that there were

several things the Town needed to consider before it could advance this project, such as what type of lighting should be used and how would the Town protect the night sky. Councilmember Shea recommended the Go Green Committee work on this item since the Planning Commission was so overwhelmed. Councilmember Snyder agreed. Councilmember Patterson reminded Council that the Beautification Committee has already begun raising money for the new light poles. Councilmember Snyder reiterated that it would be good idea for Go Green to look at the lighting in terms of efficiency and night sky requirements. Councilmember Patterson reminded Council that the replacement lights must meet the historic character of the Town. Councilmember Shea expressed her opinion that there was no reason Go Green could not work with the Beautification Committee. She advised that she would be happy to take this project to a Go Green meeting.

Town Clerk North advised Council that the Town has received the Preserve America sign. She noted that a decision needed to be made on where to install it.

Councilmember Shea asked about the status of the Town Council goals. Mayor Davis advised Council that they were scheduled for discussion during the January 22nd work session.

Information Items

Councilmember Patterson advised Council that the owner of Crème de la Crème contacted the Salvation Army to request a collection kettle in Middleburg. She further advised that they provided a kettle and bell; however, the community must provide the volunteers to man the kettle. Ms. Patterson advised that Crème de la Crème was seeking volunteers up to the week of Christmas; and, asked that anyone who was interested please contact them. She expressed her opinion that donations have been outstanding.

Councilmember Shea asked whether the Salvation Army assisted residents in Middleburg. Councilmember Patterson confirmed they did. She noted that there has also been talk about getting a donation kettle together for Seven Loaves so the volunteers could solicit donations for both organizations at the same time. Ms. Patterson advised that she would like to implement this and could provide a donation box; however, she wanted to contact Seven Loaves for their approval.

There being no further business, Mayor Davis declared the meeting adjourned at 7:14 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk