



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting**  
**Minutes**



**July 10, 2014**

**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

**STAFF:** Martha Mason Semmes, Town Administrator  
Angela K. Plowman, Town Attorney  
Cindy C. Pearson, Economic Development Coordinator  
A.J. Panebianco, Chief of Police  
Terry Inboden, Inboden Environmental Services

**ABSENT:** Councilmember Erik J. Scheps

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, July 10, 2014 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.

**Public Comment**

Katie and Cameron Turner, 106 North Jay Street, appeared before Council regarding a high water bill they received in October of 2012. Mrs. Turner noted that this has caused them financial issues. She advised that the initial bill was \$4,349, with the Town having issued a credit in the amount of \$1,740 for the sewer portion of the bill and having averaged the water bill, for a total final bill of \$2,233. Mrs. Turner reported that they have also received late fees of \$106 per billing period. She advised that they have been paying the bill even though they could not afford it and reported that they have paid \$2,061 of the bill and still owed \$278. Mrs. Turner asked that they be given credit for the amount of money they have paid to date. She reiterated that paying this bill was difficult for them.

Councilmember Snyder questioned whether the high water bill was the result of a water leak. Mrs. Turner confirmed it was. She noted that they have always experienced brown water issues and on this particular occasion, when Loudoun Water investigated it, they discovered the water leak. Mrs. Turner advised that the repairs alone cost \$5,000; however, this was covered by insurance she purchased through Dominion Power.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Councilmember Vice Mayor Kirk, that the Council approve the June 12, 2014 Regular Meeting, June 16, 2014 Emergency Meeting and June 26, 2014 Work Session Meeting Minutes as amended.*

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

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**Staff Reports**

**Town Administrator Semmes** thanked the staff for covering for her while she was on vacation. She advised that she was happy to report that the new Town Planner, Will Moore, was coming on July 21<sup>st</sup>. Ms. Semmes noted that he has worked for the City of Winchester for twelve plus years; however, he did not have any further opportunities there. She noted that he wanted to learn about her job. Ms. Semmes advised that he staffed Winchester’s Board of Architectural Review and worked on their Comprehensive Plan, rezonings, and special exceptions. She noted that he was very thorough and thoughtful and was used to zoning regulations; therefore, he knew what needed to be done. Ms. Semmes opined that he would be a good fit for Middleburg.

Town Administrator Semmes reported that she and Terry Inboden were working on utility issues. She advised that the Town received a draft deed to convey the Asbury Church to the Town, which the Town Attorney was currently reviewing.

**Economic Development Coordinator Pearson** reported that Peter Dunning would drop off Bluemont Concert tickets for the Council later this week. She further reported that the Middleburg Farmer’s Market now had eighteen vendors.

**Acting Zoning Administrator Semmes** reported that the Planning Commission would consider a site plan amendment for the Steeplechase Subdivision later this month.

Town Administrator Semmes noted that the **Treasurer’s Report** indicated that the revenues were in good shape. She opined that it was good to see how the Utility Fund ended up.

**Chief of Police Panebianco** noted that some of the numbers in his monthly report were from the last one. He reported that the correct numbers were as follows: total number of calls – 628; foot patrols – 88; and property/business checks – 386. Chief Panebianco noted that the other information was correct. He advised that the Fourth of July event went well; and, noted that he heard comments that this was the best one people have attended. Chief Panebianco advised that the crowds were thick, with Salamander having seven hundred people present in addition to their guests. He opined that there were between eight hundred and a thousand people in the Community Center Park. Chief Panebianco advised that this was in addition to those at Salamander, the elementary school and on the streets. He opined that there were more than two thousand people in town for this event. Chief Panebianco reported that thirty-five children participated in the children’s parade; and, opined that they had “a ball”. He noted that he has put some pictures of the event on Facebook.

Councilmember Murdock noted that the Police Department was out in full force and expressed her appreciation. She further noted the amount of traffic the town experienced for this event.

Chief Panebianco reported that they would tweak their efforts with regard to traffic in the future in order to make it easier for motorists to exit the event.

Chief Panebianco reported that Lieutenant Prince has been busy with investigations. He further reported that Officer Fadely experienced a resisting arrest situation and advised that she performed well during it.

Chief Panebianco reminded Council of the National Night Out event scheduled for August 5<sup>th</sup>. He reported that he had a lot of volunteers and had received donations. Chief Panebianco reminded Council that the *Middleburg Eccentric* offered advertising space, which he used as a fundraiser.

Chief Panebianco reported that he would be on vacation next week and that Lieutenant Prince would be in charge.

**Terry Inboden**, of Inboden Environmental Services, reminded Council of his concern regarding the transformer that was making a lot of noise at the Stonewall water treatment plant. He reported that Beckstrom Electrical looked at it but could not find anything wrong. Mr. Inboden noted that if the transformer failed, the plant would go down. He reported that he had a contingency plan in place to secure the use of a generator in the event this should occur.

Mr. Inboden reported that he planned to wash out the Town's water towers next week, starting with the Well 3 tower. He noted that this would involve emptying the tank, cleaning and disinfecting it and then refilling it. Mr. Inboden reported that after twenty-four hours, they would begin the process of taking bacteriological samples and hoped to have the tank back on line after forty-eight hours.

Mr. Inboden reported that he was able to reduce some chemical feeds at the wastewater treatment plant, which would reduce the treatment costs. He noted that the plant recently went through a State inspection.

Mr. Inboden reported that the Water/Sewer Committee held its first meeting and opined that they would be very productive. He noted that they were trying to work out the details of how they would report to the Council. Mr. Inboden reported that they planned to look at everything from the water distribution system to the treatment system and the sewer collection system to the treatment system, as well as what needed to be replaced.

Mr. Inboden reported that he received one brown water complaint, which was in the building next door, and advised that it had cleared by the time he arrived.

Councilmember Murdock noted Mr. Inboden's comment in his monthly report regarding the amount of activity in town. Mr. Inboden noted that Middleburg was a busy town and advised that he did three Miss Utility locates today alone.

Vice Mayor Kirk thanked Mr. Inboden for his reports and noted that they were outstanding.

Councilmember Hazard questioned whether the transformer was new. Mr. Inboden confirmed it was. He noted that he has only replaced one transformer in his thirty-two years in this business. Mr. Inboden advised that they did not normally go bad. He reiterated that Beckstrom tested it and believed it was okay.

Town Administrator Semmes noted that Beckstrom was aware of the situation and was very responsive. Mr. Inboden confirmed that they understood the importance of this equipment.

Town Administrator Semmes reported that the Water/Sewer Committee would meet again next week. She further reported that their goal was to identify a list of utility projects that they could bring to the Council for potential funding. Ms. Semmes reminded Council of the need to address the Washington Street water line. She advised that she spoke with Davenport regarding funding options; and, noted

that they have recommended the Town explore a Virginia Resource Authority (VRA) bond, as well as draft a Request For Proposals from banks. Ms. Semmes advised that she has been in contact with the Middleburg Bank regarding this item. She noted that there was an August 1 deadline in the event the Town was interested in submitting a proposal to VRA.

**Reports of Town Committees/Council Liaisons**

Mayor Davis announced that she has made the following Town Council committee appointments for 2014-2016: Finance/Personnel Committee - Vice Mayor Kirk; Public Safety Committee – Councilmember Murdock; Public Works Committee – Councilmember Snyder; Land Use Committee – Councilmember Littleton; Economic Development Committee – Mayor Davis; Historic District Review Committee – Councilmember Littleton; Planning Commission – Councilmember Hazard; Health Center Advisory Board – Vice Mayor Kirk and Councilmember Scheps; Pink Box Advisory Board – Councilmember Scheps; Main Street Middleburg – Mayor Davis; Traffic Calming Task Force – Mayor Davis; Middleburg Meandering Trail Committee – Councilmember Murdock; Christmas in Middleburg Committee – Councilmembers Hazard and Murdock; Go Green – Councilmember Shea; and, Wellhead Protection Advisory Committee – Councilmember Snyder.

Councilmember Shea noted that the Utilities Committee was not listed. Councilmember Snyder noted that the Public Works Committee was listed. Councilmember Hazard noted that Councilmember Snyder was the liaison. Councilmember Shea suggested that since Councilmember Hazard also served on this committee, he should be listed.

Councilmember Murdock inquired as to the status of the Middleburg Meandering Trail Committee. Town Administrator Semmes noted that while the project remained to be done, there was no longer a role for the Committee and advised that the Council could abolish it if desired. She suggested, however, that it would not hurt to leave it in place until the project was complete.

Vice Mayor Kirk inquired as to whether another individual needed to be appointed to the Health Center Advisory Committee. Mayor Davis reported that the Town Clerk determined that the bylaws required that there be two members of the Council on that Committee, which was why she left Councilmember Scheps on it. She advised that its membership was okay otherwise. Ms. Davis noted that she would verify this with the Town Clerk.

Councilmember Shea reported that the Go Green Committee would meet on July 23<sup>rd</sup>.

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

Election of Vice Mayor

*Councilmember Littleton nominated Darlene Kirk as Vice Mayor for the Town of Middleburg for a two-year period beginning July 1, 2014. Councilmember Hazard seconded the nomination.*

No other nominations were offered and Mayor Davis closed the nominating process.

Vice Mayor Kirk noted that she would abstain regarding anything related to Salamander.

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

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

(Mayor Davis only votes in the case of a tie.)

Council Appointments – Middleburg Community Farmers Market Committee

*Councilmember Murdock moved, seconded by Councilmember Scheps, that Council appoint Rod Yonkers and Chelsea Bellgraves to the Middleburg Community Farmer’s Market Committee, said terms to expire August 31, 2016.*

Vice Mayor Kirk opined that Middleburg’s was the best farmers market in the area.

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

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

(Mayor Davis only votes in the case of a tie.)

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**Discussion Items**

2014 General Assembly Legislative Update

Town Administrator Semmes reminded Council that the State budget was still unresolved when she went on vacation. She noted that while she and the Town Attorney have reviewed some items, they were recommending that the majority of their report be delayed and sent to the Council in written form for a future work session.

Town Attorney Plowman advised Council that direction was needed to address a new State Code section regarding the use of public property by officers, including elected officials and the staff, which would include items such as phones and computers. She noted that because the Town had a personnel policy in place, it must address this item. Ms. Plowman reminded Council that the Employee Handbook contained language regarding the use of personal phones during work hours; however, it did not address the items required under the State Code which involved the use of public property to the extent that it interfered with productivity. She noted that it also did not address political activities. Ms. Plowman explained that this legislation was the result of activity that occurred within the county, not within the town. Ms. Plowman recommended the Employee Handbook be updated to address those two items.

Town Administrator Semmes suggested the staff start work on this item, to which the Council agreed. Ms. Semmes advised Council that the staff would have something for their review by the September work session.

Town Attorney Plowman noted that the next item had been addressed by the Town in September of 2012. She explained that there was an amendment making the grass cutting provisions that applied to some jurisdictions, including Middleburg, available State-wide. Ms. Plowman noted that when the Town amended its ordinance in 2012, provisions were added related to vacant and occupied properties.

Town Attorney Plowman opined that the largest legislative change that would affect the Town was related to the Virginia Conflict of Interest Act. She explained that the General Assembly has established a Virginia Conflicts of Interest Advisory Council that would review and post online the disclosure forms filed by officials that are subject to the Conflicts of Interest Act. Ms. Plowman noted that it would also provide advice. She reported that the bill required the filing of disclosures twice a year effective July 1, 2015; however, she reminded Council that due to Middleburg’s population, they were not required to file one. Ms. Plowman recommended, however, that the Council avoid the

appearance of impropriety. She advised Council that the bill defined the term “gift” and explained that it included “anything of monetary value”. Ms. Plowman suggested she provide Council with a written summary of the definition and noted that items have been added. She further noted that the definition has always included items like tickets/admissions/passes; however, it now included coupons to an event. Ms. Plowman explained that it did not matter if the members were given these items unless they used them.

Town Administrator Semmes noted that this only affected items with a value of more than \$250.

Town Attorney Plowman explained that the Council must report any gifts with a value of \$250 or more. She reiterated, however, that the members of Council were not required to file a report. Ms. Plowman recommended Councilmembers not accept gifts with an aggregate value of more than \$250. She noted that the new legislation listed items that were not previously listed and the definition now included gifts from relatives or personal friends. She reiterated that she would summarize the legislation. Ms. Plowman encouraged Council to ask her if they ever had a question or to contact the Advisory Council. She noted that they could rely upon her opinion. Ms. Plowman opined that there was still some vagueness with regard to gifts, particularly with regard to family members. She noted that the legislation did address scholarships for children.

Town Attorney Plowman reminded Council that they were previously allowed to have electronic meetings under certain circumstances; however, this required the majority vote of Council when everyone was present. She advised that the new legislation removed this requirement if the Council had a policy on electronic meetings. Ms. Plowman questioned whether the Council wanted to have a policy that would allow a member to attend a meeting electronically under certain circumstances. She noted that if they did pursue this, it would need to be clear and must be strictly enforced.

The Council held some discussion regarding this legislation. They expressed a desire for the staff to draft a policy allowing for electronic participation in meetings for their review.

Town Administrator Semmes reported that the staff would prepare a draft policy for review during the September work session.

#### Request for Reimbursement – High Utility Bill – Katie & Cameron Turner

Mayor Davis reminded Council that they now had a policy with regard to averaging water bills in the event of a leak. She inquired as to what the Council would like to do regarding the Turner request.

Town Administrator Semmes reminded Council that they adopted a new policy within the last year. She further reminded them of the Pappas request that prompted that change.

The Council held some discussion regarding the Turner and the Pappas bills/requests.

Councilmember Snyder expressed a desire to accommodate people who were not egregiously wasting water.

Town Administrator Semmes noted that if the new policy had been in place at that time, Mrs. Turner would have been able to request a waiver of the bill. She reminded Council that in the case of a high water bill, the customer would have to submit a request to her and ask for a waiver. Ms. Semmes advised that they could only receive one waiver within a certain period of time, must prove through a plumber’s bill that the leak had been repaired and must make the request for a waiver within ten days of notice of the leak.

Councilmember Snyder encouraged the Town Administrator to handle these requests personally, as opposed to having them handled by the Town Treasurer. The remainder of Council agreed. Councilmember Snyder opined that these were executive decisions.

The Council discussed the insurance program offered by Dominion Power with regard to repairs to water/sewer lines.

Councilmember Shea expressed concern about the amount of interest being applied to the Turner account. Economic Development Coordinator Pearson explained that interest was only applied when the customer did not make the payments. Town Administrator Semmes noted that there was a late fee applied before Mrs. Turner made payment arrangements with the Town Treasurer and another applied when she was late making her payment in August of 2013. She reminded Council that the Turners not only had to make their payments on this bill, but also had to pay their current bill. Ms. Semmes reported that Mrs. Turner paid three late fees, with one being removed by the Town Treasurer.

The Council held some discussion with regard to the imposition of late fees. It was noted that the amount of the late fee was based upon a percentage of the bill.

Vice Mayor Kirk inquired as to the "normal" bill for the Turners. Town Administrator Semmes reported that their latest bill was \$355 for a two month period.

Councilmember Littleton inquired as to exactly what Mrs. Turner has requested. Town Administrator Semmes reported that she was requesting a credit in the amount of \$2,061.

Councilmember Littleton suggested the Council reimburse her for 50% of the amount paid. Councilmember Shea noted that the problem was that there were other customers who have also experienced high water bills due to leaks. She questioned how far back the Council would go with regard to such reimbursements.

Mayor Davis noted Mrs. Turner's comment regarding other people's "large" bills. She opined that their bills may not be large as the result of a major water leak, but rather those individuals may simply view their water bills as large.

Vice Mayor Kirk inquired as to why the water bill was so high. Mayor Davis opined that it leaked for a period of time.

Economic Development Coordinator Pearson cited other examples of people who witnessed a wet spot in their yard due to a water leak. She opined that they should know they have a problem.

Councilmember Hazard questioned whether the entire \$2,000 bill would have been waived if the current policy had been in effect at the time of the Turner's water leak. Town Administrator Semmes confirmed it would have.

Mayor Davis questioned whether the high water bill was for a two month period. Town Administrator Semmes confirmed it was for a three month period.

Mayor Davis opined that the bill would have normally been \$600. Town Administrator Semmes reported that the bill had been running around \$225 for a quarter. She advised that their bill totaled \$2,400 for water and \$1,900 for sewer, with the staff having waived the sewer portion with the exception of the normal monthly charge. Ms. Semmes reminded Council that Mr. Pappas' sewer charge was also waived. She advised that while this was not an extraordinary bill, it was a large one.

Councilmember Murdock questioned whether anyone else had large water bills. Councilmember Shea noted that this was an issue of the past. She questioned how far back the Council would go as it considered this request. Ms. Shea reminded Council that they discussed this when they considered the change in policy.

Town Attorney Plowman noted that the request was for a credit for a bill that has already been paid. She suggested that someone could go back to 1980 and request a credit. Ms. Plowman advised that in the case of Mr. Pappas, he paid his past due amount early. Town Administrator Semmes noted that Mr. Pappas asked for a settlement.

Councilmember Hazard noted that if Mr. Pappas' settlement payment was considered over a two year period, he essentially paid the entire bill – he just paid it early.

Councilmember Murdock questioned whether approval of the Pappas request set a precedent. Councilmember Snyder noted that this was a different request. He advised that he would like to give some leeway up to the point where it did not hurt the Town. Mr. Snyder noted that the Council was responsible for the utility system. He reiterated that he would like to help customers in an emergency that was not caused through their own neglect.

Mayor Davis noted the requirements associated with a waiver. She opined that the complaints regarding high water bills were not associated with leaks, but rather were general complaints. Ms. Davis further opined that there would not be another issue as the result of the rules.

Vice Mayor Kirk questioned whether the Town Treasurer could run a report for the last three or four years that would identify cases of abnormally high water bills.

Councilmember Hazard suggested any consideration for reimbursement be limited to the last two years. Mayor Davis noted that this would not apply to Mrs. Turner as her high bill occurred in 2012.

Councilmember Snyder expressed concern about granting a \$2,000 waiver when \$2,000 was not owed to the Town. Town Administrator Semmes opined that the balance due was for the current bill and reported that she did not see a past due amount on the account.

Mayor Davis explained that Mrs. Turner was requesting a rebate on what she paid.

Councilmember Snyder advised that he would only consider a waiver of \$200-300.

Vice Mayor Kirk noted that Mrs. Turner raised this concern to her during the elections. She opined that Ms. Turner did not talk to anyone in the Town Office at that time. Ms. Kirk further opined that this was a source of embarrassment for the family, which was why she did not raise the issue earlier.

Town Administrator Semmes suggested that if anything was owed on the back bill, the Council could settle that amount based upon the precedent that was set with Mr. Pappas. She reiterated that nothing was owed.

Town Attorney Plowman opined that Mrs. Turner indicated she still owed \$200 on the back bill. Councilmember Snyder noted that this was his understanding as well.

Town Administrator Semmes opined that Mrs. Turner was seeking a credit in the amount of the \$2,061 that she has already paid. She suggested that if the Council wanted to do something that was the equivalent of what it did for Mr. Pappas, it could settle the past due amount, which appeared to be \$200-300.

The Council held some discussion regarding the amount due and the amount paid.

Vice Mayor Kirk questioned whether Mrs. Turner talked to the Town Treasurer. Town Administrator Semmes confirmed she did as she set up a payment plan. She reiterated that Mrs. Turner was given a credit by the Town Treasurer for the sewer portion of the bill. Ms. Semmes noted that the Town Treasurer offered Mrs. Turner all she was allowed to offer under the policy at that time.

Councilmember Snyder reiterated that he wanted a policy that required waiver requests to go to the Town Administrator, as opposed to the Town Treasurer. The Council held some discussion regarding who should handle such requests.

Councilmember Murdock questioned whether the Council desired to settle the account for whatever had been paid to date. The Council agreed it did.

Mayor Davis asked that it be explained to Mrs. Turner that while the Council has changed the policy, her high water bill occurred before that change.

Town Administrator Semmes confirmed she would do so. She suggested that she also explain to her that the Council was treating her the same way it treated Mr. Pappas.

Vice Mayor Kirk noted that she mentioned to Mrs. Turner that the Council could credit her for the late fees and penalties; however, she was not pleased with that suggestion.

Councilmember Murdock noted that Ms. Turner needed to understand that other people have experienced high water bills due to leaks.

Vice Mayor Kirk noted that Ms. Turner has had to purchase three washing machines due to brown water issues.

Councilmember Murdock questioned how a customer would know about the waiver policy and the regulations associated with it. Economic Development Coordinator Pearson noted that in the cases of high water bills, the staff inserted notices into the bills to let the customers know that they appeared to be high and encouraging them to check for leaks.

Councilmember Shea suggested the note include a telephone number that the customer could call for guidance on how to deal with a high bill.

Councilmember Hazard inquired as to who was getting such notices. Economic Development Coordinator Pearson confirmed it was only those with unusually high bills.

Councilmember Snyder advised that he would like to look at the data. Councilmember Hazard suggested the need to review the parameter that determined when a bill was “too high or low”.

Vice Mayor Kirk noted that the Town Treasurer was supposed to print a report of high/low utility bills for the Council’s review. Councilmember Shea opined that this report was useless unless the parameters were properly set.

Councilmember Hazard suggested the staff contact Logics to determine how it could reset the parameters.

Councilmember Littleton noted that the customer was also responsible for contacting the Town when their water bill was high. Economic Development Coordinator Pearson confirmed this occurred.

Councilmember Murdock expressed hope that the public understood what they were supposed to do in the event of a high water bill.

Town Attorney Plowman noted that it was not in the nature of some people to ask for a credit. She suggested the ten day notification period may be too short. Ms. Plowman suggested that the ten days may be from when the leak was repaired.

Councilmember Shea opined that finding this particular leak was happenstance. Town Administrator Semmes noted that when the Town received a complaint of a problem, it sent someone out to investigate.

Mayor Davis opined that the ten days was the time to repair the leak. Town Administrator Semmes noted that customers only had thirty days to pay the bill.

Councilmember Shea suggested that it should be ten days from issuance of the bill. Town Attorney Plowman opined that this was not long enough. She suggested that it be ten days from the date of repair.

Mayor Davis opined that the staff should be more proactive in addressing bills that were fifty percent higher than normal. She suggested they contact the customer personally.

Town Administrator Semmes opined that the ten days was pegged to within ten days of discovery as the Town wanted an incentive for customers to repair a leak as soon as possible as water was being used.

Councilmember Littleton opined that the ten days forced the customer to take action rather than delay the repairs. He suggested that if the Town offered too long a grace period, the customer would let the leak continue to occur. Councilmember Hazard noted that this could then result in the loss of thousands of dollars' worth of water.

Councilmember Hazard suggested the Council review the policy.

Mayor Davis questioned whether the recommendation to settle the Turner bill for what has already been paid covered everything, including the late fees.

Councilmember Shea opined that it only covered what they have not paid. She advised that as a Councilmember, she must consider that the Turners did not address this issue.

Vice Mayor Kirk noted that the Council did not know what the Town Treasurer told the Turners when she met with them. Town Administrator Semmes advised Council that the Town Treasurer set up a payment plan for the Turners. Councilmember Shea opined that if they were not satisfied with the assistance provided by the Treasurer, the Turners should have contacted the Town Administrator or the Town Council.

Town Administrator Semmes opined that Mrs. Turner approached the Council about the credit because she heard about what happened with the Pappas' request. She advised that it would be her job to explain to Mrs. Turner that the Town was treating her the same way it treated Mr. Pappas. Ms. Semmes noted that the Council could not apply the new policy to his situation as it occurred in the past; however, as the debt holder, the Council did settle the debt with the customer. She further noted that they could do so with Mrs. Turner as well.

## **Information Items**

Councilmember Shea requested information on the storm drain ditches associated with the Marshall/Madison Street Intersection. She questioned what would happen to the drainage ditch on Madison Street in front of the elementary school.

Town Administrator Semmes explained that the Town could not use the grant money for storm water management. She advised Council that the trail would be on the bank, with the fence being relocated to stay away from the ditch. Ms. Semmes noted that the Town's engineer asked VDOT if something could be done about the hole at the entrance; however, they said they could not as it would be too expensive.

Councilmember Shea advised that she was approached by a citizen who walked in this area frequently. She noted that guests of Salamander also walked into town on this street. Ms. Shea reported that one of the ditches was in bad condition.

Mayor Davis suggested the citizen needed to contact VDOT regarding their concerns.

Town Administrator Semmes suggested the staff research grant opportunities for the construction of a sidewalk on this side of the street. She opined that it may not be possible to construct one to the corner; however, sidewalk could be constructed to the point of the new one on the opposite side of the street.

Mayor Davis questioned whether there was room to construct a sidewalk on the school side of the street. Town Administrator Semmes noted the bank in this area. She opined that it would be easier to place the sidewalk on the ditch side of the road and to pipe the water under the ditch.

Councilmember Shea asked that this be added to the Town's capital improvement project list.

Town Administrator Semmes noted that the Planning Commission was working on the Comprehensive Plan update, which included a pedestrian plan. She questioned whether the sidewalk plan recommended sidewalk in this location. Councilmember Hazard opined that it did not go down that far. Town Administrator Semmes suggested it be added to the Plan. She noted that once in the Plan, recent legislation regarding development could apply should there be development in this area.

Vice Mayor Kirk noted that she has observed more people walking in the road recently. She further noted that she has even observed this on Route 50 where sidewalks currently existed. Councilmember Shea opined that this was due to the condition of the sidewalk.

Vice Mayor Kirk announced that the Upperville Fire Department would hold a breakfast on July 13<sup>th</sup> from 8:00-11:00 a.m.

Councilmember Snyder reminded Council of the Bluemont Concerts that would occur in July. He encouraged them to pick up the complimentary tickets from the Town Office.

Councilmember Murdock noted that she heard good reviews about the first concert. Economic Development Coordinator Pearson reported that there were eighty-seven tickets sold, plus the other people who were in attendance. Councilmember Snyder reported that he collected \$448, plus some passes.

Councilmember Hazard thanked Councilmember Murdock for her hard work, on behalf of the Community Center, on the Fourth of July celebration.

**Closed Session** – Appointment of Zoning Administrator

*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) 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. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that this matter be limited to discussion of the appointment of a Zoning Administrator. Vice Mayor Kirk further moved, seconded by Councilmember Shea, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes. 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, Hazard, Littleton, Murdock, Shea and Snyder

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

(Mayor Davis only votes in the case of a tie.)

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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. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

*Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council appoint Will Moore as the Zoning Administrator.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

(Mayor Davis only votes in the case of a tie.)

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There being no further business, a motion was made and approved to adjourn the meeting at 7:35 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk