



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION MINUTES**



Thursday, January 26, 2017

- PRESENT:** Vice Mayor Darlene Kirk
Councilmember J. Kevin Daly
Councilmember Kevin Hazard
Councilmember Peter Leonard-Morgan
Councilmember Trowbridge "Bridge" Littleton
Councilmember Philip Miller
Councilmember Mark T. Snyder
- STAFF:** Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
William M. Moore, Town Planner
Cindy C. Pearson, Economic Development Coordinator
- ABSENT:** Mayor Betsy A. Davis

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, January 26, 2017 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Vice Mayor Kirk called the meeting to order at 6:00 p.m.

Council Discussion – Special Use Permit Application for Middleburg Museum Foundation

Councilmember Littleton advised Council that he served on the Museum Foundation's Board of Directors. He further advised that he was part of the application process; therefore, he recused himself from this agenda item. Mr. Littleton left the Council dais.

Town Planner Moore advised Council that this was not an action item yet and reported that it would likely be scheduled for a public hearing in March. He explained that because this would be a special use in the C-2 District, it would require a special use permit. Mr. Moore reminded Council of the goals in the Comprehensive Plan and noted that the Town had some regulatory preferences that geared the C-2 District toward restaurant, retail and personal service uses, with some special uses being allowed. He noted that this was not a conversion and explained that this use would be added to the existing use as the Pink Box Visitor's Center. Mr. Moore reported that the proposal was to remove the existing gazebo and construct a one thousand two hundred square foot addition to the building. He further reported that the Planning Commission forwarded a favorable recommendation. Mr. Moore noted that the only outstanding item was the off-street parking. He explained that this use was not exempted from providing off-street parking; however, they did not have room to provide it on-site. Mr. Moore advised Council that the Museum Foundation had two options, the first of which was to provide off-site parking within a certain distance from the use. He explained that in order to utilize this option, the Foundation must acquire spaces through a long-term easement or it could rent spaces if another property had excess parking capacity. Mr. Moore noted that the other option was to request the fee-in-lieu-of waiver.

Councilmember Snyder noted that the Pink Box would continue to be co-located on the museum's property. He questioned whether there would be any change in the rent.

Town Administrator Semmes advised Council that the Town did not currently have a rental agreement with the Museum Foundation; however, they were working to development a Memorandum of Agreement (MOA).

Councilmember Snyder suggested that in exchange for rent relief, the Council waive the parking fee.

Town Planner Moore advised that he would consult the Town Attorney on this and noted that there was nothing in the ordinance that allowed for relief of the fee in that manner, even in exchange for the relief of rent.

Town Administrator Semmes reminded Council that the Town did not currently pay rent for this space.

Mr. Littleton explained that because the National Sporting Library was a 501(C)3 organization, as was the Middleburg Museum Foundation, they could not charge rent as this would have tax implications. He noted that the Town could provide services-in-lieu-of or a donation and advised that this was the idea going forward in the development of the MOA. Mr. Littleton suggested this could be added to that. He noted that the Town and Foundation have started to negotiate the MOA. Mr. Littleton stressed that the idea was to not change the nature, character, location and purpose of the Pink Box as the Town's information center. He explained that the idea was to just add the museum as an additional thing for the betterment of the community. Mr. Littleton noted that they would also look at the benefit of things such as sharing staff.

Councilmember Hazard questioned whether there was a way to explore allowing the Pink Box to remain through any kind of sale. He advised that this was a critical item for him. Mr. Hazard suggested the Pink Box must survive any sale of the property.

Mr. Littleton advised Council that the Museum Foundation currently owned the property.

Councilmember Hazard suggested the agreement needed to say that if someone else bought the property, the Visitor's Center use must stay. Mr. Littleton advised that he would figure out a way to make that happen.

Town Planner Moore reminded Council that they were currently talking about the MOA, not the special use permit. He noted the need to make sure this was a separate issue.

Councilmember Hazard asked that the Council see the MOA before the vote on the special use permit. Councilmembers Snyder and Kirk agreed it would be nice to see it. Mr. Littleton advised that he would send a draft to the members.

Councilmember Daly questioned whether parking was a major stumbling block for the special use permit. Town Planner Moore confirmed the ordinance requirement must be satisfied.

Councilmember Snyder noted that this would involve two parking spaces.

Councilmember Daly reminded Council that during their last meeting, they heard from someone who suggested the Town needed to find more ways to recruit businesses. He questioned whether the Town's parking requirements were onerous and noted that there was only so much space in the town.

Councilmember Snyder reminded the Committee that in the C-2 District, most of the onus related to parking only applied if the business was not retail or a restaurant and explained that the Town grandfathered those uses ten years ago from providing parking. Town Planner Moore advised that personal services were also exempted from providing additional parking in the C -2 District.

Councilmember Snyder advised Council that he talked to the Town Clerk about the minutes as he thought he said something; however, the audiotape indicated he did not. He further advised that when he mentioned the parking in the C-2 District, he meant to say that he was suggesting extending the retail and restaurant exemption to the C-3 District as well. Mr. Snyder opined that this would be appropriate, would fit and would be good for businesses.

Town Planner Moore reminded Council that the C-3 District encompassed the south side of Federal Street.

Town Planner Moore advised Council that they could discuss this again during their February work session. He further advised that if it was acceptable to the Council, he would schedule the public hearing for Council's regular meeting in March. The Council agreed it was.

Vice Mayor Kirk asked that the Town Administrator provide the Council with a copy of the draft MOA.

Mr. Littleton resumed his seat on the dais.

Council Discussion – Floodplain Ordinance Amendment

Town Planner Moore explained that this was an amendment to the floodplain ordinance and noted that while only a couple of pages contained amendments, he needed to send the full ordinance to FEMA as soon as it was adopted. He reported that the major change was on page eighteen and involved updating the date of the flood insurance study and map. Mr. Moore advised that there was no change to the present ordinance nor were there changes to the floodplain map in town. He reminded Council that the map applied to all of Loudoun County and noted that there were some adjustments in other parts of the County. Mr. Moore reiterated that there were no changes in the ordinance other than the final date and some minor word amendments on pages twenty-six and twenty-nine that were recommended by the Virginia Department of Conservation & Recreation (DCR). He advised Council that while FEMA first said "the wording was okay", they later decided it was not. Mr. Moore further advised that if the amendments were not adopted by February 17th, the Town would be suspended from the flood insurance program. He reported that a public hearing had been advertised for Council's February 9th meeting and noted that the ordinance must be adopted at that time. Mr. Moore further noted that he would not be present for that meeting and asked that the members contact him if they had any questions.

Councilmembers Snyder and Kirk noted that they read the ordinance and did not have any issues with it.

Town Administrator Semmes questioned whether it was correct that the map date was February 17, 2017. Town Planner Moore confirmed it was and explained that it was dated in advance so jurisdictions would have time to adopt their ordinances.

Council Discussion – EDAC Funding Recommendations for Special Events

Vincent Bataoel, Chairman of the Economic Development Advisory Committee (EDAC), reminded Council that they were responsible for making recommendations on special event funding requests. He reported that they received two requests – one from the National Sporting Library & Museum in the amount of \$4,500 and one from Bluemont Concerts in the amount of \$12,500. Mr. Bataoel explained that the Committee realized that both provided cultural and community benefits; however, they evaluated the applications from the standpoint of the economic cost/ benefit of the events to the Town of Middleburg. He noted that he included facts from the applications in his report.

Mr. Bataoel reported that the National Sporting Library & Museum's concerts were offered free of charge. He noted that, last year, they received \$4,500 from the Town. Mr. Bataoel reported that they had over a thousand attendees at the event. He reviewed the extensive amount of advertising that the Library did for their events and noted that they also partnered with local businesses. Mr. Bataoel reported that their budget listed their promotional activities costs at \$8,700.

Mr. Bataoel reported that Bluemont Concerts required attendees to pay a five dollar entry fee. He noted that they received \$12,500 from the Town last year and reported two hundred seventy-six attendees. Mr. Bataoel reported that Bluemont provided no data on advertising and noted that their budget listed advertising expenses as \$0.

Mr. Bataoel reiterated that the Committee had no data on the actual impact of either concert from local businesses' economic perspective. He further reiterated that they evaluated the requests based upon the two described perspectives – attendees and advertising. Mr. Bataoel reported that given the information provided, the Committee's recommendation was to fund the National Sporting Library & Museum at their request of \$4,500 and to not fund Bluemont at their requested level. He further reported that their recommendation was that any funding the National Sporting Library received from the Town should be used for advertising, as that function constituted the primary economic benefit to the Town.

Councilmember Leonard-Morgan opined that \$12,000 was a lot of money to give Bluemont. He questioned how it was spent.

Councilmember Snyder reminded Council that he was the Treasurer for Bluemont. He noted that while part of their mission was to put on concerts, the more important part was to make arts and education available to public schools. Mr. Snyder advised Council that the concert performers also performed at schools and senior centers. He opined that there was a lot going on behind the scenes. Mr. Snyder suggested that Bluemont was listed under the wrong category in the budget and noted that Councilmember Betty Kirk put it under Economic Development.

Vice Mayor Kirk opined that the former Council did not know where to put it. She further opined that Bluemont did advertise.

Councilmember Snyder reported that Bluemont had an advertising budget and noted that they were trying to build it up. He noted that while they had some other funding, they were trying to recover from the recession. Mr. Snyder advised Council that the money the Town donated went to more than just the concerts.

Councilmember Miller noted that Bluemont's application stated that the outreach program costs were only \$800 of their total budget. He further noted that their community program costs were \$6,000, which was the same amount as the performers' fees.

Councilmember Snyder advised Council that the total donation being reported for Bluemont included the Virginia Commission for the Arts (VCA) grant. He opined that they would not get \$12,500 this year. Mr. Snyder reminded Council that the Town did not fund more than \$7,500 of that amount and noted that the remainder came from the VCA grant, which he envisioned would be split between the two organizations.

Councilmember Leonard-Morgan noted that EDAC was recommending they receive nothing at all. Mr. Bataoel reiterated that Bluemont requested funding in the amount of \$12,500. He explained that EDAC did not recommend funding them at that level.

Councilmember Littleton opined that the question was about the applications and noted that the Council had two before them – one from Bluemont and one from the National Sporting Library & Museum. He further noted that EDAC's recommendation was to fund the National Sporting Library at \$4,500 and Bluemont at \$0.

Mr. Bataoel clarified that EDAC only recommended that Bluemont not be funded at the requested level.

Councilmember Miller explained that EDAC did not see an economic impact that warranted an investment in Bluemont.

Councilmember Snyder noted that EDAC's decision was based solely on the economic benefit of Bluemont.

Vice Mayor Kirk suggested the funding for Bluemont be removed from Economic Development and placed under another budget category.

Councilmember Littleton questioned whether Council had other arts and education activities that it funded. Councilmember Hazard noted that it had other line items in the budget, such as Shakespeare in the Burg.

Economic Development Coordinator Pearson reported that in 2017, the budget contained a line item for Bluemont in the amount of \$7,500. She reminded Council that the VCA total grant amount was \$4,500 and noted that this was a matching grant, meaning that whatever amount was given to an organization must be matched by the Town. Ms. Pearson reported that the National Sporting Library was asking for a total of \$4,500. She further reported that Bluemont would like \$12,500 from the Town, regardless of how the Town chose to pay it. Ms. Pearson explained that if the Town did not get the \$4,500 VCA grant, Bluemont still wanted the Town to give them \$12,500.

Councilmember Snyder advised that as Bluemont's Treasurer, he could assure the Council that Bluemont would take what it could get. He suggested that if the VCA grant money was split, which he expected would occur, Bluemont would get less than \$12,500. Mr. Snyder opined that both groups were entitled to split the matching grant.

Councilmember Miller noted that he was uncomfortable having this conversation with Councilmember Snyder sitting as a Councilmember as he felt he had a conflict of interest since he was Bluemont's Treasurer.

Councilmember Hazard noted that special events were a function of EDAC. He suggested there were other line items from which a donation could be made. Mr. Hazard suggested that when EDAC prepared their report that they include a paragraph on other funds that may be available.

Councilmember Miller opined that Bluemont should not go to EDAC for funding.

Councilmember Hazard noted that EDAC just made a recommendation.

Economic Development Coordinator Pearson reminded Council that EDAC only advised the Council. She further reminded them that they made a recommendation based on the facts.

Councilmember Snyder opined that their focus on the benefit of these events for businesses in the town was appropriate.

Vice Mayor Kirk opined that Bluemont provided more of a benefit to businesses when there were more businesses on South Madison Street that were open during the concerts. She suggested that Bluemont was no longer an economic issue, but rather provided goodwill for the citizens.

Councilmember Littleton urged the Council to be cautious about assuming who would or would not make funding requests in the future. He noted that last year, the National Sporting Library's request was a surprise. Mr. Littleton encouraged the Council to be very careful about making assumptions about what would be available in the future that Bluemont could fit within. He noted that the question currently before them was what to do with the EDAC special events funds. Mr. Littleton opined that it was not about anything else.

Councilmember Snyder agreed the Council was talking about economic development funding. He further agreed that EDAC should say what benefited businesses and should be funded. Mr. Snyder advised that his only point was that Bluemont was mis-categorized.

Councilmember Littleton noted that there were other funding sources available, such as the Health Center funds. He suggested that when those opportunities came along, Bluemont should apply.

Vice Mayor Kirk opined that the Council decided it was going to have a different line item for goodwill events.

Town Administrator Semmes reminded Council that Bluemont was a separate line item in the budget.

Councilmember Littleton cautioned the staff about saying "there was a line item for Bluemont". He suggested the line item should be titled for the goal/purpose so that anyone could apply for it. Mr. Littleton opined that what had been done in the budget was that a "winner" was picked before anyone else applied.

Councilmember Snyder suggested that Bluemont should be considered the same as Shakespeare in the Burg and that it should be considered in that same type of category.

Councilmember Littleton opined that the funding should be for the arts and that anyone who wanted could apply for it, with the Council then deciding the best way to spend the money.

Councilmember Hazard opined that the Council did this when it discussed the budget. Councilmember Snyder noted that it did; however, the Town was now receiving more requests for funding.

Councilmember Miller noted the need to remember that this was not an unlimited budget. He suggested that if the line item was in the amount of \$50,000, this would be all that was available

no matter who applied. Mr. Miller suggested that if this was done, the Town should set up an application process that the Council or some other body would use.

Councilmember Littleton noted the need to make the application process fair for all.

Councilmember Snyder suggested the requests should come to the Council if they were arts related. Economic Development Coordinator Pearson suggested they come to the staff.

Town Administrator Semmes reminded Council that they discussed this in the past and recommended the budget include a line item for special events. She further reminded them that they pulled out certain ones, such as Bluemont, and directed the staff to include them as separate line items, which the staff did. Ms. Semmes advised that the staff was comfortable handling this another way.

Councilmember Hazard advised that he would like to see every organization that the Town donated money to, such as Shakespeare in the Burg and Christmas in Middleburg, go through EDAC. He noted that the money was coming from the Town and was not being funded under Economic Development.

Economic Development Coordinator Pearson confirmed that the special events line item was in the Economic Development budget.

Councilmember Littleton questioned the amount of money in the Economic Development budget for special events.

Town Administrator Semmes reported that there was a total of \$87,500, which included Christmas in Middleburg, Bluemont, the Community Center fireworks, Middleburg Film Festival and Shakespeare in the Burg. Councilmember Littleton noted that the Town sponsored Christmas in Middleburg and the fireworks display and suggested those were different.

Economic Development Coordinator Pearson advised Council that Middleburg Concerts planned to apply for funding next year. She reminded Council that the Town said applications had to be submitted by December 31st as she must submit the Town's grant application by April 1st. Ms. Pearson advised that Middleburg Concerts could not apply this year; however, they planned to do so next year.

Town Administrator Semmes reminded Council that they were only talking about the VCA grant money so the grant application could be submitted.

Councilmember Miller suggested the need to change the way the budget was done. He further suggested the Economic Development budget needed to shrink and that money should be placed in a different section of the budget for community arts and events.

Councilmember Hazard suggested the need for a recommendation from EDAC and noted its value. He cited the example of Christmas in Middleburg and noted that the Town was getting big bang for its buck as fifteen thousand people attended. Mr. Hazard suggested the need to send all applications through EDAC for an evaluation and opined that this would be a service to the Council.

Councilmember Littleton suggested the need to challenge EDAC. He questioned the definition of "economic development" and suggested this was needed so individuals who wished to apply for funds knew whether they were eligible.

Vice Mayor Kirk suggested that Bluemont should not have gone under Economic Development. Councilmember Littleton opined that they should be considered an arts event.

Councilmember Hazard opined that even those events should go to EDAC for vetting and a recommendation. He further opined that what was presented to the Council for this request was a good evaluation. Mr. Hazard suggested that before the Council made a decision, it should have people with EDAC's background look at it first.

Councilmember Snyder reminded Council that the numbers for Bluemont were skewed this year due to the road construction project.

Councilmember Daly noted that based on EDAC's benefits analysis, he concurred that the National Sporting Library should receive funding.

Councilmember Hazard suggested EDAC should not say "yes" or "no". Vice Mayor Kirk opined that Councilmember Hazard wanted to know the financial benefit of everything the Town was funding.

Councilmember Hazard opined that there should be a benefit for anything the Town was funding. He suggested the need to identify whether it was good for the Town and why. Mr. Hazard opined that this information would be valuable to the applicants as well.

Councilmember Daly opined that this would be difficult to identify. He questioned the value of having someone listen to Shakespeare if they were not bringing additional business to the town.

Councilmember Hazard suggested this not be the basis for determining the question of funding and noted that it would be another tool.

Vice Mayor Kirk suggested that someone other than EDAC conduct the review. Councilmember Littleton agreed it made sense for EDAC to do so for economic development activities. He suggested that other things like Shakespeare in the Burg, should be a budget line item and should not be identified in the same manner.

Councilmember Snyder suggested the need for a directed category in the budget that tied to a goal. He further suggested that Economic Development funding should benefit businesses.

Councilmember Leonard-Morgan opined that "economic development" was about developing and finding new businesses.

Councilmember Littleton questioned whether the Council needed to vote on this agenda item. Councilmember Snyder opined that it was an information only item. Vice Mayor Kirk opined that the Economic Development Coordinator had the information she needed.

Council Discussion – Amendments to Parking Ordinance

Town Clerk North reminded Council that they were now at the second part of the parking ordinance amendments, which related to the fees. She noted that she provided a draft fee chart based on the Council's previous discussion that it wished for the overtime parking fee to increase from \$30 to \$50 and that the late penalty increase from \$55 to \$100. Ms. North advised that the question was how did the Council wish to deal with repeat offenders. She reminded Council that during the December meeting, the Chief of Police asked the Council to leave the overtime parking fee and late fee at \$30 and \$55 respectively, with incremental fines and the DMV stop orders being a way to address repeat offenders. Ms. North questioned whether the Council

wished to leave the overtime/late fees as they are or increase them as originally proposed. She further questioned the amounts that the Council wished the incremental fines to be and how a repeat offender would be defined for the purpose of when the incremental fine would apply. Ms. North noted that Councilmember Littleton previously suggested that a repeat offender only be charged the incremental fine if he/she had outstanding parking tickets. She reported that the Chief recommended that the incremental fines apply regardless of the status of previous parking tickets.

Councilmember Snyder advised that he liked the Chief's recommendation to leave the overtime parking fine at \$30 as he believed it would be difficult to administer. He opined that the officers would not know when/if a person was previously ticketed.

Councilmember Miller questioned whether this information would be available under the new parking citation system that the staff was researching. Town Clerk North confirmed it would.

Councilmember Snyder reiterated this suggestion that the parking fine/late fees be left at \$30 and \$55 respectively. He suggested that the incremental fines be as proposed. Mr. Snyder expressed concern about a small town charging a large parking fee. He opined that a majority of the tickets would be written to a small number of people. Mr. Snyder noted that Chief Panebianco was talking about issuing warning tickets to start off. He opined that the Police Department may not always give warning tickets. Mr. Snyder further opined that in the future, the warning tickets would disappear. Vice Mayor Kirk agreed.

Town Clerk North opined that Chief Panebianco planned to give warning tickets for an initial period of time, after which, a warning ticket would be issued if they had not had a parking ticket in the past, based on the information in the parking software.

Councilmember Snyder opined that the warning ticket system would not be reliable. He further opined that tickets would be issued for first time violators because the officers would not know whether a ticket had previously been issued to that individual. Mr. Snyder suggested the officer would not have enough information to know whether a warning ticket had been issued in the past.

Town Clerk North confirmed they would have the information. Councilmember Littleton noted that it would be programmed into the handheld unit. He noted that as soon as the license plate was entered, the system would identify whether that individual had received a ticket in the past.

Councilmember Snyder noted that he has paid parking fines. He questioned whether he would be given a warning or a ticket. Councilmember Hazard noted that once the baseline was established, he would get a warning ticket first.

Councilmember Snyder advised that he liked the idea of a modest initial fee and opined that \$30 was appropriate for a first time offender. He noted that the fine used to be \$5.

Councilmember Daly noted the other offenses listed on the fine sheet. He advised that he found parking in a no parking zone more onerous than overtime parking or parking blocking a driveway.

Town Clerk North noted that this was a separate question and asked whether the Council wished to consider increasing any of the other fines. She reminded Council that the fine for parking in a handicapped space was already set at the State maximum.

Councilmember Daly questioned whether the Council should change all of the fines to match or whether it should leave them all at \$30/\$55.

Councilmember Leonard-Morgan opined that the fine for parking obstructing a fire station should be more than \$30.

Vice Mayor Kirk suggested that it would have been helpful to have Chief Panebianco or Lieutenant Prince available for this discussion. She opined that there were maximums for the fines. Town Clerk North noted that the only maximum that she was aware of was for parking in a handicapped parking space.

Town Clerk North noted that there were a number of questions before the Council. She questioned whether they wished to leave the fine/late fee for overtime parking at \$30/\$55 and the incremental fees at \$50/\$100. Ms. North further questioned what they wished to do with the other fines.

Vice Mayor Kirk suggested the Council needed a police representative present to help them work out the numbers. She further suggested it be discussed further in a work session.

Councilmember Hazard agreed. He suggested that as far as the warning, the Council should set an initial time period in which warnings would be issued and after that, tickets would be issued. Vice Mayor Kirk agreed. Councilmember Hazard agreed with Councilmember Snyder's recommendation. He suggested that as to the incremental fines, there should be a time limit as to how long those would apply, such as one to two years, with the fines then starting over.

Councilmember Littleton questioned why the Town would start the fine amounts over.

Councilmember Hazard opined that if he received three tickets in a year, the fine would be \$30 for the first one, \$55 for the second and \$100 for the third.

Town Clerk North noted that the \$55 was the late fee. She explained that currently, the fine was \$30 for the first ticket, which increased to \$55 if not paid within seven days. Ms. North reminded Council that the late fee previously kicked in after three days; however, the Council changed it to seven. She advised that the question was whether the Council wanted the fine to escalate from there on out. Ms. North further questioned whether the Council wished the fine to escalate only if the violator had outstanding parking tickets.

Councilmember Hazard confirmed he wanted the fine to escalate every time. He suggested that the fine for the first violation be \$30 and that it increase to \$100 for any violation thereafter.

Councilmember Littleton opined that everyone had a different view on this issue. He suggested the staff who dealt with parking should get together with Councilmember Daly, as the representative for public safety, and prepare a recommendation for the Council's consideration based upon the facts. The remainder of Council agreed. Councilmember Littleton suggested that Councilmember Daly reach out to the members of Council for their feedback.

Councilmember Daly advised Council that he would get some initial feedback from the Police Chief and would then bring it back to the Council.

Councilmember Miller suggested they also look at what the maximum fine amounts were. Town Clerk North noted that most of the fines were at the Town's discretion.

Vice Mayor Kirk suggested they also talk with the Police Departments in Leesburg and Purcellville to find out what they did.

Councilmembers Miller and Kirk noted that they did not have a problem with a \$50 fine for the first offense.

Councilmember Snyder opined that if first-time shoppers received a ticket, they would be upset. He further opined that if the fine was expensive, they would be more upset. Town Clerk North explained that this was the purpose of the first time warning system. She noted that under that system, a first time shopper would only get a warning ticket.

Councilmember Snyder expressed skepticism about how long the warnings would last. Vice Mayor Kirk agreed and suggested the Town needed to be able to support what it did in court. She opined that if only Town residents were given warnings, this would be unfair. Ms. Kirk suggested this would cause problems when the Town took them into court.

Councilmember Littleton noted that whatever system was used, it must be objective.

Councilmember Miller questioned whether the staff was continuing to tie this to the Virginia Department of Motor Vehicles. Town Clerk North reported that the Town had entered into an agreement with the DMV. She explained that the staff interviewed three electronic parking citation software vendors and narrowed the list down to two, as one of the vendors could not meet the Town's needs. Ms. North advised that of the two, one had software that met the Town's needs, but the hardware did not and the other had hardware that met the Town's needs but the software did not. She explained that the staff was working to find someone who could provide hardware and software that met the Town's needs.

Councilmember Snyder agreed with the need to reach a happy medium between the two. He suggested the one that worked better for the police officers.

Town Clerk North reported that the system that had the best hardware for the police would add a considerable amount of time for the Town Office staff to manage. She advised that she created a chart based upon the number of touches that the staff would have to do for each system and found that the system that only involved three touches for the Police Department would require seven hundred one touches for the Town Office staff if the ticket was unpaid until it was purged three years later. Ms. North explained that that software would not automatically send her an alert if a ticket on which a DMV hold had been placed had been paid. She further explained that under that system, she would have to run a report every day for three years to manually check to see if the ticket had been paid and that the hold needed to be lifted.

Councilmember Miller questioned whether this was something the system could automate. Town Clerk North confirmed that the first company could automate it; however, the other company – the one with the hardware the Police Department desired – was currently saying it could not. She reported that she was working with that company to automate their system and with the other company to see if they could provide the hardware that was desired by the Police Department.

Vice Mayor Kirk questioned why this was not being handled by the Police Department's staff. Town Clerk North explained that the Police Department did not collect money.

Council Discussion – Introduction to Amendments to Employee Handbook

Town Clerk North reminded Council of the desire to re-write the Employee Handbook in order to include items, such as the Fair Labor Standards Act which was currently absent, and to remove redundancies. She noted that questions have also arisen in the past that were not addressed by the Employee Handbook. Ms. North questioned whether the Council wished to review the proposed changes all at once or divide the review into chapters for discussion during several meetings.

Vice Mayor Kirk noted that the last chapter was based upon the State Code. Town Clerk North confirmed it was. She noted, however, that it was a major change from how the Town currently handled grievances and suggested the Council needed to understand how the system would work. Ms. North advised Council that she recommended they review Chapters 1-3 (Employment Practices, Classification of Employment/Status Changes and Compensation/Classification), Chapters 4-5 (Leave and Benefits), Chapters 6-8 (Employee Evaluations, Standards of Conduct/Employee Health and Safety Policies) and Chapters 9-10 (Discipline and Grievance Procedures) in separate meetings. The Council agreed to conduct the review as proposed.

Town Council Reports

Councilmember Littleton reported that the Historic District Review Committee was going to spend time looking at the light ordinance and, if needed, to recommend changes. He advised that he would bring this back to the Council with a report, regardless of whether they recommended changes or not.

Councilmember Snyder reported that the Wellhead Protection Advisory Committee was trying to move forward with the wellhead protection overlay district. He expressed hope to discuss this briefly in March and again in May.

Councilmember Leonard-Morgan reported that on April 1st, Go Green would hold a HEAL event, including a 5k race which was a fundraiser for the Middleburg Charter School.

Town Administrator Semmes reported that the Route 50 Traffic Calming Committee heard that VDOT was working on the financial closeout for the project. She acknowledged that the Town would owe VDOT more money for the water line betterment; however, she had not received the final bill. Ms. Semmes reported that VDOT was working to develop a Memorandum of Agreement (MOA) for maintenance of all kinds of projects, including ones that had crosswalks and islands, that would be used statewide. She advised that the preliminary MOA that was presented for the Route 50 Project was very ambiguous as to whether Middleburg would be required to maintain the granite curbs and brick crosswalks. Ms. Semmes further advised that they would make sure the agreement was not ambiguous and that VDOT maintained them. She noted that Scott Kasproicz was working with the staff and VDOT on the MOA.

Closed Session – Personnel - Hiring of Town Attorney & Assignments of Town Staff

Councilmember Littleton moved, seconded by Councilmember Miller, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Councilmember Littleton further moved, seconded by Councilmember Miller, that these matters be limited to (1) the hiring of a Town Attorney and (2) the assignments of Town staff including the Town Administrator, Town Attorney, Town Clerk, Town Treasurer, Town Planner, Economic Development Coordinator, Facilities & Maintenance Supervisor and Police Chief. Councilmember Littleton further moved, seconded by Councilmember Miller, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes for the first part. Councilmember Littleton further moved, seconded by Councilmember Miller, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Hazard, Daly, Leonard-Morgan, Littleton, Miller and Snyder
No – N/A
Abstain: N/A
Absent: Mayor Davis

Vice Mayor Kirk asked that Council certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Councilmember Miller advised the Town Clerk that the Council would like for the agendas to continue to include time limits for each agenda item. He asked that the Town Clerk also prepare a top sheet for the meeting minutes that would identify the action items resulting from the meeting, who was responsible for them and when they would be completed.

There being no further business, Vice Mayor Kirk declared the meeting adjourned at 9:27 p.m.

APPROVED:

Darlene Kirk, VICE MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk