



**MIDDLEBURG TOWN COUNCIL  
Regular Monthly Meeting Minutes**



**Thursday, August 14, 2014**

**PENDING APPROVAL**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor C. Darlene Kirk  
Councilmember Kevin Hazard  
Councilmember Trowbridge Littleton  
Councilmember Catherine "Bundles" Murdock  
Councilmember Erik J. Scheps  
Councilmember Kathy Jo Shea

**STAFF:** Martha Mason Semmes, Town Administrator  
Angela K. Plowman, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
William M. Moore, Town Planner  
Debbie J. Wheeler, Town Treasurer  
Mike Prince, Police Lieutenant  
Terry Inboden, Inboden Environmental Services

**ABSENT:** Councilmember Mark T. Snyder

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, August 14, 2014 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

**Public Hearing**

**Ordinance to Amend Town Code Chapter 97 pertaining to Business License Taxes**

No one spoke and the public hearing was closed.

**Action Items related to Public Hearings**

**Ordinance to Amend Town Code Chapter 97 pertaining to Business License Taxes**

Mayor Davis reminded Council that this ordinance would bring the Town Code in line with the State Code.

Town Administrator Semmes reported that it would also increase the minimum business license fee from \$20 to \$30 and noted that it has been \$20 for sixteen years.

*Vice Mayor Kirk moved, seconded by Councilmember Shea, that Council adopt an ordinance to amend Article I of Town Code Chapter 97 pertaining to Business License Taxes.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Snyder

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

## Approval of Minutes

*Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council approve the July 2, 2014 Emergency Meeting, July 10, 2014 Regular Meeting, and July 24, 2014 Work Session Meeting minutes as amended.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Snyder

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

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## Staff Reports

**Town Administrator Semmes** reported that her highlight last month was the hiring of Will Moore, the new Town Planner. She noted that he has been well received in the town.

Town Administrator Semmes reported that while she had hoped to have the award of the bid for the Marshall/Madison Intersection Improvement Project on the agenda, it has been delayed. She reminded Council that the bid had to be reviewed by VDOT's Civil Rights Division to determine whether it met their Disadvantaged Business Enterprise (DBE) goals. Ms. Semmes explained that if it did not, the contractor must make a good faith effort to do so. She reported that VDOT has determined that there was not sufficient evidence presented of a good faith effort. Ms. Semmes advised Council that Town Planner Moore was now working with VDOT and volunteers from the town who would form an administrative reconsideration panel so the low bidder could present additional evidence related to their good faith efforts. She noted that VDOT's Civil Rights Division would have a non-voting member on the panel. Ms. Semmes advised that she anticipated it would take three to four weeks to address this and advised that if all went well, she would like for the Council to award the bid on September 11<sup>th</sup>. She noted that if it did not, the Town would have to go to the next low bidder; however, that bid was over the project's budget. Ms. Semmes advised that if the Town had to go to the next low bidder, it would have to reject the bids and try again.

Town Administrator Semmes reminded Council that as to the utility projects financing, one of the options under consideration was to seek a loan through a bank. She reported that the Town's financial advisor, Davenport, sent out an RFP for this yesterday. Ms. Semmes reported that she would follow-up with the local banks to ensure they had an opportunity to provide a proposal. She noted that they were due September 3<sup>rd</sup> and advised that the results would be presented to Council on September 11<sup>th</sup>. Ms. Semmes reminded Council that they would hold a public hearing on the issuance of the bonds at that time and expressed hope that they would be in a position to make a decision on September 25<sup>th</sup> on how they would like to proceed.

Councilmember Hazard inquired as to how long the Council had to make a decision with regard to the Virginia Resource Authority (VRA) option. Town Administrator Semmes reported that the VRA bond would not go to closing until December and opined that the trigger was sixty days in advance of the closing. She reminded Council that the Town could set a maximum interest rate that it would accept, which would allow it to kick out of the process if the rate exceeded that amount. Ms. Semmes expressed hope to have more information available at the next meeting.

Town Administrator Semmes reported that the International City Managers Association (ICMA) recently reported that the FEC has issued a ruling that made it less attractive for municipal money market mutual funds to invest in municipal bonds. She noted that as a result, the fees and interest rates would likely increase. Ms. Semmes opined that now was a good time to solicit a bond.

Vice Mayor Kirk inquired as to the status of the Salamander development plans. Town Planner Moore reported that he met earlier in the day with Steve Plescow, who was representing Salamander. He advised that they would meet again next month to talk further about their potential plan to submit plans for the future development of the property. Mr. Moore reported that there was nothing in the works at this time other than a boundary line adjustment.

Vice Mayor Kirk noted that the Economic Development Coordinator's report talked about the new carpet that was installed on the second floor of the Town Office. She inquired as to when the staff would look at the installation of a restroom in the Town Shop and noted that this issue has been raised for years.

Town Administrator Semmes reminded Council that one of the difficulties of installing a restroom at this location was that there was no gravity sewer there so it would be expensive to install. She further reminded them that an alternative was to move the Superintendent of Facilities and Maintenance to another location, such as the Well 4 or Stonewall Avenue treatment plants where restrooms already existed. Ms. Semmes noted that room was available at those locations for Mr. Simms; however, she opined that he liked his office in its current location.

Councilmember Shea advised Council that she asked the Town Administrator to look at a Capital Improvement Plan (CIP) that could include this item.

Mayor Davis suggested the staff secure price estimates for installing a restroom in the Town Shop.

Councilmember Shea noted that she just talked to the Town Administrator last week about the need for an updated CIP. Town Administrator Semmes reminded Council that the Town already had a CIP and advised that this was simply a matter of adding this item to that plan.

Councilmember Shea inquired as to whether the Town had received the finalized economic development study. Town Administrator Semmes confirmed it had not. She noted that the staff was working to get it.

Councilmember Murdock questioned whether the Town Administrator was keeping the Council updated on the progress of the Charter School. Town Administrator Semmes reported that she spoke with the principal during their grand opening and they agreed to meet once things were quieter at the school. She advised Council that the police would be involved in the school's pre-construction meetings so they would be kept apprised of the phasing of the project.

Councilmember Murdock noted that she observed the students walking to the pool and library. She further noted the need to make sure they could get to those locations safely.

Vice Mayor Kirk opined that the Town has been doing a lot of improvements in the Town Office. She asked that the staff not forget about the employees in other buildings. Ms. Kirk further asked that the Council be provided a CIP for their review in September or October.

Town Administrator Semmes noted that she has had discussions with Mr. Simms on where he should be located and his needs. She further noted that they have also discussed possible locations for a Town Shop.

**Town Planner Moore** reported that progress has been made on the construction plan amendment for the Steeplechase Run Subdivision that was currently before the Planning Commission. He advised that the developer's engineer has provided answers to the Commission's questions and noted that their response also included alternatives that could allow for a positive agreement between the homeowners association, the affected property owner and the developer. Mr. Moore expressed hope that this matter would be resolved in short order.

Town Planner Moore advised Council that FEMA was in the process of updating its flood insurance rate map and noted that, as a result, there were steps the Town must take, including looking at its floodplain ordinance. He opined that the Town would have to initiate a zoning text amendment so Middleburg could continue to participate in the national flood insurance program.

Councilmember Murdock noted that the HDRC recently heard a COA application related to 22 East Washington Street. She further noted that a sign in the window indicated that a fitness studio would be in this location. Ms. Murdock questioned whether it would be on the ground floor and whether this was allowed.

Town Planner Moore reported that he had a discussion with the business owner regarding this matter. He reminded Council that a three hundred square foot fitness studio could be permitted on the ground floor; however, the owner's plans were to have retail on the first floor and the fitness studio on the upper floor.

Vice Mayor Kirk questioned whether the Town Planner told applicants that a temporary tent must come down within xxx days after the event when the permit was issued. Town Planner Moore advised Council that he would have to check the provisions of the ordinance. He opined that there were parameters for that in the ordinance.

Councilmember Shea noted that the figures for last year's and this year's meals/occupancy tax as reported in the **Town Treasurer's** report were written differently. She advised that this made it more difficult to read and asked that they be consistent in the future.

**Police Lieutenant Prince** thanked everyone for supporting National Night Out and opined that it was a good event. He advised that he was looking forward to next year's.

Councilmember Murdock noted the number of volunteers who assisted with the event and advised that it meant a lot that everyone came out. She opined that the drone that was flying around was very exciting.

Mayor Davis advised Council that the employees from the Middleburg Bank were talking about how much they enjoyed it. She noted that they have already agreed to manage the food for next year's event.

Councilmember Murdock opined that this year's event was bigger and better than last year's. Vice Mayor Kirk noted that there was a bigger crowd.

Terry Inboden, of IES, announced that Stuart Will has been promoted as the operator for Middleburg's **utility system**. He introduced Mr. Will and noted that he has been an employee of IES' for ten years, having previously served as the Superintendent of Maintenance. (Vice Mayor Kirk left the meeting).

Mr. Inboden reported that Well 2 was operating fine. He further reported that a meter has been installed at Well 3 and the SCADA system was ready. Mr. Inboden advised Council that Well 4 was up and running. He reported that they have performed some testing on the efficiencies of the system and were honing in on the concentration of hardness to suit the radiological needs of the system. Mr. Inboden advised that the PLC was reprogrammed at the Stonewall Avenue Water Treatment Plant and explained that the system was now automated, which would save a lot of salt and water. He reminded Council that both water towers were emptied and cleaned in July. Mr. Inboden noted that it took over a week to refill the 300,000 tank while the 60,000 gallon one was used to provide capacity for the town. He advised that this project did reveal that the Town had some valves that did not work and reported that those repairs would be determined later. Mr. Inboden advised Council that the wastewater treatment plant was doing well and noted that a manufacturer's representative came by to show the employees the screens.

Councilmember Murdock questioned whether the Town received any calls about brown water last month. Mr. Inboden confirmed it did not. He explained that they performed the tower refills at a slow rate so they did not stir up anything in the system.

**Reports of Town Committees/Council Liaisons**

Councilmember Shea reported that Go Green would be preparing handouts for the Council in the future and advised that this would be a part of her monthly report.

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

**Council Approval** – Amendment to Ordinance Establishing the Go Green Committee

Councilmember Shea explained that the amendment would add the HEAL duties, expand the membership to nine and allow for co-chairs. (Vice Mayor Kirk returned to the meeting.)

Vice Mayor Kirk questioned why the Committee was proposing to use co-chairs. Councilmember Shea reported that they have been functioning under a co-chair system. She explained that with the addition of the HEAL duties, the two co-chairs would divide the tasks so each could track one item.

*Councilmember Shea moved, seconded by Vice Mayor Kirk, that Council adopt an ordinance to amend the ordinance establishing the Go Green Committee of the Town of Middleburg to expand their responsibilities to include the implementation of the HEAL resolution, expand its membership to nine members and change its structure to a Co-Chair one.*

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

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**Council Appointment** – Go Green

Councilmember Shea reported that Andrew Gauldin has been attending their meetings. She opined that he would be a real addition to the Committee as he spoke to a younger group.

*Councilmember Shea moved, seconded by Vice Mayor Kirk, that Council appoint Andrew Gauldin to the Go Green Committee to fill a new seat, said term to expire May 12, 2016.*

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

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**Council Approval** – Encroachment Lease Agreement – 24 Chinn Lane

Bucky Slater, an attorney, appeared before the Council representing Patricia Burns, the owner of 24 Chinn Lane. She reported that the house was built in 1986 by Dean Rathburn. Ms. Slater reminded Council that she has appeared before them many times for variances regarding Mr. Rathburn’s construction. She advised that there have been three owners of this property; however, this encroachment was not discovered until the latest survey was prepared. Ms. Slater reported that the asphalt driveway, deck, patio, house and bay window encroached on the Town’s sewer easement. She further reported that there was a precedent for addressing this issue as the Town previously approved a similar license agreement for another lot. Ms. Slater thanked the

Town Administrator and Town Attorney for helping to get this item before the Council. She asked that they approve the license agreement to permit the existing encroachments in the Town's sewer easement.

Councilmember Littleton reported that he served on the Council when Mr. Rathburn built these houses and opined that all of them encroached on an easement. He suggested the Council grant this request.

Councilmember Murdock questioned whether future sellers would find themselves in this same situation. She expressed concern about delaying and possibly the loss of a sale for those homeowners. The Council held some discussion and expressed a desire to address future issues on an individual basis as they arose, as opposed to issuing a blanket approval. They noted the need to ensure that the Town could always work on the sewer main if necessary.

Councilmember Murdock reported that she worked in the same real estate firm as the homeowner. She questioned whether she should abstain from the vote. Town Attorney Plowman confirmed she was not required to as she had no interest in this sale.

*Vice Mayor Kirk moved, seconded by Councilmember Murdock, that Council authorize the Mayor to sign the license agreement with Patricia Burns, owner of Lot 12A, 24 Chinn Lane, as presented at this meeting and in the form approved by the Town Attorney.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Snyder

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

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## **Discussion Items**

### **Demolition of Older Homes & New Construction**

Vice Mayor Kirk noted that she asked that the Council be given copies of a picture she took. She expressed concern regarding the size of the houses shown in the photograph and noted that the one under construction looked huge compared to the neighboring houses. Ms. Kirk questioned whether it was possible to amend the zoning ordinance to utilize the floor areas of surrounding properties when calculating the allowable floor area for new construction. She agreed that the house under construction was very nice; however, she explained that she did not want to lose the smaller homes in the Ridgeview Subdivision.

Councilmember Murdock reminded Council that in the past, the Town held planning charrettes at different locations and different days and times so the residents could attend; however, she could count on one hand the number of individuals who attended, aside from the staff and board members. She further reminded them that the Town also asked residents to provide a written description of what they would like to see; however, there were no responses. Ms. Murdock noted that now that change was happening, people were talking about it. She opined that the Council must look twenty years down the road at the future of the village. Ms. Murdock advised that she would personally love to see families move into Middleburg; however, she opined that this would not occur in small houses. She suggested it was one thing to encourage residents to buy smaller homes; however, it was another to place a financial burden on the small land owners who were unable to make their houses bigger. Ms. Murdock opined that it was not fair to prohibit residents from increasing the size of their homes. She further opined that twenty years from now, all of the homes would be “big”. Ms. Murdock cited the Courtyard at Middleburg as a development that upset people and noted that they now no longer noticed it.

Councilmember Hazard noted that the Planning Commission was in the process of revising the Comprehensive Plan and advised this was a part of that process. He reminded Council that the Planning Commission brought this issue to their attention a number of times. Mr. Hazard further reminded them that they have already lowered the height and land coverage requirements and questioned whether the Council wanted them to consider it again. He advised that if the height limit was reduced to twenty-five feet, it would essentially limit the town to one story houses.

Mayor Davis opined that if the houses surrounding the one under construction were also two-story, the new house would not be as dramatic.

Councilmember Hazard reminded Council that no matter the lot size, the one-story houses in the Ridgeview Subdivision could be increased by another story.

Councilmember Shea opined that height was not the issue and suggested it was lot coverage. She further opined that the lot coverage for the house under construction was not twenty-five percent. Town Administrator Semmes reminded Council that the maximum lot coverage limitation was thirty percent.

Vice Mayor Kirk advised Council that she did not want to run the lifelong residents out of Middleburg because a large house was located next door. She further advised that she did not want the “little old lady” to be forced to sell her house because she could not afford to pay the taxes on it.

Councilmember Murdock opined that existing residents would sell their properties to a builder and make money on them and suggested the Town did not want to hamper their ability to do so. She questioned how individuals would be forced out. Mayor Davis noted that the existing residents’ taxes would not change due to construction on surrounding lots.

Councilmember Littleton opined that a little old lady’s house may be an incentive for a child to return to Middleburg; however, he noted that the child would not live in a small house with his mother if he had a family. He advised that he had sympathy for the original Ridgeview Subdivision residents; however, he noted that change and growth happened in a community. Mr. Littleton opined that this would help those who currently lived there.

Councilmember Hazard suggested that if the Council wanted the Planning Commission to look at this item that they ask them to look at reducing the lot coverage requirement from thirty to twenty-five percent. He opined that they did not want to reduce the height requirement as this would only allow for one-story houses.

Vice Mayor Kirk agreed she did not want to prevent two-story houses or additions; however, she advised that did not want to lose the uniqueness and the character of the town.

Councilmember Hazard reminded Council that during the planning charrettes, one of the items that was considered was the placement of a historic district overlay on the Ridgeview Subdivision; however, it was dismissed. He advised that the Town was now down to one tool, which was lot coverage limitations. Mr. Hazard suggested the Council reconsider the historic district overlay, which would allow the Town to have control over what went back in. He noted that without a historic district overlay, property owners could put up any style house.

Councilmember Littleton reminded Council of the resistance the Town received to the expansion of the Historic District.

Vice Mayor Kirk suggested that before allowing someone to demolish an existing home, consideration needed to be given to its surroundings.

Councilmember Murdock noted the need to think of the financial implications for the existing residents.

Councilmember Hazard suggested the solution needed to be simple and enforceable. He opined that the use of some type of a matrix would continue to allow for change. Vice Mayor Kirk opined it would slow growth.

Councilmember Shea noted that without a historic district overlay, the Town had no means to control growth and opined that it would result in hap-hazardous development. She questioned what it was that the Council wanted to maintain and opined that it could not tell residents that they could not have larger houses. Ms. Shea reiterated her question was to what should be maintained about the character of the town. She opined that one of the things she saw that was part of the neighborhood was trees and open space surrounding the homes. Ms. Shea suggested the Town consider a smaller lot coverage limitation.

Councilmember Scheps questioned whether a final inspection was done to determine a building's height. Town Administrator Semmes confirmed it was and explained that the builder must provide the Town with a house location permit.

Town Planner Moore advised Council that he alerted the builder in question to the concerns he was hearing and asked him whether he was confident the house would meet the height limitations. He advised that the builder did measure the house from the top of the foundation to the top of the house and talked to his construction people and determined that the house would be within one inch of the original plan's estimate.

Councilmember Shea opined that the only options were to pursue a change to the lot size regulations or impose a historic district overlay.

Councilmember Hazard questioned whether the Council would like for the Planning Commission to look at a modified historic district overlay.

Vice Mayor Kirk explained that she did not want to see drastic changes in Middleburg. She advised that she did not mind steady change.

Councilmember Murdock opined that the Council could not be strict about what was allowed to be demolished. She suggested that if a resident wanted to sell their property to someone who wanted to bring in a family by constructing a larger home, the property owner should be able to make money on the sale of the property.

Councilmember Littleton noted the need to maintain a community. He advised that the older community was "on its way out" and questioned what the Council would like to take in its place in five or ten years. Mr. Littleton opined that a family that purchased an existing home would want to make it larger or tear it down to construct a new one. He noted that the existing houses were also outdated.

Mayor Davis noted that several homes have been renovated and looked nice.

Councilmember Littleton noted the need to bring families into the community. Vice Mayor Kirk advised that she would love to have families; however, she saw them buying a small house, not a large one. Councilmember Scheps opined that a family could not live in a small house.

Town Administrator Semmes advised Council that Carol Stadfield, the builder's representation, was present. She noted that she provided her with information that indicated the house under construction would be 2,540 square feet in size and advised that this was smaller than her townhouse.

Vice Mayor Kirk explained that she raised this concern because people were talking about it.



Town Administrator Semmes reminded Council that they secured a charter amendment to allow for an architectural control overlay district, which would allow the Town to have flexibility. She suggested the Town may be able to develop guidelines that were more flexible than the Historic District's. Ms. Semmes noted that the Town has not chosen to implement this tool to date; however, she suggested that if the Council were interested, the Town Planner could work on this and provide examples of other communities that have used it.

Mayor Davis questioned whether porches counted in the lot coverage calculations and opined that they should as they took up actual ground regardless of whether they were covered. She suggested this be considered.

Town Planner Moore cautioned Council about going straight to the option of reducing the lot coverage limitations. He noted that he just worked with a family that was putting an addition onto a single story home and advised that if the lot coverage requirements were less than they currently were, the family would not have been able to construct the addition. Mr. Moore suggested that another alternative would be to allow for a certain lot coverage based upon height, which would allow for greater lot coverage for buildings with a lower height.

Councilmember Shea suggested the Council table this discussion to allow Mr. Moore return with some ideas.

Vice Mayor Kirk suggested this matter be referred to the Planning Commission. Councilmember Murdock agreed.

Councilmember Scheps questioned whether the staff took the builder's word for it with regard to height and grade. Town Planner Moore explained that prior to getting an occupancy permit, the builder must provide a sealed survey from a surveyor certifying the building's height.

Vice Mayor Kirk questioned what would occur if the height exceeded the limits. Town Administrator Semmes advised that the Town could make the builder reduce it to the limit.

The Council agreed to send this matter to the Planning Commission for their recommendations.

#### Prohibition on Farm Animals in Town Limits

Vice Mayor Kirk reported that someone was raising and killing chickens in her neighborhood. She opined that they may also have been raising and killing rabbits. Ms. Kirk suggested the Council put the animal ordinance back in place that was rescinded years ago so that farm animals would not be allowed in town.

The Council held some discussion regarding the issue of allowing residents to live off their land and have access to fresh eggs.

Vice Mayor Kirk opined that restrictions should be imposed based upon the amount of land. She further opined that chickens should not be allowed in a residential neighborhood.

Councilmember Shea noted that there were chickens located in the yard behind her and she had no problem with them. She further noted that they did not cause odor or noise problems; and, advised that if they did create noise, the noise ordinance would address it.

The Council discussed the desirability of having chickens in residential neighborhoods. Councilmember Hazard questioned why the previous ordinance was rescinded. Town Clerk North reminded Council that under the prior ordinance, chickens were allowed in the town as long as they were confined to their owner's property. She explained that the ordinance was repealed because former Police Chief Webber wanted the Loudoun County Animal Control Department to enforce their ordinance in the Town limits. Ms. North advised that there was nothing in Loudoun County's ordinance to prohibit chickens in the town limits.

The Council held further discussion as to whether to allow chickens and other farm animals in the town limits. They discussed possibly imposing a limit on the number of chickens allowed, prohibiting their slaughter and prohibiting farm animals for commercial use. The Council directed the staff to research this issue and bring back a recommendation for addressing it.

#### Review of High Water Bill Policy

Town Clerk North reminded Council that during their July meeting, they requested the opportunity to review the high water bill policy. She noted that she has provided them with a copy of the Town Code language related to both high water bills and extraordinary water bills.

The Council reviewed the policy. After some discussion, they agreed they were okay with it as written.

#### Health Center Fund

Vice Mayor Kirk asked that Councilmember Shea attend the Health Center Advisory Board meeting scheduled for September 24<sup>th</sup>.

Councilmember Shea explained that she asked that this item be placed on the agenda as she believed there was differing information on where the funds came from. She requested clarification in writing as to who managed the Health Center building. Ms. Shea noted that when the Council amended the ordinance establishing the Health Center Advisory Board, it made management a part of their responsibilities.

Vice Mayor Kirk advised Council that the Advisory Board did not manage the building – it only disbursed the funds.

Town Administrator Semmes advised that she did not interpret the ordinance as saying the Advisory Board managed the building. She noted that they were a recommendation board to the Town Council.

Vice Mayor Kirk reminded Council that they have been using the Health Center Fund's reserves due to the needs in this area. She agreed this needed to be discussed.

Councilmember Shea suggested the need to look at where the donations were coming from. She advised that she had no problem with them coming from the Health Center Fund; however, she suggested the Town needed to work within the budget, which it has not been doing. Ms. Shea suggested the need to set a policy or to have a clear discussion about what the Council wanted to do. She further suggested they encourage the Health Center Advisory Board to seek donations.

Vice Mayor Kirk noted that she previously asked the Town Administrator if the Board could solicit donations; however, she was not sure they could. Councilmember Shea asked that the Town Attorney look into that issue.

Mayor Davis noted that several years ago, the Council talked about how money that was given away each year was to be kept to the "extra" money.

Vice Mayor Kirk advised Council that the Advisory Board tried to do this; however, the Council would often increase the amount of the donations or agree to donate money to an organization and take it from the Health Center Fund. She noted the needs in the community, including that of Seven Loaves.

Councilmember Shea suggested the need to present the donation recommendations to the Council so they would know whether they were above the limit so the Council could then make a decision as to whether to take the donations from the General Fund or use the Health Center Fund reserves. Vice Mayor Kirk agreed.

Councilmember Shea questioned whether the organizations receiving donations were submitting an application. She suggested the need to look into this and expressed concern about the donation of funds without having any reason for doing so.

Vice Mayor Kirk noted that the Advisory Board talked about the donations and the reasons for them.

Councilmember Shea suggested this needed to be spelled out in writing.

Mayor Davis noted that the Town has normally given donations to those organizations that it has given to “forever”. She further noted that all were local groups. Ms. Davis advised that the only time they have asked that the request be submitting in writing was when it was for a new item.

Vice Mayor Kirk noted that the Town Clerk did call the organizations to check on their needs. She advised that one year, the Town found that Seven Loaves was trying to buy a refrigerator.

Councilmember Scheps questioned whether there was any type of paper trail for an organization seeking a grant. Town Administrator Semmes noted that the Town used to require this and advised that it had a form that questioned the services provided. She opined that this provided a level of accountability. Ms. Semmes noted that using such a process did not mean the organization would have to request a certain amount of money each year; and, suggested it would help the Advisory Board determine the community’s needs.

Councilmember Shea noted that if the Town used such a process and did not have enough funds available in a particular year, it could use the information provided in the applications as a basis for making decisions related to cuts. She further noted that she liked having a paper trail.

Councilmember Hazard noted that the budget included \$25,000 for building repairs and maintenance. He questioned whether this was a one-time expenditure or an annual one. Vice Mayor Kirk explained that the amount varied depending on the needs for that year.

Councilmember Hazard questioned whether the Town had a long-term plan for maintenance. Vice Mayor Kirk noted that it did not and agreed it should. Councilmember Hazard noted that this would allow the Town to budget its money.

Councilmember Shea opined that there needed to be a way for the tenants of the building to get maintenance. She noted that when she was a tenant, the windows were so rotten that they could not keep the cold air out.

Town Administrator Semmes reminded Council that an analysis of the building was performed years ago. She suggested it be updated as a number of the items on the list have already been addressed.

Vice Mayor Kirk asked the Town Administrator to provide the analysis to the Health Center Advisory Board for discussion during their September meeting.

Town Administrator Semmes suggested the Board consider the timing of their donation recommendations. She further suggested that if the Council wanted to be cognizant of the fund balance, the donations should be considered in July. Vice Mayor Kirk opined that there was a greater need for donations around the holidays, which was why they were done in November or December.

#### Increasing Town’s Insurance Coverage

Town Administrator Semmes advised Council that this came to her attention when she was contacted by other jurisdictions who were reviewing their liability insurance coverage in the wake of police shootings. She noted that the Police Department has grown in recent years; however, the Town has not reviewed its insurance coverage in years. Ms. Semmes suggested it would be good to review all of the Town’s coverages at some

point. She advised that what stood out for her was that Middleburg was on the low end in terms of its excess liability coverage. Ms. Semmes reported that all of the jurisdictions included in the survey contained in the agenda packet had their own police departments. She advised Council that increasing the coverage would cost an additional \$1,207 for \$5 million worth of coverage.

*Vice Mayor Kirk moved, seconded by Councilmember Littleton, that Council authorize the staff to raise the level of the Town's excess liability coverage to \$5 million and amend the current year budget to transfer the necessary funds from the contingency to the appropriate line items in the budget in order to purchase such insurance through the VML Insurance Program.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Snyder

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

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#### Amendment to Council's Rules of Procedure

Town Clerk North reminded Council that the Town Attorney briefed them in July on changes to the State Code regarding electronic participation in meetings. She advised that as a result of that discussion, she drafted an amendment to the Council's Rules of Procedures that would allow for this. Ms. North advised that as she was doing so, Vice Mayor Kirk raised the issue of changing the way the Council cancelled its Monday morning work sessions and explained that she included language to allow that to occur in this amendment as well so the Council would only have to consider an amendment to the procedures once.

Vice Mayor Kirk opined that it would be nice to cancel the work session automatically if the only item on the agenda was to review the Thursday meeting agenda.

Town Administrator Semmes suggested that another option would be for the Council to eliminate the Monday morning work session from the calendar and to add a meeting if needed. After some discussion, the Council agreed it preferred that option. They further agreed that they would like to adopt the amendment related to electronic participation in meetings. It was noted that the member would vote in such cases. It was further noted that the participation must be in a manner that could be heard by everyone in the meeting.

Town Clerk North advised Council that she would update the amendment related to the Monday morning work session and would bring this item back during the September 11<sup>th</sup> meeting for Council's approval.

#### Amendment to Employee Handbook pertaining to use of Town Equipment for Political Activity

Town Clerk North reminded Council that during the July meeting, the Town Attorney reported on a change to the State Code that required localities to incorporate regulations into their employee handbooks prohibiting the use of Town equipment for political activities. She noted that the Council had no leeway as to whether it incorporated the changes and explained that the only issue was whether it liked the language as proposed.

Councilmember Shea inquired as to the definition of the term "political activities". Town Clerk North read the definition as proposed and noted that it was based upon the State Code definition.

Mayor Davis opined that this would only add an extra layer to the policy since employees were only supposed to use their Town computers for Town business.

The Council agreed they would like to adopt the amendments as proposed. It was agreed to place this item on the September 11<sup>th</sup> agenda for approval.

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

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk