



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
March 14, 2013



PRESENT: Mayor Betsy A. Davis
Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton
Councilmember Catherine “Bundles” Murdock
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator
David M. Beniamino, AICP, Town Planner
A.J. Panebianco, Police Chief
Debbie J. Wheeler, Town Treasurer

ABSENT: Councilmember Kathy Jo Shea
Councilmember David B. Stewart

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, March 14, 2013 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 Hearing – Special Use Permit – Cellular Antenna Replacement – AT&T

No one spoke and the public hearing was closed.

Action Items related to Public Hearing

Council Approval – Special Use Permit – Cellular Antenna Replacement – AT&T

Town Planner Beniamino reminded Council that this was the third of three cellular antenna upgrades. He reported that this application was the same as the other two in that they were swapping out the current antennas with three new ones. Mr. Beniamino further reported that the Planning Commission recommended offsetting the co-axle cable on the tower leg for maintenance purposes. He advised Council that the Town Administrator was working on the lease agreement associated with this item; and, noted that they needed to finalize that agreement.

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council adopt an ordinance approving Special Use Permit 12-04 regarding changes to existing cellular antennas at 25 Stonewall Court.

Town Administrator Semmes recommended the language in condition two be changed from the term “should” to “must”

Vice Mayor Kirk and Councilmember Snyder agreed to amend the ordinance as suggested.

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

Approval of Minutes

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council approve the February 14, 2013 Regular Meeting and February 28, 2013 Work Session Meeting Minutes with any amendments.

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

Staff Reports

Town Administrator Semmes reminded Council that the General Assembly passed a bill regarding transportation funding. She reported that during the Towns Association of Northern Virginia meeting, it was suggested that the towns seek a bill in next year's Assembly session that would allow them to have a vote on the Northern Virginia Transportation Authority. Ms. Semmes advised that the towns currently had a non-voting member serving on it.

Town Administrator Semmes reported that the proposals for audit services were due tomorrow. She further reported that one proposal had been received from Mitchell & Company. Ms. Semmes noted no others had been received as of this time; however, she had spoken with someone from a company in Winchester, Virginia.

Town Administrator Semmes noted that a copy of the final debt schedule related to the bond refunding was on the member's desks. She advised that this schedule was going through the Middleburg Bank's loan committee for final approval. Ms. Semmes reported that the Town would realize a net savings of \$347,000 over the life of the loan. She reminded them that the IRS penalty would need to come out of that savings; and, noted that the Town did not yet know the final amount of the penalty. Ms. Semmes advised that Davenport & Associates estimated it be to \$25,000. She noted that the Town would realize \$61,000 in savings during the first year of the refunding; and, advised that this would offset the money that must be paid out. Ms. Semmes reminded Council that the Town would still enjoy a substantial savings as a result of the refunding.

Councilmember Hazard questioned how the final debt schedule compared to the interim numbers that were provided. Town Administrator Semmes confirmed they were as high as anything the Council reviewed; and, were better than the SunTrust proposal. She advised that she would e-mail them a comparison of the numbers. Ms. Semmes expressed hope that the refunding closing would occur on March 28th.

Town Administrator Semmes reported that she and Councilmember Snyder discussed the utility rate study earlier in the week, including questions the Council raised as well as some they had themselves. She advised that they would gather additional information from the consultant prior to the work session. Ms. Semmes noted that the consultant had also developed bi-monthly rates for the Council's consideration.

Councilmember Murdock questioned the status of the gas connection for the Health Center building.

Town Administrator Semmes reported that she talked to the owner of Foley Plumbing earlier in the day to share the Town's concerns about how unresponsive the project manager had been. She opined that there has been no effort on Foley's part to get Washington Gas here. Ms. Semmes reported that the line locator was on site a couple of weeks ago. She advised that she told Mr. Foley that his project manager needed to talk to the Maintenance Supervisor to let him know what was going on as the Town needed three days notice of the connection so it could let everyone know. Ms. Semmes noted the need to schedule the connection in the morning before the restaurant that was also on the gas line opened for the day. She advised that she also told Mr. Foley that she wanted a contact for Washington Gas in case she needed to get things moving again.

Town Administrator Semmes reported that the Steering Committee for the Washington Street Streetscape Project was scheduled to meet April 3rd to hear the consultant's recommendations.

Mayor Davis thanked the Town Administrator for keeping the Council informed during the recent snow storm. She also thanked the Police Department for their work. Ms. Davis especially thanked the Maintenance Supervisor who was in town the entire day and evening to make sure the town was well taken care of.

Chief of Police Panebianco reported that the Police Department had made a few felony arrests; and, explained that a couple of things happened that the staff was able to investigate and solve quickly. He noted that doing their own investigations enabled quick recoveries. Chief Panebianco commended his staff for the work they did during the recent snow storm.

Chief Panebianco reported that the Department had been conducting monthly inspections of the parking meters. He advised that the next inspection would be coordinated with the Maintenance Supervisor as he changed the meters' batteries. Chief Panebianco explained that the officer would go behind the Maintenance Supervisor to check every meter so the staff would know whether there was a battery or a counter issue. He reported that they would send a quarterly report on what could not be fixed to the Council.

Town Administrator Semmes opined that it was great to see the team work between the Police Department and the Maintenance Supervisor. She noted that the Chief found a cheaper source for the batteries.

Chief Panebianco advised that the staff believed they could improve the meter functioning by changing the batteries every three months. He reported that they would be able to do so for the same amount of money as he found batteries that were fifty percent cheaper than what the Town was previously paying.

Chief Panebianco reported that the Department of Justice grant for the purchase of police vests would open in May. He advised that he would apply when it opened.

Vice Mayor Kirk asked whether the Police Department was responsible for the tags that were being placed on the meters stating that they no longer worked. Chief Panebianco confirmed they were. He noted that they now had pink tags, which would be more visible. Chief Panebianco explained that by tagging the meter, the Maintenance Supervisor could check it to see if it was a battery issue or whether it was broken.

Councilmember Murdock noted that there was a "huge" number in the Police Department's monthly report.

Chief Panebianco confirmed they have been doing a lot of business checks and shaking doors to make sure they were locked. He advised that he planned to reduce his reporting on this activity; and, explained that during the thefts, he wanted to make sure that people knew the officers were checking the doors.

Vice Mayor Kirk noted that the Police Department's proposed advertising budget request for FY '14 had doubled. She asked whether this would be enough; and, noted that the Department would be getting two more positions. Chief Panebianco noted that most of the employment ads could be done for free through the Virginia Chief of Police Association and the Virginia Municipal League. He advised that the Town would also place it on line on its website. Chief Panebianco reported that the advertising budget was more for events and advertising found property when the Department wanted to get rid of it. He advised that he was comfortable with the proposed number.

Mayor Davis commended Chief Panebianco on the great job he did with his budget presentation.

Councilmember Murdock asked whether the Police Department was getting a new sign. Chief Panebianco confirmed they were; and, noted that it would be similar to what they had before. He reported that the Police Department sign would be on the front and the other businesses' signs would be on the back.

Councilmember Snyder advised that he was pleased the officers were patrolling more often.

Economic Development Coordinator Pearson reported that she attended the Visit Loudoun meeting regarding the Epicurean Wine Event to be held Labor Day weekend. She advised that she would serve on the off-site event committee.

Economic Development Coordinator Pearson reported that the Middleburg Farmers Market Committee met this week. She further reported that they were down a few vendors this year as many committed to too many farmers markets last year; therefore, they were not doing as many this year. Ms. Pearson noted that they did not yet have a baker. She reported that the cheese vendor would partner with someone; therefore, he would be here more often.

Vice Mayor Kirk asked when the Easter Egg Hunt would be held at the Community Center. Economic Development Coordinator Pearson reported that it would be held March 23rd. She noted that the information on this event would be in this week's newsletter.

Town Treasurer Wheeler reported that the year-to-date meals tax revenues were down by \$13,000. She noted that one restaurant, which was constantly two to three months late, owed the Town approximately \$6,000. Ms. Wheeler advised that she contacted the owner to remind him that this was money he collected on the Town's behalf, which could not be placed in his bank account; and, reminded him that he must send it to the Town. She noted that the owner indicated he would get caught up.

Town Treasurer Wheeler noted the line item regarding prior real estate tax levies; and, reported that the Town collected taxes that were due for 2010 and 2011. She reminded Council that the business license taxes were due March 1; and, reported that as of March 8, the revenues collected were at 96% of the budgeted amount. Ms. Wheeler reported that cigarette tax revenues were down; and, noted that she was unsure why. She reported that the revenue for equipment sales came from the sale of the Police Department guns.

Vice Mayor Kirk noted that many of the line items in the Water and Sewer Fund budget were over 100%. She suggested that better numbers were needed for the coming year's budget.

Councilmember Snyder reminded Council that they would be looking at the water and sewer rates during their next work session.

Action Items (non-public hearing related)

Council Approval – Arbor Day Proclamation

Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council adopt a proclamation declaring April 27, 2013 as Arbor Day in the Town of Middleburg; and, urging all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

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

No – N/A

Abstain: N/A

Absent: Councilmember Shea and Stewart

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

Mayor Davis noted that the Arbor Day Celebration would be held at the National Sporting Library on April 27th.

Discussion Items

General Fund Budget (Continued) – FY ‘14

Town Administrator Semmes advised Council that the Town finally received the real estate assessment information. She noted that she had calculated the equalized tax rate. Ms. Semmes reported that none of the towns in Loudoun County did great in terms of assessments; and, advised that everyone’s were up a little. Ms. Semmes noted that she received budget numbers from other communities, including Fairfax County who was being hit hard.

Councilmember Murdock asked how the reassessment would affect the numbers. She further asked whether the reassessment was being done; and, noted that she had not seen anyone during the last two weeks.

Chief Panebianco reported that the County Assessor’s Office was supposed to e-mail him a list of names and vehicles for the individuals who would be in Middleburg; however, he had not received it.

Town Administrator Semmes reported that the reassessment would not take effect until next year. She noted that the Town must use the numbers from January 1.

Councilmember Murdock opined that the assessed values were way off; and, expressed hope that they would be corrected next year.

Town Administrator Semmes reminded Council that last year, the commercial and industrial properties took a big hit; and, noted that those values came up this year. She advised Council that the Town realized over an overall two percent (2%) increase in assessed values. Ms. Semmes noted that the proposed budget reflected a little additional income from this revenue source depending on where the Council set the tax rate.

Town Administrator Semmes advised that the equalized rate would be 19.74 cents; and, noted that once rounded up, it would be the same as the current tax rate. She reported that the Town of Vienna's tax rate was 23.69 cents; and, advised that they hoped to drop it to 23 cents. Ms. Semmes advised that in terms of other towns in Loudoun County, Middleburg's tax rate was very competitive. She noted that Lovettsville and Purcellville's tax rates were 21 and 22.5 cents respectively; however, Purcellville was considering adding an additional three cents for parks. Ms. Semmes advised that Leesburg's rate was 19.5 cents; and, may go down to 18.9 cents. She noted that the Town's tax rate was still at the bottom end of the range thanks to the business income.

Town Administrator Semmes advised Council that their budget packet included the equalized tax rate calculations. She reiterated that once rounded up, the equalized rate would stay at twenty cents. Ms. Semmes advised that she included an alternative proposal to reduce the rate to 19.5 cents, which would result in the loss of \$12,000 in revenue. She noted that the staff did not need a decision now; however, if they would like to increase the tax rate, a public hearing must be advertised.

Councilmember Snyder noted that the Council was not talk about raising the tax rate. Councilmember Murdock agreed.

Councilmember Snyder noted that when he and the Mayor joined the Council, the rate was only ten cents. He advised that he would like to find ways to reduce it so it was closer to where it was when he joined the Council. Mr. Snyder acknowledged that this would not occur during this budget.

Town Administrator Semmes recommended she review the enhancements that have been proposed. She advised that once the Council made a decision on those, she could add up their total. Ms. Semmes noted that the proposed budget currently had a \$195,000 contingency reserve.

Councilmember Snyder advised that he would like the General Fund to start paying for water and sewer services. He further advised that he would like to see that revenue in the Utility Fund Budget.

Town Administrator Semmes suggested she discuss that with the Town's financial advisor. She further suggested the Council see whether there was a gap between revenues and expenditures in the utility budget. Ms. Semmes opined that there should not be a gap as the rates were designed so there would be no deficit. She noted, however, that this was based upon an increase in the sewer rates. Ms. Semmes opined that the General Fund had money with which to work. She noted that she would like to keep at least a fifteen percent reserve fund.

Councilmember Snyder opined that if Salamander did great things for the Utility Fund, it could eventually make a contribution to the General Fund.

Town Administrator Semmes asked whether the Council wanted to include a twenty cent tax rate in the budget. She advised that she would not recommend half cent rates; and, recommended the Council either go with a nineteen or a twenty cent rate. Ms. Semmes reiterated that they did not have to make a decision immediately.

Vice Mayor Kirk opined that imposing a half cent rate was "playing games". Councilmember Murdock suggested the rate be left as is.

Vice Mayor Kirk questioned why miscellaneous revenues were proposed to increase from \$19,000 to \$42,000.

Town Administrator Semmes explained that the majority of the difference was the result of the sale of property. She noted that she was proposing the sale of the Maintenance Supervisor's truck as he would get a new one.

Vice Mayor Kirk noted the line item titled “Miscellaneous Donations”. She opined that those came out of the Health Center Fund.

Town Treasurer Wheeler explained that this line item was for miscellaneous donations that were given to the Town, such as when Councilmember Murdock made a donation.

Vice Mayor Kirk noted that the expenditures for Economic Development were proposed to increase by \$80,000, which was a big jump. She advised that she understood why this was proposed; and, noted that the money would be used for marketing and the website. Ms. Kirk asked whether the staff was doing the website in-house.

Town Administrator Semmes confirmed the staff designed an interim Town website so items could be changed. She noted that the staff was talking about doing something that was more involved in order to project out the Town’s tourism events.

Mayor Davis advised that the anticipation with regard to economic development was that the money gained from tourism would be put back into the businesses to help the Town bring more people here.

Vice Mayor Kirk reiterated that \$80,000 was a big jump for the Economic Development Budget. She further reiterated that she knew what the money was going for; and, opined that it was all good.

Vice Mayor Kirk noted that \$4,500 was proposed in the Health Center Fund Budget for grounds maintenance for painting. She suggested this was not enough money.

Town Administrator Semmes advised that the staff had a “cheap” estimate and was waiting for another one. She noted that there was not a lot of painting to be done; and, suggested it was just the garage doors.

Vice Mayor Kirk noted the crack in the wall, which would be expensive to repair; and, reiterated that \$4,500 would not be enough.

Chief Panebianco reported that the Police Department offices also needed to be repainted.

Town Administrator Semmes agreed that more money may need to be added to this line item.

Town Administrator Semmes asked whether the Council wanted to hold a special budget work session. Vice Mayor Kirk expressed a preference to discuss it during the regular meeting.

Town Administrator Semmes advised Council that in response to their discussion, the Police Department’s advertising budget was doubled. She further advised that \$5,000 was added to the Economic Development Budget for a donation to the Journey Through Hallowed Grounds. She noted that this was not an item the Council had discussed. Vice Mayor Kirk opined that it was a good thing.

Town Administrator Semmes reminded Council that they discussed sprucing up the Pink Box; and, advised that she included \$3,800 in the proposed budget. She noted that this may not be enough. Ms. Semmes advised that Mary Kay Garwood thought the Town would get the most bang for its buck by painting the interior. She noted that the Economic Development Coordinator suggested getting better display units.

Vice Mayor Kirk suggested the introduction of track lighting; and, noted that it was dark in the building.

Town Administrator Semmes advised that there were two additional enhancements proposed, the first of which was related to the Mayor and Council's compensation. She reported that Lovettsville paid its Mayor \$8,000 and its Councilmembers \$1,200 per year; Purcellville paid its Mayor \$5,525 and its Councilmembers \$4,250 per year; and, Hamilton paid its Mayor \$15,000 and its Councilmembers \$3,000 per year. Ms. Semmes noted that Hamilton's Mayor was paid what he was because they did not have a Town Manager.

Councilmember Murdock asked how much the Mayor and Councilmembers were paid in Middleburg. Town Clerk North reported that the Councilmembers received \$20 per meeting. Town Administrator Semmes reported that the Mayor received \$500 every six months.

Vice Mayor Kirk suggested the Council wait on this item until after it saw the revenues from the Salamander Resort.

Councilmember Snyder noted that the Mayor raised this issue last year and the Council rejected it. He reminded Council that at that time, they agreed to look at it again this year.

Mayor Davis noted that the current salary amounts had been in existence since the 1970s.

Vice Mayor Kirk opined that, when this was previously discussed, Councilmember Snyder suggested something be done for the next Council, not this one.

Town Administrator Semmes reported that the Town Clerk researched the State Code; and, found that the regulations had changed.

Town Clerk North confirmed that a council could now give itself a raise.

Vice Mayor Kirk noted that the members spent time on their duties; however, she suggested the Council not give itself a raise and implement technology upgrades.

Councilmember Murdock reminded Council that they were paid \$20 per meeting. She noted that she still read the agenda materials even if she did not attend the meeting; however, she did not get paid. Ms. Murdock noted that other jurisdictions paid a flat fee; and, suggested that issue be addressed first.

Councilmember Snyder noted that if one factored in inflation, \$20 would now be \$100. He further noted that the Council held an average of two meetings a month.

Town Administrator Semmes recommended the Council set its salary at \$2,500; and, noted that this equated to two hundred dollars a month.

Vice Mayor Kirk advised that she liked getting paid by the meeting. She noted that if a member did not attend, he/she would not get paid.

Councilmember Murdock reiterated that she read the agenda packet even if she did not attend the meeting.

Vice Mayor Kirk noted that there have been cases with previous Council's in which members made it a habit of not attending the meetings.

Councilmember Snyder opined that attendance was not a big issue.

Vice Mayor Kirk agreed it was not for the current Council; however, she suggested it could be for a future one. She recalled that Mayor Dimos had to call members because they habitually missed three meetings in a row.

Mayor Davis suggested that if attendance was a problem, the Council would address it. She noted that the members attended a lot of functions. Ms. Davis advised that they did not do this for the pay.

Councilmember Littleton noted that the Mayor attended more functions than the Council. He opined that she should get a raise.

Mayor Davis opined that the entire Council should; and, noted that as members of the Council, they represented the Town wherever they went.

Councilmember Murdock opined that the Council's pay should be \$3,000 annually and the Mayor's should be \$5,000 annually. She suggested they reconsider this again in two years.

Town Administrator Semmes advised that this would result in the Mayor and Council's pay being \$26,000 per year.

Councilmember Hazard agreed with Councilmember Littleton. He recommended the Mayor receive a higher salary than the Council. Mr. Hazard recommended the Councilmembers salaries be set at \$2,000/year and the Mayor's be set at \$7,000/year.

Councilmember Snyder advised that he liked the idea of paying the Council \$200 per month. He noted that this would put Middleburg in the same range as other towns. Mr. Snyder noted that Purcellville was larger than Middleburg.

Councilmember Murdock suggested the Councilmember's salaries be set at \$2,400 and the Mayor's salary be set at \$6,000 annually. Councilmember Hazard agreed.

Councilmember Snyder advised that, no disrespect intended for Mayor Davis; however, he did not like the idea of passing Purcellville with regard to the Mayor's salary.

Councilmember Murdock suggested this was an incentive; and, noted that it was not easy finding people to run for elected office. She suggested that \$6,000 for the Mayor was better than nothing.

Vice Mayor Kirk agreed; and, noted that the Mayor did an outstanding job. She further noted that she attended many meetings.

Councilmember Murdock noted the cost of gas and the wear and tear on one's car associated with the members elected officials' duties. She reiterated that she liked an annual salary of \$2,400 for Councilmembers and \$6,000 for the Mayor.

Councilmember Snyder suggested this be put in the budget. He further suggested it be discussed at the next Council meeting.

Vice Mayor Kirk advised Council that she would vote against that motion. She opined that the Council needed to be a little frugal. Ms. Kirk reminded them that not so many years ago, the Town was \$13,000 "in the hole". She noted that this weighed heavily in her mind.

Mayor Davis noted that even if the increase was included in the budget, the Council could always change it.

Councilmember Snyder asked whether the Council's pay could be reduced before the next election; and, noted that this could not occur in a current term for the Senate and Congress.

Town Clerk North advised that she did not believe the State Code talked about reducing a mayor or councilmember's pay.

Mayor Davis suggested the Council put off a decision on this issue for now.

Councilmember Littleton suggested they finish the budget and then see whether money was available.

Vice Mayor Kirk noted that the current gap between revenues and expenditures was \$195,000. She further noted that the Council was talking about taking \$32,800 out of that for salaries.

Mayor Davis noted that the proposed budget was also very conservative, which was good.

Vice Mayor Kirk noted that Salamander Hospitality was providing the staff with the numbers associated with their resort, which would be big. She reminded Council that they planned to open in August, which was the height of the tourism season; however, she suggested it would be January or February before the Town would really see what the resort would do for the Town's finances. Ms. Kirk expressed concern about taking money from the proposed \$195,000 in reserves; and, noted that if the Council approved salary increases and iPads, it would be whittling down this amount.

Councilmember Littleton advised Council that he did not want an iPad. He noted that technology changed fast; and, opined that everyone was doing something different. Mr. Littleton advised that he liked the way the Council was receiving the agenda.

Councilmember Snyder asked whether the costs for the iPads were based on the government price.

Town Clerk North reported that she simply provided a number for budget purposes; and had not researched the purchase options. She noted, however, that the software number was a good number.

Vice Mayor Kirk suggested the Council not chip away at the contingency reserve too much, particularly if they raised the utility rates. She noted that this involved different funds; however, the citizens would only see that the Council gave itself a raise and increased their water bills.

Town Administrator Semmes reminded Council that they would have three times the revenue surplus in FY '14 versus this year.

Vice Mayor Kirk reminded Council that the Town used to have large amounts of money in Certificates of Deposits.

Town Administrator Semmes advised Council that based upon the numbers they were talking about, the salary expenses would increase by \$27,000 more than was currently shown in the budget.

Vice Mayor Kirk reported that she would vote to give the Mayor a raise; however, she would not do so for the Council. She noted that these were separate positions. Ms. Kirk advised that her attitude on the budget was to say "no" to everything.

Town Administrator Semmes reported that she would plug in the increase for now. She questioned the Council's feeling regarding the technology issue.

Vice Mayor Kirk advised Council that for once, she would like to vote to approve the budget. She noted that she did not do so very often.

Councilmember Hazard suggested that using technology would save the Town on paper, staff time in putting the packets together and police time in delivering the packets.

Town Clerk North confirmed there would be some paper savings; however, she advised that she would still be required to produce some paper copies. She reminded Council that she was required by law to generate copies for the public. Ms. North advised that those agenda items that came in the form of paper would also have to be scanned; therefore, this would require additional staff time. She noted that the time she currently spent copying would be used to scan items.

Town Administrator Semmes noted that she and the Town Clerk also discussed requiring the applicants to submit items, such as plans, electronically.

Town Clerk North advised Council that the software cost was an annual one. She noted that the paper savings would cover the annual software costs.

Town Planner Beniamino noted that paper would still be needed on his end for the Planning Commission and HDRC if they were not being provided with iPads. He opined that most of what the Council saw came from the Planning Commission; and, advised that paper would still be needed.

Town Clerk North disagreed with the Town Planner that most of the items addressed by Council came from the Planning Commission. She noted that of all the items on the agenda for this meeting, only one came from the Planning Commission. Ms. North advised that while the Planning Commission forwarded a lot of items to the Council, they also considered a lot of items that were generated by other areas of the Town government. She confirmed, however, that under the proposal, the Town would not be paperless.

Town Planner Beniamino reminded Council of the paper generated through normal office activities.

Councilmember Hazard cited the different types of iPad uses. He advised that through Go-to-Meetings, he met with five other people and had full communications with them. Mr. Hazard noted that they were able to change plans on-line.

Councilmember Snyder noted that he did a lot of meetings everyday from home. He advised that this was how he met with people from all over the country.

Councilmember Hazard advised that they could make real time changes.

Councilmember Murdock suggested another issue was the Planning Commission; and, noted that they generated a huge amount of paper. She questioned whether they should have the iPads first.

Town Planner Beniamino noted that he could make the same argument for the HDRC. He advised that everything that went before them was in color; and, noted that a printer could never capture the color exactly. Mr. Beniamino advised that the staff made hundreds of copies because of the need to reproduce the cut-sheets associated with an agenda item. He noted that he generated a lot of paper.

Councilmember Murdock suggested the problem was more in the planning area than in the Council area.

Town Planner Beniamino advised that he liked that the Council was exploring this; however, he suggested they consider this as a three year plan, with the Planning Commission and HDRC getting them in subsequent years.

Councilmember Murdock noted that the applicant could be required to submit the applications electronically, which would allow the staff to send the agendas electronically, thus reducing paper.

Town Clerk North suggested the staff first explore getting this system in place with the Council in order to get the “bugs” out. She reminded them that she and Councilmember Murdock did a couple of tests using her personal iPad; however, they found they did not work well. Ms. North noted that the Town did not have the software to manage the agenda packets; and, explained that the tests used the software that was currently available.

Councilmember Snyder suggested that if the Town was going to test this system, the Council should be the testers.

Councilmember Littleton asked whether the staff had looked at other communities that were getting their agendas electronically. He suggested the Town do a study first.

Town Administrator Semmes suggested that if the Council was not comfortable implementing this right away, they could establish a task force to work with the Town Clerk during the first half of the budget year to determine what was available.

Town Clerk North advised Council that she did not envision the Council would implement this program on July 1. She explained that the Town Administrator came to her with the Mayor’s suggestion to include funds in the budget for this program. Ms. North noted that she just pulled some numbers together for budget purposes. She advised that she needed to conduct research to determine what other communities were doing and to determine what did or did not work; and, suggested there was no sense in implementing a system that someone else had already found did not work. Ms. North noted the need to put money in the budget before pursuing this further.

Vice Mayor Kirk suggested the study be done first; and, that if the Council found it wanted to implement the program, it could add money to the budget during the middle of the year. She noted that not every member of the Council was comfortable using computers.

Councilmember Snyder agreed; and, suggested that more than one member of Council participate in the study. He further suggested that someone who was comfortable with computers and someone who was not comfortable with computers participate.

Councilmember Murdock suggested that Councilmember Snyder participate. Vice Mayor Kirk suggested that Councilmember Stewart participate.

Councilmember Snyder volunteered to participate.

Town Clerk North suggested that if iPads were given to the Council, they should also be provided to the staff.

Councilmember Hazard questioned whether someone could use their personal iPad. He further questioned the amount of memory that would be required for the software.

Town Planner Beniamino opined that the problem with using a personal iPad was that the Council would run into FOIA issues. He further opined that the iPad would have to be used for Town business only.

Town Clerk North advised that this was not the case. She explained that one of the reasons she was proposing the purchase of agenda managing software was that the information would be put on a “cloud”; and, advised that, as such, the members could use their personal devices to access it. Ms. North noted that she needed to work out issues such as how to handle closed session items. She explained that, in that case, the Council needed to access the closed session information; however, the rest of the world should not be able to do so. Ms. North opined that there was a solution to this concern; and, advised that she needed to research it.

Councilmember Murdock noted that if the members could access the Town’s information using their personal iPads, this would save the Town money as three members already had them.

Mayor Davis asked whether the Town Clerk planned to look into this issue, with Councilmember Snyder serving on the task force. Vice Mayor Kirk suggested that Councilmember Murdock or Councilmember Stewart be the other member. She opined that Councilmember Stewart would be the better choice as he was not as comfortable working with computers.

Councilmember Murdock asked whether Councilmember Stewart had the time to serve on the task force; and, advised that she would serve if he was not able to do so.

Town Administrator Semmes asked whether the Council wanted to leave the money for this technology out of the budget.

Vice Mayor Kirk suggested it be handled as a mid-year budget amendment if necessary.

Councilmember Snyder suggested that some money be included in the budget so the task force could test the system once the Town Clerk obtained information on it.

Vice Mayor Kirk opined that this was not what the Council intended the task force to do. She advised that they were not talking about buying iPads.

Town Clerk North opined that the Council was talking about researching the development of the system, not the purchase of a system.

Councilmember Snyder opined that in that case, the task force should not include Councilmembers Murdock or Stewart. He questioned whether they would understand what was being proposed.

Vice Mayor Kirk noted that this was the point of having them serve. She suggested that if Councilmembers Murdock or Stewart understood the system, then the Council could look at it further.

Councilmember Snyder suggested that without having an iPad in hand, they would not understand it.

Councilmember Littleton suggested the Town Clerk investigate the systems that were available, with the Council then taking the next step.

Mayor Davis noted that, at some point, the system would have to be tested on an iPad.

Town Clerk North reminded Council that the purchase of the iPads was not going to be the expensive part of this program. She further reminded them that the annual software cost would be the most expensive part.

The Council agreed the Town Clerk should investigate a system, and, that no money should be included in the proposed budget for this item.

Wellhead Protection Plan Update

Councilmember Snyder suggested the Council skim most of the report; and, noted that a lot of it was technical. He recommended they concentrate on the action items table, beginning on page nineteen. Mr. Snyder explained that this table contained action items for the Town to protect its source water. He advised that he wanted the Council to adopt the Plan and make it a resource for other committees use, particularly the Planning Commission. Mr. Snyder noted that Go Green could use it as well.

Town Clerk North advised that there were a couple of items in the Plan that related to Go Green; however, most related to the Planning Commission. She explained that a lot of the items related to the Planning Commission were the adoption of zoning ordinances. Ms. North noted that there was also an educational component, which included recommendations such as giving tours of the water treatment plant and speaking before the local schools on the importance of source water protection.

Councilmember Snyder explained that the action items were meant to augment the recommendations in the brochure that was recently distributed. He opined that the members of the Wellhead Protection Advisory Board did a wonderful job. Mr. Snyder noted that Mindy Ramsey, of TetraTech, was very complimentary of the Committee and the Town for being willing to accept the action items as some towns would not. He opined that everyone did a wonderful job on the Plan.

Vice Mayor Kirk asked what the Council should do next. Councilmember Snyder expressed hope that the Council would review the report and adopt it during their next meeting.

Vice Mayor Kirk opined that it was a good report.

Councilmember Murdock suggested that inspecting the underground oil tanks was important. She noted that she had such a tank; however, it had not been inspected in twelve years. Ms. Murdock suggested the oil companies should routinely inspect the tanks; and, provide the owners with a certificate. She noted that if the Town required an inspection, the oil companies would have to do so.

Councilmember Littleton recommended they be checked every ten years or so. He noted that this could be done through a compression test.

Town Administrator Semmes suggested it would be nice to know where the oil tanks were located in the town.

Councilmember Snyder reported that the approval of the Plan would be an action item on the next agenda.

Town Clerk North noted that once adopted, the staff could see if there were any grants available that could be used to implement some of the recommendations.

Councilmember Snyder advised that if the Council or committees had suggestions for action items that should be added to the list, the Wellhead Protection Board would like to hear them.

Town Clerk North reported that in talking to the State representatives, she was told that Middleburg's Wellhead Protection Advisory Board was the most active board in the Commonwealth. She further reported that these same individuals indicated the draft plan contained the most action items of any plan in the State.

FOIA Discussion

Town Attorney Plowman advised Council that this discussion item was prompted when she and Councilmember Murdock attended the FOIA work shop in Leesburg. She noted that something was raised, specifically about e-mails, which got her attention. Ms. Plowman reminded Council that during their last meeting, Council raised some questions about any new FOIA requirements, as well as Roberts Rules of Order.

Town Attorney Plowman opined that the Council understood why FOIA existed – to ensure open government – and advised that she had seen that in the year she had been with the Town. She reported that the majority of the changes that occurred to FOIA in 2012 did not affect the Town. Ms. Plowman advised that there were only two that did, the first of which was a clarification that citizen information in correspondence, such as addresses and e-mail addresses, were exempt from disclosure. She reported, however, that the only time this exemption applied was if it was within correspondence that did not relate to public business. Ms. Plowman further reported that the change also exempted cell phone numbers for fire and emergency services personnel from disclosure. She advised that the second change would allow a member of Council to attend a closed meeting of an entity that reported to the Council; however, if that entity kept minutes of their closed session, they must identify that the Councilmember was present.

Councilmember Murdock asked whether minutes were kept of closed sessions. Town Clerk North advised that they could be; however, she did not recommend it. Councilmember Snyder noted that it was rare for any of the Town's committees to even hold a closed session. Town Attorney Plowman suggested the Councilmember's attendance would have to be noted in the minutes of the regular meeting.

Town Attorney Plowman reported that in 2013, there were only two FOIA changes that applied to towns. She advised that the first provided members with more flexibility to attend a meeting via electronic means. Ms. Plowman reminded Council that previously, the councilmember had to have an emergency or a medical condition before they could make arrangements to attend a meeting electronically. She reported that the Act was changed to allow for electronic meeting participation for a personal matter.

Vice Mayor Kirk asked when this provision came into existence. Town Clerk North opined that it had been in existence for ten or more years; however, the individual pretty much needed to be in the hospital for it to apply.

Mayor Davis noted that they could now attend electronically, if they had a personal matter that prohibited their physical attendance.

Town Clerk North advised Council that, even with this change, a member could not just say they wanted to attend the meeting electronically. She explained that there was still a process that must be followed, including a vote of the Council.

Town Attorney Plowman confirmed this change did not change the form of the code. She noted that the member would still have to go through all of the bells and hoops to get an electronic participation approved. Ms. Plowman confirmed a member could not call ten minutes before a meeting and say "hook me up electronically". She noted that electronic participation was also limited to twice per year.

Town Attorney Plowman reported that the other change that occurred in 2013 pertained to law enforcement. She advised that it was a clarification that personnel records were protected from mandatory disclosure. Ms. Plowman noted that legislation was presented to the General Assembly to allow non-Virginia citizens to make FOIA requests; however, that was tabled.

Councilmember Snyder opined that most people were not aware that the Council could not attend a meeting electronically. He noted that the public assumed they could because they could do so.

Town Attorney Plowman noted that the 2013 changes would not be in effect until July 1.

Town Attorney Plowman reminded Council that their other issue was related to e-mails. She reported that the representative for the FOIA Advisory Council who spoke on this topic suggested that council members should be using the town e-mail addresses given to them. Ms. Plowman noted that she understood that the Council used their private e-mail addresses; and, recommended they use their Town addresses. She reminded Council that even if they were using a personal account, if they were transacting public business through it, the e-mail was still releasable under FOIA. Ms. Plowman suggested that if the members of Council received a FOIA request, it would be easier to go through the Town e-mail accounts to respond to it; and, noted that the burden would be on the record retention holder to conduct the search as opposed to the members of Council. She reminded Council that if they switched computers, they were still required to retain any public records on them. Ms. Plowman reported that the retention period varied depending on the item; and, noted that those schedules changed all the time. She opined that it was a burden on the Council to conduct public business via their personal e-mail accounts.

Town Attorney Plowman reminded Council that if the Town received a FOIA request, it must answer it in one of several ways – to provide the information, to say “I don’t have it”, to say “it was protected” or to provide part and state the protection for part. She advised that if the members used their personal accounts and determined that something was private, it would depend on how litigious the other side was; and, noted that they could have to go into court and could run the risk of turning over their computer. Ms. Plowman advised that she was not aware of any cases requiring an individual to turn over their computer; although, she was aware of cases involving personal e-mail accounts. She recommended the Council not put this burden on itself; and, suggested they instead use their Town e-mail accounts. Ms. Plowman reminded Council that they could set those e-mail accounts up so they came into their personal devices.

Town Clerk North reminded Council that currently their Town e-mails came into her computer; and, she would weed out the “junk” items and forward those that were truly Town business related. She recommended this system continue. Ms. North further recommended that if the members of Council needed to initiate an e-mail that was Town related, they do so from their Town e-mail account. She reminded Council that she sent them instructions for accessing their Town e-mail accounts. Ms. North advised that, using this system, everything would stay within the Town’s e-mail account system. She reminded Council that during the last meeting, the Town Planner recommended the system be changed so the e-mails were automatically forwarded to the members personal e-mail accounts; however, she noted that this meant the members would receive all of the junk e-mails that came in. Ms. North opined that they did not want to deal with them. Vice Mayor Kirk and Councilmember Hazard agreed they did not.

Councilmember Snyder noted that this would require him to set up a massive filter, which he did not want to do. He noted that former Town Attorney Whiting would interject when members were trying to get too detailed during an e-mail exchange, cautioning the members not to engage in meetings electronically. Mr. Snyder opined that this was good advice. Town Attorney Plowman agreed.

Town Administrator Semmes reminded Council that this did not apply to how much was written but rather to how many people were copied on the e-mail. She noted that if the e-mail only contained two words but was sent to more than two members, it was considered to be a meeting.

Councilmember Snyder noted that for a simple query, he just responded to the Town Clerk as opposed to replying to everyone. He suggested that unless the query was regarding the cancelling of a meeting, he would respond only to the Town Clerk.

Mayor Davis asked whether the staff should also send e-mails to the Council via their Town e-mail accounts. Town Administrator Semmes opined they should.

Mayor Davis noted that they would then need to be told to check their Town e-mail accounts.

Town Clerk North reiterated that those e-mails came to her computer and she then forwarded them to the members' personal accounts. She noted that under this process, they were still stored on the members' Town e-mail accounts.

Vice Mayor Kirk suggested that once the members set up their Town e-mail accounts, they should notify the Town Clerk. Town Clerk North advised Council that the accounts were already set up. She explained that when the members wanted to use them, they simply needed to open up the Internet, type in the address, enter their e-mail address and password and they were then into their account.

Town Clerk North opined that the staff needed to stop sending Town e-mails to the members' personal accounts. She advised Council that she would send their Town e-mail addresses to the staff with instructions for everyone to use them.

Town Administrator Semmes noted that the problem would be if she sent the members an e-mail and they replied from their personal account. Councilmember Murdock suggested the members not send e-mails from the personal accounts, but rather use their Town e-mail accounts.

Councilmember Snyder advised that if the e-mails were sent to his Town e-mail account, he would not see them for a week. He further advised that if they came into his work e-mail, he would see them right away.

Town Clerk North explained that this was the reason the e-mails were coming to her. She reiterated that if it was something the members needed to see right away, she then forwarded it to their personal e-mail accounts. She suggested that if the members then wanted to reply, they should go into their Town e-mail accounts to do so.

Town Attorney Plowman asked whether Councilmember Snyder's personal e-mail was his work e-mail. Councilmember Snyder confirmed it was. He noted that he only checked his personal e-mail account once or twice a month.

Town Attorney Plowman noted that she has worked with councils that did not use town e-mail accounts; and, was uncomfortable sending e-mails regarding sensitive issues to their personal e-mail accounts. She advised that in cases of individuals that had multiple personal e-mail accounts, she did not know where to send their e-mails. Ms. Plowman reiterated her recommendation that the members use their Town e-mail accounts.

Councilmember Littleton suggested the members use the telephone as opposed to e-mails.

Councilmember Snyder advised that it would be fine if someone sent him an e-mail to say "look at your Town e-mail account".

Councilmember Hazard suggested the Council set a deadline for setting up their Town e-mail accounts on their personal devices, with the e-mails going to dual locations until that time. He noted that he currently received e-mails in two locations, both of which were business related.

Town Administrator Semmes noted that the members only needed to bookmark their Town e-mail accounts on their browser in their personal devices.

Town Clerk North reminded Council that she sent them instructions for accessing their Town accounts.

Councilmember Snyder noted that the point was that this was to protect the members. He suggested that any deadlines would be for the members.

Councilmember Hazard noted that the staff could continue to send e-mails to the personal accounts after the deadline.

Councilmember Littleton suggested that each member make their own decision regarding this matter.

Councilmember Snyder suggested the members send the Town Clerk an e-mail once they have set up their Town e-mail accounts on their personal devices.

Councilmember Hazard advised that after April 1st, he wanted nothing going to his personal e-mail accounts.

Mayor Davis suggested the members start practicing; and, that they could then see how it was working at their next meeting. She recommended that everyone make an effort to check their Town e-mail accounts once a day.

Councilmember Snyder advised that he would need a tickler to remind him to check his Town e-mail account.

Town Attorney Plowman noted that if the members had a Town iPad, they would be able to check their Town e-mail accounts on it.

Councilmember Littleton opined that this was not practical. He suggested the members would have devices for personal, work and Town use; and, noted that before long, they would be carrying multiple units.

Councilmember Murdock noted that she received three addresses on her personal device – all of which popped up right away. She suggested it was simply a matter of adding a fourth address.

Town Attorney Plowman displayed a cheat sheet regarding Roberts Rules of Order that she used. She noted that the Council also had a cheat sheet in their desk drawers. Ms. Plowman reminded Council that a main motion must be made first, with subsidiary and parliamentary motions following it; however, the subsidiary motion must be disposed of before the Council could adopt the main motion.

Town Attorney Plowman advised Council that if they had any questions, she would be happy to answer them. She reiterated her suggestion that they use the charts; and, opined that the only time there were a lot of questions regarding Roberts Rules was when the Council was considering an item that was important or emotional. She noted that some incidental motions did not require a second.

Status of Well 4 Treatment Plant

Town Administrator Semmes reported that she received a summary from Bob Krallinger regarding the status of the treatment plant at Well 4. She reported that it was still out of service. Ms. Semmes advised that the cause of the malfunction was still unknown; and, noted that the manufacturer did not

show up last week as scheduled. She advised that they were scheduled to come on March 20th. Ms. Semmes reported that Loudoun Water had indicated that green sand had gotten into the softener; and, advised that the manufacturer would determine whether the softener could be saved. She noted that if there was not much sand in it, the sand would be removed thus saving the Town the cost for a new softener. Ms. Semmes reported that Loudoun Water had not been able to access the control panel even though they have used every computer they have that contained the software. She advised that the manufacturer's technician would bring a computer with him in order to access the panel. Ms. Semmes reminded Council that this panel was not as sophisticated as the one at the new treatment plant; however, it did have some information the operators could use in order to glean what was happening with the process. She reported that the manufacturer was going to try to recreate the back wash. Ms. Semmes advised that they believed the drains under the filters were clogged; and, would test them. She noted that once that was done, a vacuum truck would be brought in to remove the green sand. Ms. Semmes advised Council that because it was a hazardous waste, it must be disposed of properly.

Councilmember Hazard asked who was certifying the hazardous materials. Town Administrator Semmes confirmed it would be the contractor who removed it. She noted that she had hoped to use personnel from the Town of Purcellville; however, they would not deal with hazardous waste. Ms. Semmes reported that she received a quote from the company that built the plant.

Councilmember Hazard recommended an independent company be used to certify the materials. He noted the price range for the disposal could vary depending on the product.

Town Administrator Semmes confirmed the Town knew what the materials were; and, advised that the hazardous material was the clay substance that coated the green sand.

Councilmember Snyder asked whether there were any plans to update the software. Town Administrator Semmes confirmed there were. She reported that Mr. Krallinger included a recommendation in his report that upon the completion of the repairs, it was imperative that future backwash operations be physically observed by the staff.

Vice Mayor Kirk questioned the plans for bidding the operation of the Town's utilities. Town Administrator Semmes reminded Council that Loudoun Water did not bid for contracts. She reported that she was scheduled to meet with their management team later in the month to discuss the Town's concerns, things that have happened and the Town's displeasure. Ms. Semmes advised that they would also discuss the Town's concerns regarding the contract; and, noted that Bruce Ringrose was already aware of them. She advised Council that Mr. Ringrose had already proposed revisions to Lovettsville's contract, which was identical to Middleburg's. Ms. Semmes advised that she did not know where her talks with Loudoun Water would go. She reported that she had received three proposals from consultants to assist in the development of a scope of services to operate the Town's system. Ms. Semmes advised that she would talk with Loudoun Water to get a sense of whether they were willing and able to address the Town's concerns; and, noted that they may say they could not provide an operator eight hours a day during the week and part-time on weekends for less than the bid she had received.

Town Administrator Semmes advised Council that the scope of services would be used to talk with Loudoun Water and in the event the Town decided to solicit bids. She opined that the Town had enough time to solicit bids; and, suggested she tell Loudoun Water that the Town was not sure whether it wanted to stay with them and was soliciting bids. Ms. Semmes noted that the Town may decide after looking at the bids to stay with them; and, opined that this would be okay as long as Loudoun Water was told what the Town was doing.

Councilmember Hazard inquired as to the amount that Loudoun Water was being paid per year. Town Administrator Semmes reported that the budget contained \$250,000; however, the costs had not been that much lately. She opined that it was closer to \$200,000.

Councilmember Snyder noted that there were hidden costs associated with Loudoun Water, such as the need for the GE maintenance contract, as they could not operate the system without monitoring software.

Town Administrator Semmes noted the cost of having Loudoun Water's staff spread as thin as it was.

Councilmember Hazard suggested the RFP include the addition of extra monitoring points that would trigger an alarm at a central monitoring system.

Vice Mayor Kirk opined that the Town did not want something that would cost more.

Councilmember Hazard explained that the labor costs would be reduced once the system was in place.

Town Administrator Semmes reminded Council that, for years, the CIP has included a project to add alarm systems in those facilities that did not have them.

Councilmember Hazard reported that there were several companies that could assemble such a system for the Town. He reiterated that it would save money over the long term.

Councilmember Littleton advised that he did not understand why Loudoun Water had not recommended this; and, noted that they were supposed to be the experts in how to maintain the system efficiently.

Vice Mayor Kirk noted that there were other issues, such as training, that concerned her.

Councilmember Snyder noted that because of the way the contract was written, the Town could only say "we wish you would do this differently".

Town Administrator Semmes reiterated that she hoped to develop a scope of services/RFP.

Information Items

Councilmember Hazard noted the Middleburg Business & Professional Association's Landlord Tenant Meeting held this evening. He advised that an item came up before the meeting regarding the number of empty commercial spaces in town. Mr. Hazard noted that as a part of the 2014 budget, the Council was looking at ways to help the town. He asked that a discussion item be added to an agenda to talk about how the Town could help; and, suggested it provide incentives for targeting the "right" businesses. Mr. Hazard suggested the Town work with the landlords to make Middleburg a better town. He noted that the Town did not have this expertise; however, there were other towns that did. Mr. Hazard suggested that Middleburg reach out to them. He reiterated his suggestion to put money in the budget to work on this item.

Town Administrator Semmes suggested that the market analysis that has been proposed would help to identify the businesses that would be the most successful in Middleburg; and, noted that this information could be shared with the property owners. She further noted that some localities used their website to market vacant commercial spaces. Ms. Semmes suggested that if the Town did this, the County could help by driving people to the Town's website.

Councilmember Hazard suggested the use of tax reductions as an incentive.

Town Administrator Semmes noted that during the TANV meeting, Bob Lazarro talked about how Purcellville constructed a district that allowed tax incentives. She opined that it was along the same concept as an enterprise zone.

Mayor Davis asked whether this would be like a business incubator. Town Administrator Semmes confirmed it would not. She explained that such a program would target specific businesses that it wanted to bring to Middleburg.

Vice Mayor Kirk reminded Council that they previously discussed the establishment of a Middleburg Foundation, whose goal would be to purchase buildings. She advised that she would like to explore that proposal. Councilmember Snyder suggested that would be a “stretch”.

Councilmember Littleton opined that when the Salamander Resort opened, even if it was just half full, everyone would come to the downtown area just to eat. He suggested it was impossible to grasp what would happen to the downtown area; and, opined that a lot of people would be on the street.

Vice Mayor Kirk opined that Salamander would work hard to encourage the guests to eat at the resort; and, noted that they would have multiple restaurants.

Councilmember Littleton suggested the guests would only eat so many meals on site, at which point they would want to get off campus.

Mayor Davis advised that it had been reported that for every person that came to town for a day, the town benefited by an average of four hundred dollars. She further advised that it has been reported that if they spent the night, the average increased to eight hundred dollars.

Councilmember Hazard suggested that was a reason for the Town to work on this; and, questioned whether the Town wanted to lead what businesses were coming here or whether they wanted Salamander do so. He suggested the Town should target businesses it wanted in order to “keep Middleburg as Middleburg”. Mr. Hazard suggested it should not be businesses that wanted Salamander’s business.

Mayor Davis noted that there have been businesses that came because of Salamander; however, they closed when it did not open as scheduled.

Councilmember Hazard reiterated his request that this be a future discussion item. He asked that the staff find out what other towns were doing. Mr. Hazard opined that the Town wanted some expertise before it did something.

Vice Mayor Kirk noted that there were a lot of large vacant commercial spaces.

Mayor Davis noted that it would be interesting to see what came out of the landlord-tenant meeting; and, reported that it was well attended.

Councilmember Murdock noted the new house that was under construction at the corner of Stonewall and Walnut Streets. She reported that residents have approached her regarding its size. Ms. Murdock advised Council that she discussed this with the staff; and, reported that the house met the Town’s zoning ordinance. She asked that the members of Council look at the house so they could discuss whether this was the type of construction they wanted. Ms. Murdock advised that if it was not, they needed to discuss what they did want.

Councilmember Snyder suggested the Planning Commission was already looking at amending the ordinance pertaining to lot coverage and height. Councilmember Hazard confirmed it was.

Town Clerk North reported that the Planning Commission was scheduled to hold a public hearing on the amendments during their next meeting.

Councilmember Hazard suggested the staff determine the lot coverage for this particular house. Town Administrator Semmes reported that it was at the maximum allowed under the ordinance.

Councilmember Hazard asked whether it would meet the requirements as proposed if they were changed. Town Administrator Semmes reported that if any changes were approved, this house would not be able to be constructed again as it just met the maximum requirements.

Vice Mayor Kirk noted that it was at the maximum for both building height and lot coverage.

Councilmember Murdock opined that there would still be issues even with the proposed changes.

Town Administrator Semmes asked what the proposed changes would entail. Town Clerk North reported that lot coverage was proposed to be reduced from 35% to 30% and the building height was proposed to be reduced from 35 feet to 30 feet.

Vice Mayor Kirk questioned whether the house only covered 35% of the lot. Town Clerk North advised that it was her understanding that there were some items that were allowed by ordinance that did not count, such as windows that could project. She advised that the builder took advantage of all of the Town Code provisions.

Town Administrator Semmes opined that they still counted toward lot coverage.

Mayor Davis advised Council that the property line was not actually where it appeared to be located.

Councilmember Murdock acknowledged the proposal to change the lot coverage limits from 35% to 30%; however, she suggested the issues were also that this was a corner lot and that it lacked a yard. She recommended the Town require a small yard.

Town Administrator Semmes reminded Council that currently, a corner lot had two front and two rear yards; however, it did not have a side yard. She suggested this could be changed to allow for two front yards and a side and rear yard.

Councilmember Murdock opined that this was a good example to consider; and, noted that there were a number of empty lots remaining in the Ridgeview Subdivision.

There being no further business, a motion was made to adjourn the meeting at 8:01 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk