



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, April 28, 2016

PRESENT: Vice Mayor Darlene Kirk
Councilmember Trowbridge Littleton
Councilmember Catherine “Bundles” Murdock
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Cindy C. Pearson, Economic Development Coordinator
William M. Moore, Town Planner
Ashley M. Bott, Town Treasurer

ABSENT: Mayor Betsy A. Davis
Councilmember Kevin Hazard

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, April 28, 2016 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.

Annual Report – Wellhead Protection Advisory Committee

Jilann Brunett, Chair of the Wellhead Protection Advisory Committee, advised Council that the Committee has completed twenty of the thirty-nine action items in the Wellhead Protection Plan. She reported that of the remaining items, four were in progress, eight were on-going and were things the Committee would continue to do, two were the responsibility of the staff, four fell under the hands of someone else and one was a long-term goal. Ms. Brunett opined that the Committee had “dropped the ball” on Action Item 7-33 (consider working with the school systems, both public and private, to incorporate source water activities into the schools’ curricula). She suggested they must get started on that one and advised that the Committee has made a dent in the rest of the items. Ms. Brunett noted that one of the former Committee members was working on Item 7-33 and opined that the Committee needed to work with the schools in order to get something on source water protection before the children.

Chair Brunett noted the Committee’s long-term goal to consider a capital improvement project to extend the current sewer lines with the goal of eliminating the private septic systems. She explained that it was long-term in the sense that it could be expensive; however, it was not long-term for the Committee. Ms. Brunett reported that it would keep raising the issue as a part of its agenda. She expressed an understanding that there were other utility issues; however, she explained that the Committee did not want this item to fall by the wayside.

Councilmember Shea noted that this was a concern for her. She asked that the Committee estimate what “long term” should be. Councilmember Snyder explained that this would be determined by the Town’s capital improvement plan. He noted the need to figure out how this would fit into the budget.

Councilmember Shea asked that the Committee revisit this item in two years to make sure it was not lost. She advised that she was not saying the Committee should have a date to have a plan in place. Ms. Shea reiterated that she would like the Committee to revisit so it would not be lost. She reminded Council that it would only take one incident to contaminate the Town's ground water, which would be a big issue.

Councilmember Snyder agreed. He noted, however, that there were many projects that needed to be done and advised that it would be difficult to roll all of them into the budget. Mr. Snyder reminded Council that extending sewer mains was not cheap.

Councilmember Shea reiterated that she would like for this to stay on the Town's radar. She suggested there may be grants available to extend utility lines given what happened in Michigan.

Chair Brunett confirmed the Committee would return in eighteen months with a report. She opined that in another eighteen months, the Town could get another grant from the State to re-evaluate the Wellhead Protection Plan.

Councilmember Snyder noted that Middleburg was one of the few municipalities that was getting grants for wellhead protection and opined that this spoke well of the Committee's hard work.

Chair Brunett advised that the WPAC and the Utility Committee have been looking at where the Town was lacking in water information. She noted that IES took the water level readings when they conducted samples; however, those readings were not recorded anywhere. Ms. Brunett explained that, as a result, there was no history of what was happening with the water table, including whether it was going up or down, whether it was sensitive to storm events, and whether the wells were inter-connected. She reiterated that the Town had no handle on the history or trends in its hydrogeology. Ms. Brunett reported that IES agreed to record the water levels, which would allow the trends to be tracked each year. She explained that this was important information to have in the event of a spill or contamination of a site in the town.

Chair Brunett asked that the Council express appreciation to Terry Inboden, of IES, who went above what the Town expected of him. She noted that he attended meetings and was studying the Salamander hydrogeology report. Ms. Brunett opined that he was a great asset.

Councilmember Snyder noted that the Town's previous utility providers, whether it was the Town's own staff or county personnel, were not recording information. He advised that IES was tracking data so the Town could look at the long-term trends. Mr. Snyder agreed that IES has made a huge difference in what the service provider was doing for the utility system. Vice Mayor Kirk agreed they were an asset to the Town.

Councilmember Murdock asked the Town Administrator to convey the Council's appreciation to Terry Inboden. Town Administrator Semmes confirmed she would. Councilmember Littleton suggested she also give his employees credit.

Councilmember Murdock noted that Drug Take Back Day would be held on April 30. Councilmember Shea noted that used batteries would also be collected.

Chair Brunett displayed a chart she personally prepared and shared with WPAC and the Utility Committee. She advised Council that she would provide them with a copy if they liked. Council asked that it be sent to them electronically.

Council Discussion – Draft Ordinance Pertaining to the Storage of Any Substance with a Maximum Contamination Level (MCL) in Drinking Water & Reporting of Spillage of Same

Councilmember Snyder moved, seconded by Councilmember Shea, that Council adopt Town Code Section 113, Article V, pertaining to the storage of any substance with a maximum contamination level in drinking water and the reporting of spillage of the same.

Councilmember Shea opined that the businesses that would be most affected by this ordinance were Southern States, the Middleburg Millwork and Mount Defiance Distillery as they were the most likely places that could have those contaminants. She noted the outdoor storage provisions in the ordinance that required the construction of a containment area five years from the date of the adoption of the ordinance. Ms. Shea suggested the ordinance be amended to require the construction to be completed within five years. She opined that, otherwise, the businesses may wait five years to start the construction. Councilmember Snyder advised that he was fine with the amendment.

Town Administrator Semmes opined that this ordinance would require a public hearing. Councilmember Snyder asked that a public hearing be advertised.

Vice Mayor Kirk questioned when the public hearing could be held. Town Clerk North opined that it could be advertised for the June 9th meeting.

Town Administrator Semmes questioned whether the Town Attorney and Zoning Administrator have reviewed the draft ordinance. Town Clerk North confirmed they have not. She noted that this was not a zoning ordinance. Town Administrator Semmes advised that she would like to have the Zoning Administrator review the ordinance since it used the term “zone”.

Councilmember Snyder noted that the ordinance was more related to regulating substances than a zone. He advised that he was fine including comments from the Town Attorney and Zoning Administrator in the review.

Town Administrator Semmes opined that the Council would want those comments prior to the public hearing. She suggested this item be placed on the May work session for discussion prior to the public hearing.

Councilmember Snyder advised that he wanted the staff’s comments by the regular meeting in May. He explained that he was afraid that if this item was delayed by a month or two, the Council would have to get its heads wrapped around it again. Mr. Snyder noted that there would also be a change in the membership of the Council soon and explained that he would like to get the Council that was familiar with wellhead protection to address this issue.

Vice Mayor Kirk questioned whether the Town Planner could have his comments available in two weeks. Town Planner Moore confirmed he could.

Council Approval – Petition Loudoun County Circuit Court for Writ of Election

Councilmember Murdock moved, seconded by Councilmember Snyder, that Council petition the Loudoun County Circuit Court to issue a writ of election in order to fill the vacancy created on the Middleburg Town Council by the resignation of Erik Scheps. Councilmember Snyder further moved, seconded by Councilmember Snyder, that the Council direct the Town Attorney to file the necessary paperwork with the Circuit Court seeking the writ within the required deadline.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Snyder and Shea
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Hazard

Councilmember Snyder inquired as to when the advertisement for this vacancy would first appear. Town Clerk North advised that it should be in the Loudoun Times Mirror this week. She reported that it was on the Town’s website and has been sent out via the Friday E-Mail Blast.

Councilmember Snyder advised Council that he expected to take action on the interim appointment in May.

Vice Mayor Kirk questioned whether anyone had expressed an interest in the position. Town Clerk North confirmed that one individual had done so.

Councilmember Shea announced that she was the individual who expressed an interest. She advised that she would accept the appointment as long as it did not go past November.

Council Approval – Resolution of Support – Wellhead Protection Grant

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council adopt a resolution supporting the Town of Middleburg’s 2016 Wellhead Protection Implementation Grant application for the construction of a security fence around the rear perimeter of the Stonewall Avenue Water Treatment Plant, including the well.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Snyder and Shea
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Hazard

Councilmember Murdock reminded Council that she had some reservations about the fencing of Well 2; however, she advised that it turned out to be fine.

Council Discussion – Proposed Amendments to Christmas in Middleburg MOU

Councilmember Murdock noted that the amendment required the Christmas in Middleburg Committee to attend Council work sessions in February and October to provide updates on the planning. She questioned whether the Council wanted to be that stringent. Town Clerk North noted that this language was based upon Council’s direction when they last discussed this matter. Councilmember Snyder reminded Council that they frequently cancelled the November work session and noted that the October one was the last meeting prior to the event.

Councilmember Shea noted that the amendment changed the reference from Christmas in Middleburg as a parade to an event. She opined that this was a positive thing as it could also mean they were bringing in other events associated with it. Ms. Shea suggested that language be added to the duties of the Christmas in Middleburg Committee identifying that they would be responsible for the coordination/registration of any adjunct activities so they would know what was going on. Vice Mayor Kirk agreed and suggested this be a stand-alone item.

Councilmember Snyder questioned whether the adjunct activities would be subject to Council approval. Councilmember Shea suggested they not be. She opined that the Christmas in Middleburg Committee should know that the church was doing a greens show and that the school was doing a breakfast with Santa. Ms. Shea noted the need to coordinate the adjunct events so the Committee would be aware of the traffic associated with all of the activities.

Councilmember Shea noted that Section 1(a) talked about the Committee using its best efforts to ensure the event planning attracted a crowd that equaled the Town's capacity to safely host the event. She suggested that language be added to the effect that the Committee would "consider the participation of the residents in and around Middleburg".

Councilmember Shea noted item 1(f) related to marketing. She asked that there be coordination between the Town's marketing contractor to ensure that it was not paying twice for the same advertising.

Councilmember Shea noted that item 1(j) talked about the coordination with the Hill School, American Legion and the National Sporting Library for the use of their grounds for parade coordination. She suggested that language be added to include "any other entities that become involved".

Councilmember Shea noted that the Protocol for Emergency Decisions stated that it was the responsibility of the Police Chief to make decisions to delay or cancel the event following consultation with the sub-committee. She further noted that the Chief was also identified as a member of the sub-committee. Ms. Shea asked that this be removed as it was redundant.

Councilmember Murdock noted that concern has been expressed about the location for the start of the Hunt Parade and opined that its current location was "too squished". She further noted that the Chief could designate an alternative location. Ms. Murdock advised that she felt very strongly that the starting point needed to move to a safer location.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the amendments to the Christmas in Middleburg Memorandum of Understanding as proposed and amended. Councilmember Snyder further moved, seconded by Councilmember Shea, that the Mayor be authorized to sign the amended MOU.

Vote: Yes – Councilmembers Kirk, Littleton, Murdock, Snyder and Shea
No – N/A
Abstain: N/A
Absent: Mayor Davis and Councilmember Hazard

Council Discussion – Zoning Text Amendment 15-03

Town Planner Moore reminded Council that they had their first review of this amendment during their work session held last month. He further reminded them that there were many parts to the amendment. Mr. Moore noted that the amendment began with a proposal to look at the maximum setbacks in the R-1 and R-3 Districts at the request of Salamander Development. He advised that the Planning Commission studied the issue related to all of the R-1 and R-3 zones in the town and made a recommendation to increase the maximum setbacks, which the staff supported. Mr. Moore noted that the staff also proposed some amendments for the Commission's consideration, specifically to recognize that side yards adjacent to a street should be treated differently than a side yard that was not. He advised that the proposed amendment would also address accessory structures and fences within those side yards.

Town Planner Moore questioned whether the Council had any concerns about the amendment with regard to the maximum setbacks. He noted that significant changes were proposed; however, he opined that they were appropriate.

Councilmember Snyder questioned whether the setbacks would vary by zone. He further questioned whether the setbacks would change from a fixed setback to minimum and maximum setbacks.

Town Planner Moore confirmed the setbacks would vary by zone; however, he noted that there was already a minimum and a maximum setback. He noted that what was proposed as the maximum setback in the R-1 District was larger than in the R-3 District and noted that those lots were larger. Mr. Moore advised Council that the proposal was only to increase the maximum setback provisions, with the minimum requirements remaining the same.

Town Planner Moore advised Council that the proposed amendment with regard to fences dealt with those on corner lots. He reminded them that the current regulations allowed for a maximum of a four foot high fence in a front yard, which would remain the same. Mr. Moore explained that because the ordinance did not currently distinguish between a side yard adjacent to a street and an interior side yard, a property owner could construct a six foot tall opaque fence in a side yard adjacent to a street. He reported that the staff initially proposed, based on good planning practices, that a side yard adjacent to a street be treated the same as a front yard in that it could have a maximum of a four foot fence. Mr. Moore advised that the Planning Commission disagreed. He noted that he could not fully articulate their reasoning; however, he believed they felt it was important for individuals who owned corner lots to not be penalized. Mr. Moore opined that the Commission wanted those property owners to have the ability, particularly for corner lots where the house was situated far from the street, to have a tall fence. He advised that he gave the Commission the additional option to allow for a six foot fence in the front or side yard, but not both, depending on the orientation of the house.

Councilmember Murdock noted the photograph in the agenda packet of a long, very high fence. She questioned whether this was what the Planning Commission would like to see happen, but not the staff.

Town Planner Moore advised Council that he issued the permit for that fence because it complied with the current standards. He noted that it would continue to be in compliance even if the Council revised the ordinance.

Councilmember Snyder agreed with the staff's recommendation for a lower fence in a side yard adjacent to a street. He opined that those types of fences tended to detract from the character of the neighborhood as they created a blank space along a residential street. Mr. Snyder suggested they did not build character but rather detracted from it.

Vice Mayor Kirk noted that they also created a visibility problem for those trying to see around them.

Councilmember Shea noted that there were creative ways to create a privacy screen besides a six foot fence. She agreed with the staff's recommendation.

Councilmember Murdock noted that she lived on a corner lot and advised that the then Zoning Administrator would not let her construct a fence that was higher than four feet. She advised that she planted bushes instead.

Town Planner Moore reported that he also offered the Planning Commission an interim option, which would still allow for a six foot fence in one of the yards; however, it would have to be of an open character. He noted that under that option, if a property owner faced constraints due to the location of the house and wanted a six foot fence, it would be allowed. Mr. Moore noted the photograph in the agenda packet that showed an example of an existing fence that exceeded four feet in height, but was of an open character so it did not create a blank wall effect. He advised Council that there was alternative language in the proposed ordinance that would allow for this exception.

Councilmember Snyder opined that the open character fence was also helped by the fact that it was set back from the street.

Town Planner Moore noted that the Planning Commission's recommendation was to include language that would allow for up to a six foot fence in either a front or side yard; however, it would allow for an opaque fence. He further noted that language has been provided by the staff that would allow for a six foot fence; however, twenty-five percent of it must be open. Mr. Moore advised that his original recommendation was to eliminate this language altogether, which would take the fence back to a four foot one.

Councilmember Snyder recommended that item (c) be deleted. He further recommended that if it was left in the ordinance, it include the open character language. Vice Mayor Kirk agreed.

Councilmember Murdock expressed reluctance to go against the recommendation of the Planning Commission. She advised that she would like to know the reason for their recommendation.

Town Planner Moore reported that the initial plan was to advertise this for public hearing during Council's June 9th meeting. He noted that he made it clear to the Planning Commission that he would present a different option than their recommendation. Mr. Moore advised that he would apprise the Commission of the Council's discussion during their May meeting and would invite the members to attend the public hearing.

Councilmember Snyder suggested they could come to the Council during an earlier meeting to discuss this matter if they were so inclined.

Councilmember Shea questioned whether the property owner would still be required to maintain a site distance even if this language was not included in the ordinance. Town Planner Moore confirmed they would as there was a provision that would prevent a fence from being pushed too close to a corner and obstruct the site distance.

Vice Mayor Kirk opined that it was difficult to see when there were fences on the corners. She opined that there were a lot of corners in the Ridgeview Subdivision that were dangerous.

Councilmember Murdock noted the language in the draft ordinance related to not exceeding the existing grade. She expressed concern about property owners that built up their elevations in order to construct higher fences. Town Planner Moore noted that this was artificially berming and advised that it was not allowed. He further advised that no changes were proposed with regard to how a height was determined.

Councilmember Shea questioned whether someone who wanted more privacy could berm a property by four feet and then construct a two foot fence. Town Planner Moore confirmed they could so long as the overall height of the fence was not over six feet.

Councilmember Shea noted that the Planning Commission wished to allow for privacy. She suggested there were different ways to do so besides a solid six foot fence.

Town Planner Moore noted that at least one member of the Commission argued that if the Town prohibited a six foot fence, the property owner could always plant evergreens. He advised that for planning reasons, there was a preference for natural materials as they allowed for better circulation of air and light. Mr. Moore noted that traditionally there was a different approach to natural landscaping versus fences.

Council Discussion – Acquisition of new financial billing/reporting software

Town Treasurer Bott reminded Council that during their last meeting, she presented the concept that the staff was looking at alternative software for the accounting, financial and billing functions. She noted that her written report analyzed what the staff did to research the different software vendors. Ms. Bott advised that she spoke with other jurisdictions and also visited Berryville to look at their software. She recommended the Town select Southern Software as the vendor based upon their success in other jurisdictions. Ms. Bott reported that the consensus among the Blue Ridge Users Group was that there would be a learning curve for Southern Software; however, they likened it to the learning curve they experienced when they switched over to Logics. She noted that Southern Software offered all of the software in one and reminded Council that the Town was currently using five different modules, which was very time consuming, inefficient and caused issues. Ms. Bott advised that as to the protection of personal data, she spoke with Southern Software about what protections they provided in their system and STS about the Town's fire walls and what protections the Town had internally.

Councilmember Snyder expressed concern about possible security issues. He questioned whether the server that ran this software was accessible to the Town's network or the internet and expressed concern that someone who specialized in hacking could hack into the Town's system. Mr. Snyder opined that the staff's passwords were not eight characters long, nor were they changed frequently. He advised that he would be happy if the software was only running on a single computer that was not connected to the Town's network and was not accessible by any other computers. Mr. Snyder reiterated that there was sensitive private information on the computer server and advised that if the system could not be kept off the network, he would insist that the data be encrypted at all times, whether at rest or in transit.

Town Treasurer Bott advised Council that she would check on the encryption component. She noted that the system was not a cloud based one.

Councilmember Snyder reiterated the need to encrypt the data that was in the data store so it could not be read. He advised that there were two ways to protect data – to not connect it to the network or to encrypt the data.

Vice Mayor Kirk suggested that Councilmember Snyder make himself accessible when the staff talked with Southern Software about this. She opined that the staff had the Council's support and approval to pursue the software acquisition.

Councilmember Snyder opined that the security issue could be resolved outside of the vendor selection.

Councilmember Shea asked that the acquisition move forward as quickly as possible.

Councilmember Murdock questioned whether there was money available in the budget for this purchase. Town Treasurer Bott confirmed there was money in the current budget and more in the next one.

Council Discussion – Requiring Members of Planning Commission to become Certified Planning Commissioners

Councilmember Snyder reminded Council that he served on the Planning Commission for ten years. He advised that at that time, the Council had a tradition of encouraging new members to take training to become Certified Planning Commissioners, all of whom accepted this request during the ten years he served on the Commission. Mr. Snyder noted that the staff was currently bringing in a sub-set of that training.

Town Planner Moore noted that the extent of the training was still being decided at this time. He opined that it would be a combination of basic Planning Commission training, with a focus on the Comprehensive Plan update. Mr. Moore reminded Council that updating the Comprehensive Plan was a high priority for the Commission.

Councilmember Snyder explained that when he took the training twenty years ago, it involved a one or two day session, followed by the reading of an extensive list of planning documents and then another half-day session.

Town Planner Moore reported that the format now included a two-day session, followed by a two month break during which the attendees read an extensive amount of materials, followed by another two day session, for a total of four days of training.

Vice Mayor Kirk questioned whether Councilmember Snyder was suggesting this be required.

Councilmember Snyder confirmed he was. He opined that the current members were struggling to understand the issues and suggested there were regulations in the State Code of which they needed to be aware. Mr. Snyder suggested the Council should ask the members whether they were willing to take the training.

Councilmember Murdock expressed concern about doing so and noted that it was difficult enough to get people to serve.

Councilmember Snyder suggested the members be asked to become certified within a couple of years. He noted the need to be reasonable.

Councilmember Littleton suggested this be a request as opposed to a requirement. Vice Mayor Kirk agreed.

Councilmember Murdock noted that the Town had staff to assist the Planning Commission.

Councilmember Snyder noted that when the Town did the last revision to the Comprehensive Plan, the members of the Planning Commission all knew what they were doing. He reminded Council that, at one time, the Town had a series of weak zoning administrators that did not have the skills that the current staff had.

Councilmember Shea questioned why the members should be required to take the training. She opined that it was the Town's responsibility to provide services for both the Council and the Planning Commission.

Councilmember Snyder reminded Council that the Town would cover the expense, including registration and travel.

Councilmember Shea suggested the responsibility should not fall on the members of the Commission or the Council. She further suggested the Council have a policy to provide this for its members. Ms. Shea suggested that if a member came from another Planning Commission and already had the training, they should not be required to take it again. Councilmember Snyder agreed that if they already had the training, this was fine; however, he noted that this has never happened.

Vice Mayor Kirk and Councilmember Littleton expressed concern about requiring the training. Councilmember Littleton suggested the members be made aware of its availability. Councilmember Snyder opined that they were not being told it was available.

Councilmember Shea reiterated her suggestion that the Council have a policy to make sure the training was available.

Councilmember Snyder agreed that new members of the Planning Commission should be encouraged to take the training and become certificated within two years. He suggested that information be provided up front so an applicant would be aware that this was a difficult job. Mr. Snyder noted that going into service on the Planning Commission was not something a citizen went into in order to express his/her tastes and desires, as they must comply with the Code.

Councilmember Shea suggested the need to work on orientation packages for both the Planning Commission and the Council.

Councilmember Snyder reiterated his desire to encourage new Commission members to avail themselves of the training within two years.

Councilmember Littleton suggested the need to make the training as easy as possible. He further suggested that if the Town was paying to send four people to training, it instead pay the trainer to come to Middleburg to conduct the training.

Councilmember Snyder agreed this was a great idea; however, he noted that the Council did not often appoint four members to the Planning Commission at the same time.

Town Clerk North noted that she could include a statement in the advertisement soliciting applicants for the Planning Commission that the Council would like for the appointee to become certified within two years.

Councilmember Snyder opined that it was an extra burden on the staff if the members did not spend time on training. Vice Mayor Kirk opined that the training would put an extra burden on the volunteers.

Town Planner Moore opined that this was a tricky proposition, especially for a small community that did not have a pool available to require something like this. He agreed the Town could make it available and cover the cost. Mr. Moore noted that it was not extremely expensive and opined that it was five hundred dollars for the registration fees, plus travel expenses. He advised that it would have some budget impact. Mr. Moore suggested it not be a requirement as this may be a deterrent. He expressed hope that there was an interview process prior to appointment and suggested this be discussed with the applicants at that time. Mr. Moore suggested this could be a criterion to consider when interviewing the applicants.

Councilmember Snyder questioned how the Town Planner viewed the value of the training. Town Planner Moore confirmed it was an excellent program. He agreed it would be excellent to get every member to have that full program training.

Councilmember Snyder noted that the Town did so once and he was trying to get back to that. He advised that he would be willing to change his request to encouraging members to take the training. Mr. Snyder asked that the availability of the training, including that the Town would cover the costs, be included in the advertisement for new Planning Commission members. He further asked that it include a statement that the Council strongly encouraged applicants to consider taking the training within their first two years.

Vice Mayor Kirk noted that she was okay encouraging the training, but not requiring it. She suggested the staff and Council representative continue suggesting the training to all of the members.

Councilmember Murdock noted that she attended Town Council training, which she found to be very useful. She advised that it was very different from the Planning Commission training.

Town Clerk North reported that the Virginia Municipal League now offered the opportunity for Town Council members to become certified. She noted that they no longer offered the Newly Elected Officials Conference in the form the Council was used to seeing and advised that it was now a component of the Certified Town Council training. Ms. North explained that members did not need to seek certification in order to participate in the newly elected officials training.

Councilmember Snyder encouraged new members of the Council to look at both training opportunities.

Town Administrator Semmes advised Council that she was adding money to the budget for this training.

Vice Mayor Kirk agreed with Councilmember Shea about the need for an orientation packet for new members of the Council. She asked whether the Town had one.

Town Clerk North confirmed that she brought an orientation packet with her when she came to work for the Town. She noted that it included documents, which the members had to look at on their own. Ms. North advised that what she was used to doing was that the new members of Council would come into the Town Office so the department heads could explain what they did and bring them up to speed on projects. She noted that when she started work here, she was told that this training component was not desired; therefore, all she provided was the documents.

Councilmember Shea noted that she was a member of Council for many years before she found out how many things worked. She advised that she would like to see a packet put together, which she was willing to help with, so people would not be surprised. Ms. Shea suggested the members of Council be encouraged to review and renew their information on a regular basis on things such as FOIA and COIA. She further suggested the Council have a policy that elected and appointed officials get professional assistance on a regular basis.

Town Clerk North noted that she provided Council with the updates from the Virginia Municipal League for both FOIA and COIA. She advised, however, that the members had to read it on their own.

Councilmember Shea suggested these updates be discussion items during Council meetings. She agreed to work with the Town Clerk on updating the orientation program.

Town Council Reports

Vice Mayor Kirk reported that she spoke with the Town Administrator earlier in the week about personnel issues, including giving the Town Planner some additional duties, sort of like those of an Assistant Town Manager. She noted that she was also working on the updates to the Employee Handbook and was trying to schedule a meeting of the review committee on that. Ms. Kirk suggested the need to evaluate the Town Administrator. She noted that the Council usually did it later in the year; however, she suggested that since some of the members of Council were changing, this Council should conduct the evaluation. Ms. Kirk recommended the evaluation be done in May.

Vice Mayor Kirk announced that she and the Town Administrator were going to form a working group to study the Town's properties in order to come up with a good use for them. She suggested there may be some properties that the Town may wish to dispose of. Ms. Kirk asked that if anyone was interesting in working on this that they let her know, as she would not mind having another member of Council on the committee.

Town Administrator Semmes noted that she spoke with the Town Planner about that project. She advised that she would attend the first meeting; however, she would turn it over to him after that.

Councilmember Snyder noted that he would be happy to assist if his schedule allowed. He further noted that he could generally only promise that he was available on Friday afternoons.

Councilmember Shea reported that Go Green would be doing the drug take back and battery collections on April 30th. She advised that they also hoped to have a table at Arbor Day. Ms. Shea noted that the committee was in trouble in that both Chairs were leaving and the committee was down on members. She advised that they were lacking leadership. Ms. Shea asked the Council to consider people who may be willing to work with the committee. She suggested it be restructured so there was more citizen involvement and less appointed member involvement. Ms. Shea opined that they were doing good work; however, it was falling on one or two members.

Councilmember Snyder reported that he has been working with the Town Administrator in terms of getting more long-range capital improvement projects into the utility rate model. He noted that he had hoped to do this before the Council finalized the budget; however, he did not believe this was practical. Mr. Snyder suggested it was practical to bring something to the Council for consideration this summer.

Town Administrator Semmes opined that they had good data. She reminded Council that two of the utility projects were now complete and one was in the design stage.

Councilmember Snyder advised that there was a large list of items that needed to be done; however, the Town had a limited budget. He reiterated that they would try to get this item before Council this summer for discussion.

Discussion

Councilmember Murdock reminded Council of the discussion they held in the past regarding the cidery. She opined that the Town had a say in anything that occurred within a one mile radius of the Town limits. Town Administrator Semmes advised that this was only the case if an individual was subdividing property.

Councilmember Murdock advised Council that she had received calls regarding the property and had explained to people that it was located outside of the Town's corporate limits.

Town Administrator Semmes suggested that callers be encouraged to talk to the cidery. She noted that they had copies of the plans for the property.

Councilmember Murdock expressed concern that the cidery would use a lot of water, which could affect the Town's supply.

Councilmember Snyder noted that if they were using water in the county, there was not a lot the Town could do about it.

Councilmember Murdock noted that three people have asked her when the Town elections would be held and opined that people did not seem to know. She advised that the first year she ran, she had political signs everywhere and even handed out candy. Ms. Murdock opined that the message about the elections had not gotten out to the public. She displayed a poster announcing the elections, which she asked the staff to design. Ms. Murdock offered to go around Town and ask businesses to post them. She suggested the candidates do so as well. Ms. Murdock reminded Council that there was only a few days left before the election.

Councilmember Shea encouraged the candidates to canvas the neighborhoods. She noted that there were not many people who worked in the downtown area that voted in the Town election. Ms. Shea advised that the neighborhoods were where the voters could be found. She reminded Council of the public forum that was held and advised that there was very little public participation.

Councilmember Murdock encouraged the candidates to canvas the neighborhoods over the weekend. She suggested the staff make copies of the posters available.

Councilmember Snyder asked that the Council not get the Town staff involved in the elections. He suggested they produce a couple of copies that others could then reproduce.

Councilmember Murdock stressed that it was important for the candidates to canvas the neighborhoods.

Councilmember Shea advised Council that she was noticing more items being placed on the public sidewalks, including umbrellas. She reported that there were some large planters containing shrubs on the corner of Liberty and Washington Streets and opined that between the shrubs, a sign on the sidewalk and the elevation of the corner, this was an accident waiting to happen. Ms. Shea suggested the need to pull the merchants back again and reiterated that more and more product was being placed on the sidewalks. She reminded Council of the young woman in town who produced a video, which could be seen on U-Tube, that depicted her efforts to move around Middleburg in a wheelchair. Ms. Shea encouraged the public to view it if they had not done so. She asked the staff check on this matter.

Vice Mayor Kirk questioned who would be responsible for doing so. Town Administrator Semmes noted that the Town Planner would for signage. She noted that the previous Town Planner spoke with one of the businesses about the planter issue. Ms. Semmes reminded Council that this area of the sidewalk would be needed for pedestrian access when the construction project reached that area.

Closed Session – (1) Property Acquisition and (2) Personnel

Councilmember Murdock moved, seconded by Councilmember Shea, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(3) and (1) pertaining to the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and for 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 Murdock further moved, seconded by Councilmember Shea, that these matters be limited to (1) the acquisition of property for a Town use and (2) the compensation for the Town Treasurer position. Councilmember Murdock further moved, seconded by Councilmember Shea, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes. Councilmember Murdock further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: Mayor Davis and Councilmember Hazard

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.

There being no further business, Vice Mayor Kirk declared the meeting adjourned at 7:55 p.m.

APPROVED:

Darlene Kirk, Vice Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk