



**MIDDLEBURG TOWN COUNCIL  
Regular Monthly Meeting Minutes**



**Thursday, September 11, 2014**

**PRESENT:** Mayor Betsy A. Davis  
Councilmember Kevin Hazard  
Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Erik J. Scheps  
Councilmember Kathy Jo Shea (arrived late)  
Councilmember Mark T. Snyder

**STAFF:** Martha Mason Semmes, Town Administrator  
Angela K. Plowman, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
William M. Moore, Town Planner  
Debbie J. Wheeler, Town Treasurer  
A.J. Panebianco, Chief of Police  
Cindy C. Pearson, Economic Development Coordinator  
Terry Inboden, Inboden Environmental Services

**ABSENT:** Vice Mayor C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, September 11, 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, followed by a Moment of Silence in Observance of 9/11.

**Public Comment**

Kim Hart, Executive Director of the Windy Hill Foundation, petitioned the Council for relief from a high water bill. He reminded them that the Foundation recently received over \$8,000 worth of bills due to inaccurate billings that involved with the larger water meters, which they paid. Mr. Hart reported that a former tenant experienced an extraordinary bill; however, the Foundation could not find a leak. He advised that the tenant left, sticking the Foundation with the bill in the amount of \$2,419. Mr. Hart reminded Council that the current policy allowed the staff to forgive the entire amount if it was done within ten days of finding the bill. He advised that he has discovered that the communications between the Foundation and Town were not great and noted that while the tenant knew of the bill, the Foundation did not. Mr. Hart reported that the Town and Foundation now have a communication process in place so the Foundation could take action within the ten day period. He asked that the Council consider forgiving the extraordinary water bill.

(Councilmember Shea arrived at the meeting at 6:05 p.m.)

**Public Hearing** - Issuance of 2014 General Obligation Bonds – Utilities Projects

No one spoke and the public hearing was closed.

## **Discussion Items**

### **Issuance of 2014 General Obligation Bonds**

Joe Mason, of Davenport, reviewed the handout he provided, which included the results of the direct bank loan Request For Proposals (RFP). He reminded Council that this bond solicitation was being done on a dual track with the Virginia Resource Authority (VRA), with the VRA being the backstop in the event the Town could not obtain bank funding at rates that were attractive and for a fixed period. Mr. Mason advised Council that he had not been seeing banks offer long-term fixed rate loans; however, the Town received two proposals that offered fixed rates for twenty to thirty years, which was extraordinary. He opined that this meant that Middleburg's balance sheets were being viewed favorably, which had not always been the case.

Mr. Mason reported that the Town received five offers; however, he would focus only on two - Cardinal Bank and Middleburg Bank. He noted that the Town currently had a loan with Middleburg Bank and opined that they have been a very good partner for the Town. Mr. Mason reported that Cardinal Bank was newer, had branches all over Northern Virginia, and had become more aggressive, which was reflected in their offer. He advised that for the twenty-year term loan, Middleburg Bank was two basis points lower; the rates were the same for the two banks for a twenty-five year loan; and, Cardinal Bank's rates were less than Middleburg's for the thirty year option.

Mr. Mason advised Council that the handout included a comparison of the bank loan results to the VRA bond. He noted that VRA was accustomed to communities testing the waters with them and confirmed that the Town would not forsake future opportunities with VRA by going in a different direction. Mr. Mason advised Council that the difference between the cost for \$1 million worth of debt service between Middleburg Bank and Cardinal Bank was negligible. He noted that VRA sold its bonds in the public market; therefore, their figures reflected that. Mr. Mason opined that the banks' offers were extraordinary.

Mr. Mason advised Council that he and the Town Administrator have been talking about the twenty-five year option. He noted that the longer a bond was financed, the more interest the Town would pay over the life of the loan.

Town Administrator Semmes and Councilmember Snyder opined that a twenty-five year loan made the most sense.

Councilmember Hazard suggested the Council look at a twenty year loan as opposed to a twenty-five year one. He noted that the cost was \$7,000-8,000 per year and questioned whether the current analysis indicated that the Town could afford that extra cost.

Mr. Mason reminded Council that they were funding assets that had long lives; therefore, they should be financed over a longer period of time. He noted that the extra \$100,000 cost between the two periods did not factor in the time value of the money. Mr. Mason reminded Council that dollars that were paid in the future were worth less; therefore, the difference was smaller if measured on a current basis.

Town Administrator Semmes reminded Council that both proposals offered no prepayment penalty. She suggested the Town could always pay more if it found it was flush with cash and had set aside some reserves.

Mr. Mason noted that the ability to repay the loan at any time with no penalty was an advantage of bank financing.

Town Administrator Semmes reminded Council that the utility rate model was becoming a valuable tool as she could plug in the debt to see what it did to the rates. She explained that the reason she was erring on the side of conservation was that she was still improving the information placed in the model. Ms. Semmes noted that IES and the Town's engineer, Bob Krallinger, were preparing a more detailed capital asset list and advised that while there were some maintenance costs in the model, they were not accurate nor were they complete. Ms. Semmes reminded Council that borrowing money for the capital projects would smooth the rates. She suggested, however, that it would be wise to be conservative until the model was more accurate.

Mayor Davis questioned whether the Council needed to make a decision during this meeting. Town Administrator Semmes advised Council that she envisioned they would make a decision at the next meeting. She noted the need to adopt an ordinance at that time.

Mr. Mason advised Council that Chris Kulp, of Hunton Williams, would attend the next meeting to review the ordinance with them.

Mayor Davis opined that the Council was leaning toward a twenty-five year bond, which could be prepaid.

Town Administrator Semmes advised Council that the ordinance would be prepared based upon this. She noted the need to know the amount they wished to borrow. Ms. Semmes reminded Council that they have been talking about borrowing \$1 million; however, during a phone conference, Davenport suggested the Town may want to consider borrowing additional money due to the good interest rate.

Mr. Mason advised Council that it would be helpful if they could decide which bank they wanted to go with, subject to their final approval, as Mr. Kulp needed to include this in the ordinance, otherwise the Council would have to adopt two different ordinances. He opined that since both proposals were almost equal and the Town had a track record with Middleburg Bank, it was an easy decision. The Council agreed to go with the Middleburg Bank proposal.

Mr. Mason questioned whether the Council wished to seek more money than it originally applied for and suggested that if it did, he would need to get a return sheet from Middleburg Bank and the Council would need to hold another public hearing. He advised that the Town must close on the bond by October 3rd; however, if they wanted to borrow more, the schedule would extend beyond that date. Mr. Mason noted that the bank was willing to increase the bond amount and extend the closing date to the end of October, which would give the Council plenty of time to hold another public hearing.

Councilmember Littleton inquired as to how much more Middleburg Bank was willing to offer the Town. Mr. Mason reported that the Council could borrow up to \$2 million.

Councilmember Snyder urged caution and noted that Middleburg had a small customer base for its utilities. He urged the Council to look seriously at how much debt it should put on the rate payers.

Councilmember Littleton suggested the Town tell the bank it wanted to borrow \$1 million but have the option to increase it to \$1.5 million for another six months. Mr. Mason explained that this was not allowed. He suggested the Town could pursue a \$2 million non-revolving line of credit; however, he noted that this would involve a variable interest rate. Mr. Mason questioned whether the Council wanted to risk the exposure when the rates increased. The Council agreed it did not.

Councilmember Hazard reminded Council that when they started discussing the bond process, they were assuming the Town would continue to have a certain amount of money annually to spend on capital projects. He noted that the interest rate was below what was projected at that time. Mr. Hazard inquired as to how this affected the cash that would be available annually for capital projects.

The Council and staff held some discussion regarding the rate model and the cash that may be available in the future for capital projects. Councilmember Hazard asked the staff to provide Council with this information prior to the next meeting.

Councilmember Snyder noted that one thing that gave him pause was what if the Salamander Resort shut down for some reason. He further noted that the Town must still service its debt. Mr. Snyder reminded Council that the entire rate model was based on Salamander in the future. He encouraged Council to be cautious about borrowing a lot of money just because the Town could get a good interest rate. Councilmember Murdock agreed it would be wise to be careful.

Mr. Mason reminded Council that the Town could always return to the bond market in the future. He noted that the Town may not get the same rate; however, it could always borrow more. Mr. Mason advised that it was Council's judgment as to whether this was the opportunity to address more capital projects. He explained that he wanted to tell the Council where the Town was relative to the current market and the future.

Councilmember Hazard asked that for the next meeting, the Council be provided with information from the rate model on the impact of borrowing \$1 million and \$1.5 million. Town Administrator Semmes confirmed she had this information and would get copies to the Council.

Councilmember Snyder reminded Council that they have already talked him into borrowing \$1 million, up from \$700,000. He advised that he would not vote to borrow more.

Councilmember Littleton questioned the length of the bank's proposal. Mr. Mason confirmed the Town must close by October 3<sup>rd</sup> on the \$1million loan. He noted that if the Council was entertaining borrowing more, the bank would hold the rates until the end of October. Mr. Mason advised Council that he would tell the bank that it did not look like it would be more than \$1.5 million. He reiterated that if the Council agreed to go with \$1 million, they could make that decision during the September 25<sup>th</sup> meeting; however, if they wanted to borrow more, they would have to hold another public hearing during their second meeting in October.

## **Public Presentations**

### **Middleburg Film Festival**

Susan Koch, of the Middleburg Film Festival, thanked the Council for their support last year. She noted that the festival was embraced by the town and reported that everyone who attended that she spoke with talked about the hospitality that Middleburg extended. Ms. Koch announced that the dates for this year's event were October 30-November 2. She noted that this was not ideal because it fell on Halloween; however, she explained that they had to select this week as Gold Cup was the week before. Ms. Koch advised that the festival would relate to Halloween and noted that the foremost film costume designer, who had done all of Tim Burton's movies, would be in attendance. She advised that they would also be honoring composer Marco Beltrami, who did all of the *Scream* movies. Ms. Koch reported that they had a great film slate and noted that it would be announced at the end of the month.

Ms. Koch noted that she just attended the Toronto Film Festival. She advised that one of the questions she heard was "where is Middleburg" and opined that this recognition was starting to come within the film industry. Ms. Koch reported that the head of the Motion Picture Association of America would be attending. She further reported that Coca Cola was the presenting sponsor. Ms. Koch advised that she would love to have the support of the Town.

Councilmember Littleton questioned when individuals could make reservations for the films. Ms. Koch advised Council that the ticket packages went on sale online today. She noted that the packages were pricier. Ms. Koch reported that they would offer a “Day at the Movies” package that would consist of two movie tickets for two movies, a wine tasting at the Boxwood Winery and a boxed lunch for seventy-five dollars (\$75) and noted that purchasers could select the films in advance.

Ms. Koch advised Council that they wanted to bring in more local people. She reported that individual tickets would go on sale at the end of the month when they announced the schedule and slate of films. Ms. Koch advised that ticket prices would continue to be \$15/person and \$10/student, excluding the opening night and Saturday night centerpiece films. She reported that the box office would be moved into the former Salamander Touch space next week and noted that they would have office hours during the week and on weekends so people could purchase tickets. Ms. Koch explained that the ticket sales operation was an online one and advised that the box office would contain touch screens and volunteers to assist purchasers.

Councilmember Hazard questioned whether the venues have been selected. Ms. Koch confirmed they have. She noted that the Middleburg Community Center was already booked due to Halloween. Ms. Koch reminded Council that they brought in massive amounts of equipment to create a “movie theatre”. She reported that films would be shown at the Hill School, Salamander Resort, National Sporting Library and Buchanan Hall. Ms. Koch expressed hope to return to the Community Center next year. She advised that she was trying to figure out more ways to get businesses and the community involved. Ms. Koch noted that they were talking about having a film festival button that people could purchase for a nominal amount, with businesses honoring them with an item such as a discount or free beverage. She advised that they would like to get as much business as possible in town and noted that they would have activities at other locations, such as the Boxwood Winery and Mt. Defiance.

Councilmember Murdock noted that the Middleburg Business & Professional Association was pushing for items for their gift bags. Ms. Koch noted that she never saw a gift bag last year, although she was told they were great. She advised that they were well received. Ms. Koch expressed hope that this year’s event would bring in more people than last year’s and advised that last year’s festival received great reviews. She reported that the *Washington Post* has tripled their contribution this year and would have their Chief Film Critic, as well as a broadcast studio, here for the festival. Ms. Koch noted that the festival was ramping up its outreach and would have local and regional publicity, as well as industry publicity. She advised that last year, people from all over the country attended the festival and estimated that over 2,000 people attended. She expressed hope that this would increase this year. Ms. Koch advised Council that they could use some support for the outreach.

Ms. Koch opined that the Saturday night film, the “*Imitation Game*”, would be the hottest film of the year and noted that she attended its premiere in Toronto. She suggested the festival was lucky to get it. Ms. Koch noted that they would have special guests for the festival, including the Ambassador from Italy. She confirmed the festival would include foreign films again this year.

Ms. Koch advised that they wanted to encourage people to stay in Middleburg; therefore, they may add a Sunday movie and offer a brunch. She noted that their best-selling package last year was the “Saturday Night Date Night Special”.

Mayor Davis thanked Ms. Koch for the update and noted that she looked forward to hearing about the movies. She asked Ms. Koch to keep the Council posted on the details of the event.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Councilmember Shea, that the Council approve the August 14, 2014 Regular Meeting Minutes as amended.*

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

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

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**Staff Reports**

**Town Planner Moore** reported that the Planning Commission discussed the item the Council referred to them last month regarding the new home construction within the Ridgeview Subdivision. He further reported that they were interested in learning about the architectural review districts that the Town had the ability to implement on a town-wide basis. Mr. Moore opined that they were not at a comfort level with such districts; however, they were asking for more information. He explained that they wanted to know how an architectural district compared to a historic district and asked for examples of architectural districts in other communities. Mr. Moore noted that he was researching this item.

Councilmember Hazard noted that the Town was talking about replacing the water lines in the Ridgeview Subdivision. He questioned whether there was a way to require the builder to do so in cases where he wished to maximize the square footage of his project.

Town Administrator Semmes reported that there was case law that restricted a locality’s ability to do so. She explained that there must be a nexus between the building and the related improvements. Ms. Semmes further explained that the line replacement must be directly attributable to the development.

Town Planner Moore reported that the Town encountered a design issue related to the storm sewer for the Federal Street Office Building Project, which the staff was able to resolve. He further reported that as to the Marshall/Madison Pedestrian Improvement Project, the hurdle has been cleared with regard to the evaluation of the low bidders’ bid package regarding the Civil Rights Division. Mr. Moore advised that the staff has submitted a request for final authorization to award the bid; however, it may be a couple of weeks before this authorization was received as it needed to come from the federal level. He reported that he and the Town Clerk have talked about chickens and expressed hope to have information available next month about how localities in Virginia have regulated them.

Councilmember Hazard questioned why the occupancy tax contained a negative number. **Town Treasurer Wheeler** explained that this was the result of sending the State tax. She noted that the payment was usually made in the same month the taxes were collected; however, this did not occur last month.

Councilmember Shea questioned why the Workers Compensation line items were at the levels shown. Town Treasurer Wheeler advised Council that last year, she did all of the distributions at the same time; however, this year she did fifty percent (50%) for the first half of the year as this was something the Council mentioned in the past.

Councilmember Hazard questioned whether the revenue to date was for July and August. Town Treasurer Wheeler confirmed it was. She reported that the water and sewer revenue to date would be moved back into last year's budget as it was from the July billing for May and June. Ms. Wheeler noted that the auditors would be here next week and part of the following week.

**Chief of Police Panebianco** thanked everyone within the town for their support. He reported that the Police Department had an awesome National Night Out and advised that a drone video of it was available on their webpage. Chief Panebianco noted that he would try to count the number of participants using the video. He reported that Jay Hubbard would also video tape the Christmas in Middleburg parade and would provide a count based upon it. Chief Panebianco noted that he was scheduled to meet with the security firm for the Middleburg Film Festival next week and would learn the locations and times of the showings. He reported that the planning for Christmas in Middleburg was well underway and noted that the Loudoun County Sheriff's Office has committed to provide support. Chief Panebianco noted that he received a thank you from the Secret Service for the Department's contribution to the First Lady's visit. He reported that he and Lieutenant Prince recently taught a class at the Middleburg Charter School on report writing and noted that they were getting more involved with the school. Chief Panebianco further reported that he was elected by his peers to serve on the Virginia Police Chief Association's Board of Directors and opined that Middleburg was the smallest community ever to have a chief serve on that board.

Councilmember Shea questioned whether Chief Panebianco has seen the report that the DEA was changing the Drug Take Back Program. Chief Panebianco confirmed he had and explained that the DEA would no longer provide this program. Councilmember Shea noted that they would allow pharmacies to be involved in a take back program. Chief Panebianco reported that he planned to set this up with the pharmacy; however, the DEA has not yet provided the regulations associated with the program. He advised that as soon as he had the guidelines, he would talk to the pharmacy about participating and expressed hope to do a take back event in the spring.

**Terry Inboden, of IES**, reported that they have been monitoring Well 4 for the last thirty days and expressed confidence that they could run it longer; therefore, they have reduced the use of Wells 2 and 3 to one hour per week. He further reported that they would be testing the removal efficiencies of the radiologicals this month. Mr. Inboden advised Council that the program change at the Stonewall treatment plant was a success and was saving the Town water as the backwash was now being done for every 140,000 gallons as opposed to every 70,000 gallons. He reported that they have changed the by-pass meter and would monitor it to see how it worked. Mr. Inboden advised that as to the water distribution system, IES was continuing to replace old water meters that were either no longer registering usage or were simply so old that they needed to be replaced. He noted that the wastewater treatment plant was running well. Mr. Inboden reported that his staff has been busy painting the loading docks and curbs where they were peeling and cracking and have implemented a pressure washing system for the micro screens. He noted the importance of the safety program and advised that they were looking at the chemical storage, fire extinguishers, eye wash stations and showers and were updating the MSDS'.

Councilmember Shea noted that she has twice noticed children playing at the Stonewall Water Treatment Plant and questioned whether this was safe. Mr. Inboden reported that the facilities were locked and opined that it was safe; however, he advised that they would look into it further.

Councilmember Murdock noted that she has talked about the need for signage when water was coming out of a fire hydrant on purpose. She suggested the need to have a Town water department sign so people would not panic and think this was not authorized. Mr. Inboden reported that he has purchased two easel signs that say "hydrant flushing in progress". He noted that, thus far, the flushings were being done at night. Mr. Inboden agreed the signage was a good idea.

Mayor Davis questioned whether there have been any reports of air in the water lines and noted that this has been a problem at her house. She further noted that she received a report that this was occurring on Lincoln Road as well. Stuart Will, of IES, explained that the water coming out of Well 4 contained a huge amount of gas. He advised Council that it was safe to drink.

#### Reports of Town Committees/Council Liaisons

Councilmember Hazard reported that, during its last meeting, some members of the Planning Commission raised concerns regarding traffic and speeding on Stonewall Avenue. He asked the Police Department to watch this area and opined that it was an intermittent problem. Mr. Hazard noted that motorists were using this street as a cut through.

Councilmember Snyder agreed it was an intermittent problem. He noted that he gave credit to the Police Department when the street was quiet.

Chief Panebianco confirmed he would make this area an assignment for his officers. He reported that he was looking at a couple of options. Chief Panebianco noted that if the Town wanted to do a traffic count, he would borrow a machine from another jurisdiction.

The Council held some discussion regarding the traffic on this road. It was suggested that once the equestrian events were over for the season, there was less traffic as the participants left the area.

Chief Panebianco reiterated that the Department would do radar enforcement. He suggested that at some point, they may want to determine the speed and number of vehicles and advised that he could do so by borrowing a more sophisticated radar trailer. Chief Panebianco noted that this would then allow him to determine whether he needed to station an officer there every day.

Councilmember Shea suggested that putting the speed trailer on the road would reduce speeds regardless of whether the trailer worked or not. Chief Panebianco agreed it would slow traffic down. He advised that when the Department has done traffic enforcement in this area in the past, the officers were not catching a lot of people speeding; however, he noted that they were sitting in a marked car.

Councilmember Littleton suggested a police car be parked at this location every day for a few hours. Chief Panebianco confirmed he could do this as well.

#### Discussion Items (continued)

##### Dog Leash Law Enforcement

Councilmember Murdock advised Council that there were two locations in town where dog owners had multiple dogs that were constantly getting out. She noted that the answer was to call the Loudoun County Animal Control Office; however, she opined that this was not working.

Chief Panebianco opined that part of the problem was that the Police Department has been in the business of saying “here’s your dog” and “don’t let it happen again” as Middleburg is a dog friendly community. He advised that the officers have not been overly aggressive when it came to dogs running at large. Chief Panebianco noted that when a problem occurred more than it should or could not be controlled, there were other avenues to pursue. He advised, however, that the Police Department did not usually get called when a dog was out and sometimes only heard about it a month later. Chief Panebianco stressed the need for citizens to call the Department when this was occurring so the officer could deal with it. He advised that if the Town was experiencing repeat offenders, the officer could attempt to catch the dog and contact Animal Control to ask them to take the dog to the animal shelter so the owner would be inconvenienced. Chief Panebianco noted that Animal Control

could then decide whether they wanted to issue a summons. He opined that it has been too convenient for the dog owner when the officer provided door-to-door service and noted that there has been no consequence for the violation. Chief Panebianco reiterated that for repeat offenders, the officer would contact Animal Control to pick up the dog if they could catch it. He reminded Council that Animal Control did not work nights and advised that their response time could be slow when contacted during the day as they only had a few employees who served a large county.

Councilmember Murdock noted that there was one repeat offender whose dog kept returning home before he could be caught. Chief Panebianco advised Council that if the officers saw the dog running at large, he would ask Animal Control to issue a summons. He suggested that if they would not, he would contact the Commonwealth Attorney to see if the officer could seek a warrant. Chief Panebianco reminded Council that the ordinance placed enforcement in the hands of Animal Control and advised that prior to issuing a summons, he needed to make sure the officer had the authority to do so. He stressed the need for citizens to contact the Police Department when a dog was out.

Councilmember Murdock questioned what would occur in the case of a noisy dog. Chief Panebianco noted that the noise ordinance would address this issue. He asked that citizens contact him when this was a problem.

Town Clerk North read the language from the noise ordinance related to this offense, which made it a violation if the barking could be heard across a property boundary.

Mayor Davis noted that Animal Control was now addressing dogs in the Town limits. She questioned whether the Town should consider adopting its own ordinance, which the Police Department could then enforce. Chief Panebianco advised Council that the Police Department did not have the manpower or the ability to handle these duties as required under the State Code. He noted that they could not transport dogs.

The Council discussed whether the Town should adopt its own animal control ordinance. Chief Panebianco opined that the Town may be able to adopt its own ordinance to enforce dogs running at large only. Town Attorney Plowman opined that the Town may not be able to only enforce some issues related to dogs. She advised that in her experience, once a dog owner became a habitual offender, Animal Control would pursue him/her.

Chief Panebianco reported that during his three year tenure, he has only picked up two dogs. He reiterated that the problem was that people did not call when the problem was happening and would tell him about it days later. Chief Panebianco suggested the need to educate the public. He noted that the officer could talk to the owner to give him a warning and let him know that the next time, Animal Control would be called. He advised that he would check with Animal Control to see if they would let a police officer testify in court with Animal Control handling the paperwork. Chief Panebianco described a dog biting incident that recently occurred in town.

#### Hiring of Part-time and Temporary Police Officers

Town Administrator Semmes reminded Council of the special events that were coming up and noted the need for extra officers for them. She explained that the reason this item was coming to Council was that in looking at the job characteristics of the part-time officers, the staff determined that they must be added to the Town's payroll, which involved taxes and insurance costs. Ms. Semmes advised that the Town would have to pay \$455 in taxes and \$3,600 in insurance for all of the officers. She reported that the staff had not heard back from VML on the issue of the special events help and advised that it asked whether special insurance was needed if officers were only brought in for a day. Ms. Semmes requested the Council approve the addition of part-time employees to the employment rolls and noted that Chief Panebianco was seeking the hiring of two officers.

Chief Panebianco advised Council that this would not involve more money. He explained that the part-time officers would be on call in the event of a sick call or a gap in coverage. Chief Panebianco opined that if he only had the ability to call one person, that individual may be working elsewhere and may not be available. He further opined that if he had two to contact, he may be able to get someone to fill in. Chief Panebianco reported that he has gone through the hiring process and selected two officers and advised that he was now waiting for approval to hire them. He explained that when he originally said he only needed one officer, he had not taken into account whether the officer's schedule would conflict with the Town's.

Councilmember Murdock noted that the Town could also hire up to ten officers for Christmas in Middleburg. She opined that last year, the Chief was let down by another agency, which resulted in the roads not being shut down. Ms. Murdock noted that this was dangerous.

Chief Panebianco opined that the Town needed officers it could control. He suggested the need to hire eight to ten officers and noted that he had some people who were interested.

*Councilmember Snyder moved, seconded by Councilmember Murdock, that the Council approve the addition of one or two part-time police officer employees to the employment rolls for fill in help to work up to a combined total of twelve hours per month during the current fiscal year. Councilmember Snyder further moved, seconded by Councilmember Murdock, that the Council approve the additional insurance costs as applicable for the hiring of up to thirteen temporary police officers for special events as proposed in the Chief's budget request. Councilmember Snyder further moved, seconded by Councilmember Murdock, that the Police Department budget be amended to include these costs in the appropriate line items and that the required additional funds be transferred from the FY 2014-15 General Fund Contingency.*

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Kirk

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

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Chief Panebianco reported that he received a good deal on the new weapons. He advised Council that while \$1,600 was budgeted for this purchase, the guns only cost \$300 each with the trade-in.

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

**Council Approval** – Amendments to Employee Handbook Related to Use of Town Equipment for Political Activities

Councilmember Shea noted that the Town would not be able to use the equipment for political issues and expressed concern that this was difficult for a political body. She advised that she reviewed the definition of "political" and noted that it was very broad. Ms. Shea expressed concern that items such as voting issues and charrettes could not be placed on the events calendar under this policy.

Town Attorney Plowman advised that encouraging people to register to vote was benign, as opposed to encouraging people to register to vote to support a specific individual. She further advised that items such as charrettes were governmental functions, not political activities.

*Councilmember Murdock moved, seconded by Councilmember Snyder, that Council adopt amendments to Chapter VII of the Employee Handbook to prohibit the use of Town equipment for political activities.*

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

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**Council Approval** – Amendments to Council’s Rules of Procedure Related to Regular Council Meetings and Participation in Meetings Electronically in Event of Emergency or Personal Matter

*Councilmember Murdock moved, seconded by Councilmember Snyder, that Council adopt a resolution amending Council’s Rules of Procedures pertaining to its meeting calendar and the procedures for allowing members to participate in meetings electronically.*

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

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Town Administrator Semmes advised Council that the Marshall/Madison Pedestrian Improvement Project bid award has been removed from the agenda as it must go through a federal review process, which could take a couple of weeks. She expressed hope to have it on the work session agenda for approval. Ms. Semmes noted that this delay would put the start of construction past the Fall Races. She advised that the estimate was that the project would be completed before Christmas in Middleburg; however, if it would not, construction would be shut down for a period of time. Ms. Semmes advised that if it must be stopped, metal plates would be placed over the construction area.

**Addition of Item to the Agenda**

*Councilmember Snyder moved, seconded by Councilmember Shea, that Council add item XII(C) (Council Discussion – Amendments to Town Code Chapter 55 pertaining to Vehicle Licenses) to the agenda.*

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

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**Discussion Items** (continued)

**Amendments to Town Code Chapter 55 pertaining to Vehicle Licenses (stickers)**

Town Clerk North noted that her memorandum explained the reason why this section of the Town Code needed to be updated. She advised Council that she needed some guidance from them on some items before she could continue drafting the update for their consideration.

After some discussion, the Council agreed to the following for the purposes of drafting an ordinance: (1) include provisions allowing for the proration of vehicle stickers, with the price being reduced to half price half way through the sticker year; (2) delete the 10% interest per year penalty for the late payment of stickers but leave in the \$10 late fee; and, (3) delete the section requiring the payment of personal property taxes and parking ticket fines before the sale of a vehicle sticker. They further agreed to (1) leave the fee for a replacement sticker as is at \$1; (2) continue to allow free stickers for active members of a volunteer fire or rescue department regardless of the situs of the department; (3) to leave the list of categories authorized to secure a free sticker as is; and (4) that it did not wish to include provisions that would allow the elderly to purchase stickers for a vehicle at half price.

Town Clerk North noted that she would continue working on the draft ordinance and would bring it to the Council for their consideration once it was complete.

#### Go Green Participation in Paper Shred

Councilmember Shea reminded Council that the Middleburg Bank was scheduled to hold a Paper Shred Day on September 27<sup>th</sup>. She reported that Go Green would like to support this event by offering to pick up items at people's houses and take them to the bank for shredding. Ms. Shea noted that the bank was okay with this and questioned whether the Council was as well. She advised that two volunteers from the Committee, who had trucks, were willing to do this. The Council agreed they were okay with Go Green's participation in this event.

#### Windy Hill Request to Waive Extraordinary Water Bill

The Council held a brief discussion regarding this item. They noted, however, that they did not have enough information on the details of the bill, such as the amount that was due to a possible leak and whether any portion was the result of being a past due bill. The Council expressed a desire to offer some relief on the leak portion but not on anything that was simply past due. They agreed to table consideration of this item until more information was available. It was noted that personnel from the Windy Hill Foundation were notified of the extraordinary water bill by the Town Treasurer at the time it occurred; however, nothing was done to address it at that time.

#### Donation to Middleburg Film Festival

Mayor Davis asked that the Council consider donating \$10,000 to the Middleburg Film Festival from the line item for special events in the Town budget. She noted that this line item contained \$25,000.

The Council held some discussion regarding the amount of money the Town donated for other events such as Shakespeare in the Burg and Christmas in Middleburg. They also discussed the number of participants for each event and whether those participants provided a benefit to the local businesses. It was noted that last year's film festival cost over \$250,000 to produce.

Councilmember Snyder advised Council that he would agree to the \$10,000 donation if the Council would agree to make a \$10,000 donation to Bluemont this fall.

After continued discussion, the Council agreed to make a \$10,000 donation to the Film Festival.

#### **Information Items**

Councilmember Shea reported that she received a request from an area resident asking that the Town put up pictures of the Councilmembers, including names, on the Town webpage so they could be easily identified.

Town Clerk North reported that there was a group photo of the Council on the Town website. She advised that the staff has been attempting to update the photo since the new Council was seated in July; however, tonight was the first night that they anticipated everyone would be in attendance. Ms. North noted that the Economic Development Coordinator brought her camera to the meeting in anticipation of taking the photo; however, this could not be done because of Vice Mayor Kirk's absence. She further noted that she and the Economic Development Coordinator have talked about the possibility of going with individual photos, as opposed to a group shot, for this reason.

There being no further business, a motion was made and approved to adjourn the meeting at 8:06 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk