



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, January 22, 2015

PRESENT: Mayor Betsy A. Davis
Councilmember Trowbridge Littleton
Councilmember Erik J. Scheps
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
A.J. Panebianco, Chief of Police

ABSENT: Vice Mayor C. Darlene Kirk
Councilmember Kevin Hazard
Councilmember Catherine "Bundles" Murdock

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, January 22, 2015 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Report – Community Policing

Police Chief Panebianco advised Council that he did not try to meet a budget revenue projection for traffic tickets but instead tried to make the streets safe. He further advised that he told his officers to use common sense when in a situation where they had someone stopped. Chief Panebianco noted that the Code of Virginia allowed officers to make a judgment call on whether to issue a summons.

Chief Panebianco reported that from 2012 to 2014, Middleburg had a forty-eight percent (48%) drop in traffic crashes that resulted in an injury or significant damage. He opined that the officers have done a good job of finding out where things were happening. Chief Panebianco noted that there were now more officers on the daylight shift, which was when the majority of the calls occurred, and explained that because Middleburg was a shopping destination there were more people here during the day.

Councilmember Snyder inquired as to the status of the unreportable hit/run incidents. Chief Panebianco noted that he did not look at that data. He further noted that Middleburg had one every once in a while and advised that he would have to look at the numbers before he could say they were down.

Chief Panebianco reported that major offenses increased by six percent (6%) last year and noted that this was due to the theft of silver and theft issues at a particular venue. He advised that during the past year, despite the six percent increase, major offenses have decreased by eleven percent (11%). Chief Panebianco credited this to his officers being seen in areas where there were issues. He noted that they played a major role in solving the silver crime. Chief Panebianco advised Council that his officers took a pro-active approach in the community and tried to keep their ears to the ground to see what was going on so they could prevent things before they

happened. He opined that they were very aware of events that occur in the community, including the people who put on those events. Chief Panebianco noted that they had contact with people and advised that the officers strived to be approachable. He stressed that the Police Department wanted to be a part of the community, not to police it and opined that they have been successful in that role. Chief Panebianco advised that they periodically receive reports from business owners about possible shoplifters and noted that the Department has used the Town's phone alert system to get information out to the business owners so they could either find the offender or so the owners could run them out of their stores. He opined that the community was comfortable approaching the officers even if they just suspected something. Chief Panebianco noted that the format of community policing was that it was a partnership with the community and opined that this was the vibe of Middleburg. He advised that the members of the Department took pride in being here and noted that the community reciprocated.

Chief Panebianco advised Council that he has given his officers the opportunity to run programs, which they love. He opined that the word was getting out about the work environment and advised that he has been receiving a lot of applications from people who were applying for work.

Chief Panebianco advised Council that the officers would "walk the beat". He noted that about once a week, particularly during the summer, he would personally feed the parking meters. Chief Panebianco noted that people have taken pictures of him doing so and opined that the single act of a nickel made people feel appreciated for shopping here, which played into the entire vibe.

Chief Panebianco noted that Middleburg was small enough to have the charm of a police department rather than a controlling hand. He advised that the Department now investigated its own crimes and opined that as a result, their relationship with surrounding jurisdictions, specifically the Loudoun County Sheriff's Department, has improved. Chief Panebianco further opined that the service the business owners received was better now. He explained that when a small theft/incident was handed to an investigator from the Sheriff's Department who had eighty-five cases pending, it generally went to the bottom of the pile. Chief Panebianco advised that the investigator would get to it eventually; however, in the meantime, the victim felt ignored. He noted Lieutenant Prince's talent in investigations and advised that he has done a good job solving crimes. Chief Panebianco advised that the Department's counter parts at the Sheriff's Department were happy the Town was not sending cases to them; therefore, there was a benefit for both departments.

Chief Panebianco credited the Council with the start of National Night Out. He noted that when he started work in April, he began to plan the first event, which was held in August. Chief Panebianco advised that when he came to the Council and told them what he wanted to do, they gave him the money to do it. He noted that the event has now grown and advised that he would put it up against any other in the Commonwealth. Chief Panebianco opined that it was a way to get the community to pull together. He noted that he would even get into the dunking booth in full uniform.

Chief Panebianco reminded Council that there were multiple large events held in Middleburg. He noted that the Department did not get to achieve their goal of lining the entire Christmas Parade route with candy cane barriers. Chief Panebianco opined that their hand-made barriers were more Christmas friendly than regular ones and advised that he intended to build enough this summer so there would be enough for the entire parade route. He noted that people seemed to like them and advised that they were constructed of PVC pipe spray painted with stripes.

Councilmember Shea asked that a temporary barrier be placed across the intersections before the horses came through, particularly at the Liberty Street intersection. Chief Panebianco confirmed that the goal was that they would run the barriers along the entire parade route.

Chief Panebianco noted that the police chiefs from small departments in the area have founded a group called the “Small Communities Chief’s Group” and held their first meeting in Middleburg. He advised that they met quarterly to discuss things that affected them. Chief Panebianco noted that he used officers from those other jurisdictions to supplement the Town’s personnel during Christmas in Middleburg.

Chief Panebianco reported that the Department has developed a Facebook page, which had over a thousand “likes”. He advised that when he has something that was urgent, he would put a message on Facebook and noted that he recently did so for some cleaners who were scamming folks. Chief Panebianco reported that as the result of the “shares”, over ten thousand people looked at that message from everywhere in Northern Virginia. He opined that people understood that the Police Department was staying on top of things. Chief Panebianco noted that their webpage was updated once a month due to the cost. He opined that it was a good professional looking page, which was part of the reason the Department was getting so much interest from officers in other jurisdictions.

Chief Panebianco advised Council that the Town had a good police presence that allowed the officers to be seen, which prevented crime. He reiterated that they walked the beat and noted that people did not know when they would pop into a store or bank. Chief Panebianco reported that his goal was that the officers be known by their first name. He advised that when his counterparts came to town, this surprised them.

Chief Panebianco noted that he could not do what he did without his staff and reminded Council that he tried to give them credit at every Council meeting. He advised that he could be the best chief possible; however, if no one wanted to work for him, he could not do much. Chief Panebianco reiterated that he had a good staff who felt valued. He summed up his presentation by saying that the Police Department was a part of the community.

Councilmember Snyder noted that he was impressed that the Department had an engaged and engaging work force and that he liked the way they policed. He further noted that, years ago, minorities in the community did not feel like they were a part of it and opined that the police helped eliminate this by engaging with everyone. Chief Panebianco noted that they treated everyone exactly the same.

Councilmember Snyder advised that he would like to see more people in the community give back; however, he opined that they must be engaged. Chief Panebianco noted that everyone could be seen working together at National Night Out. Councilmember Snyder noted that he also saw this during Christmas in Middleburg. He opined, however, that the Town was struggling to get them to give back. Chief Panebianco opined that the more everyone felt they were a part of the community, the more likely they were to give back. He noted that the economy was turning around and opined that people tended to have more time to give back to their community in a good economy.

Councilmember Shea opined that it was more than that. She advised that she has heard a number of people express concern that they were not listened to. Ms. Shea opined that this was not true with the Police Department and asked that Chief Panebianco convey this to his staff.

Chief Panebianco expressed sorrow that there have been instances in the past when people did not feel they were engaged. He noted that the Police Department showed up in various locations and did listen. Chief Panebianco described instances in which the officers would show up at a location and have kids come to their car where the officers would give them stickers and hugs. He advised that if a child wanted to give an officer a hug, they would reciprocate as that may be

the only hug the child would get that day. Chief Panebianco noted that they would also spend time talking to the children. He advised that this was his goal and he was glad the Department was being perceived the way it wanted to be. Chief Panebianco opined that he worked in the best community in the State. He noted that it was a unique community with a unique Police Department. Chief Panebianco advised Council that the officers were proud to wear their uniforms, which was an accomplishment for a chief.

Councilmember Snyder advised that he saw the Department as being engaged with the community and noted that the officers were ambassadors for the community. He challenged the Chief to find ways to extend this. Chief Panebianco confirmed he had some things in the works and was always looking for ways to be more involved in the community. He noted that he was on the Board of Directors for the charter school and that he visited the schools. Chief Panebianco reported that he and the officers had a follow-up meeting after every event to discuss how they could make the experience better, even for events that were not run by the Department. He advised that the police officers loved being in Middleburg and what they did, which has added a new level of respect from their counter parts and in turn has empowered the staff. Chief Panebianco opined that in the past, the officers felt limited. He advised that he believed in looking at an individual's skill set, developing something around that and giving them something to be in charge of.

Chief Panebianco noted that he had a good working relationship with the entire Town staff and advised that he did not let the Town Administrator get caught unaware. He noted that they often bounced things off each other. Chief Panebianco opined that the Town had people who wanted to be here, which was important.

Councilmember Shea issued the Chief a challenge and advised that she would like to know how the Town could help the officers stay healthy. She cited as an example providing exercise equipment. Town Administrator Semmes advised Council that she has thought of giving everyone money toward a health benefit, such as a health club membership. Chief Panebianco suggested the Town not pay for the entire membership as the employees needed buy in.

Councilmember Shea suggested the Town could form a walking club and invite people to walk with the officers. She further suggested the need to focus on their health as they worked hard.

Chief Panebianco noted that it was scary for a boss to feel responsible for his officers' health and advised that he felt that way. He further advised that even though the officers walked a lot on foot patrols, it was not enough to keep them healthy. Chief Panebianco noted that he may look at giving his budget a boost to address this. He advised that he was aware of health issues that some of the staff may have. Chief Panebianco noted that the officers had a stressful job and explained that they felt a sense of responsibility to keep the town safe. He accepted Councilmember Shea's challenge.

Town Administrator Semmes inquired about the use of the exercise equipment at the Fire Department. Chief Panebianco opined that it would be better to provide other options. He explained that if the officers used that equipment, they would have to go to work sweaty. Chief Panebianco suggested the exercise should be something they could do when off duty. Mayor Davis agreed it may be easier for the employees to exercise where they lived.

Chief Panebianco suggested they be offered something they could apply toward something like a tread mill if they wanted. He recommended the Town not pay for an entire gym membership as the employee may not feel obligated to use it. Chief Panebianco opined that two hundred fifty dollars was cheap to keep an employee safe and healthy.

Town Administrator Semmes noted the need to provide all of the employees with access to such a benefit.

Chief Panebianco thanked the Council, his staff and the remainder of the Town staff for their support. He opined that the entire staff was great and noted that part of the goal was finding people who were the right fit for the community.

Mayor Davis thanked Chief Panebianco and his staff for all they did.

Councilmember Scheps questioned whether the Police Department did roll calls. Chief Panebianco reported that they held quarterly meeting, as long as they had something to discuss. He noted that the officers did relay information at the end of each shift.

Council Approval – Declare old Ford Explorer as Surplus for Disposal Purposes

Town Administrator Semmes reminded Council that the Town held onto this vehicle at the request of the Economic Development Coordinator so it could be used to haul around the Farmers Market signs. She noted that the Town has had a Farmers Market Manager for the last few years, who was using his/her own vehicle. Ms. Semmes opined that if this changed, the Town could always use the Superintendent of Facilities & Maintenance’s truck. She advised that this vehicle would be sold if it the Council agreed.

Mayor Davis questioned whether the Town had to sell the vehicle at public auction. She further questioned whether an ad could be placed in the newspaper listing it for sale at a certain price. Ms. Davis expressed concern that the Town could receive a low bid for the vehicle. Town Clerk North confirmed the State Code required that surplus property be sold at public auction. She advised, however, that the Town could include a bid reserve price in the public auction notice and noted that it did so when it sold the Superintendent of Facilities & Maintenance’s last truck. Ms. North reviewed the public auction process with the Council.

Council suggested the Police Chief identify a minimum bid price for the advertisement.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council declare the Town’s 2003 Ford SUV to be surplus property and direct the staff to sell it at public auction as required under Town Code Chapter 5.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk, Hazard and Murdock

(Mayor Davis only votes in the case of a tie.)

Discussion – Process for Determining Proposed Uses for Asbury Church

Town Administrator Semmes advised Council that as of January 19th, the Town owned the Asbury Church; therefore, it now had a responsibility to take care of the building. She reported that representatives from the Department of Historic Resources looked at it last week and confirmed it was restorable. Ms. Semmes noted that they encouraged her to look into the tax credit program. She suggested the Town stabilize the building so the roof was not leaking and noted that it was currently leaking to the point that there was water on the floor that was turning to ice. Ms. Semmes further suggested that a tarp could even be put over the roof. She recommended that before the Council made a decision on how to rehabilitate the building that it

determine how the building would ultimately be used. Ms. Semmes inquired as to the kind of community conversation the Council wanted to have and who should be involved. She noted that one of the ideas that has been suggested included using the building as an annex to the museum, which was only two blocks away; however, she questioned how it would be maintained. Ms. Semmes noted that *A Place To Be* has also expressed an interest in using the space for their daily activities.

The Council held some discussion regarding *A Place to Be* and their possible use of the building. They agreed this would be welcomed by the community and suggested it may be possible to find individuals willing to finance the cost, particularly if there were tax credits involved.

Councilmember Shea suggested that short of finding a community group as a user, it may be possible to allow the building to be used as a large community meeting space.

Mayor Davis noted that it may be possible that it could be used for a combination of uses.

Councilmember Littleton inquired as to who would keep up the building. Councilmember Scheps questioned whether the Town wanted to be a landlord.

Town Administrator Semmes explained that this was why she wanted to get some ideas. She cited the Bush Tabernacle in Purcellville as an example and noted that they had a concessionaire that ran the facility. Ms. Semmes further noted that that facility was used for parties and the Town used it for events. She opined that the Town may not need to keep this building. Ms. Semmes advised that if the Council decided it wanted to share the space and have other community uses, then it would need to retain ownership and work out the arrangements as part of the lease.

Councilmember Snyder suggested the Town put out a question soliciting suggested uses for the building, with a link to the question being placed in the Town's weekly e-mail blast and on its website. He further suggested the Town budget and plan for both near- and long-term stabilization. Mr. Snyder advised that he would like to see something more stable than a tarp on the roof.

Councilmember Littleton volunteered to contact roofing companies to see if they would put something on the roof to stabilize it and protect the inside of the building. The Council held some discussion regarding the process for hiring a contractor to stabilize the building. It was noted that emergency stabilization could be performed under the emergency procurement regulations.

Councilmember Snyder suggested that someone with a historical preservation background look at the building and offer a recommendation. Mayor Davis suggested the Town solicit the services of Maral Kalbian.

Councilmember Scheps suggested the building be used for a Town Office. Town Administrator Semmes noted the lack of parking and advised that this would only work with the cooperation of the adjoining property owner. She noted the parking lot on the adjacent property and suggested a long-term solution would be if they would allow the Town to build additional spaces for its use. Ms. Semmes reminded Council that there was on-street parking on both sides of the street; however, there was no off-street parking on the church property nor was there any land to construct it.

Councilmember Littleton opined that it was important that the Town Office be located in the center of town and that it have good access for both the residents and visitors.

Councilmember Snyder agreed. He noted that the current location has worked well for years, even though the building was not much.

Councilmember Littleton reiterated his offer to contact contractors to temporarily address the leaking roof.

Councilmember Shea opined that prior to asking the community for suggested uses that the Council should have some idea as to how the building could be restored.

After some discussion, the Council agreed to solicit public input. They suggested this occur through the use of the Town's website, Facebook Page and newsletter. The Council further suggested it be posted on the Middleburg, VA page as well.

Councilmember Shea noted that some residents did not have access to the Internet and suggested that articles be placed in the newspapers as well. Town Administrator Semmes noted that she would talk to the local papers and opined that both would support the Town. She suggested she prepare a press release and noted that the building had a wonderful history. Ms. Semmes advised Council that she would also contact Ms. Kalbian. She suggested, however, that finding a use for the building was important before the Council could decide how to rehabilitate it. Ms. Semmes noted that if the Council wanted to use the tax credit program, the historic part of the structure would need to stay the same. She reminded them that it was a sanctuary with a three-sided loft and noted that this could not be carved up with walls. Ms. Semmes suggested that if the Town could not come up with a sustainable way to use the building, it could sell it to someone for use as a house. She noted that in that case, the Town would not allow them to demolish the structure.

Councilmember Littleton opined that the Town must find a use and utilize the tax credit program. He noted that an individual could construct one and half houses for less money than the cost to rehabilitate this one for use as a home.

Councilmember Shea opined that there were many ways to use the building - it was just a matter of finding something that fit with the community. She noted that she was constantly hearing people ask "where can we have a group meeting".

Councilmember Snyder suggested that getting the community behind the project would help with the issue of sustainability.

The Council held further discussion of allowing *A Place To Be* to use the building and noted that it had a loft that contained seating, as well as a stage. Town Administrator Semmes suggested she arrange for a tour of the building by the Council once the weather improved.

The Council agreed to do the emergency stabilization as quickly as possible and to allow Councilmember Littleton to handle those arrangements. They continued their discussion of getting community input. Councilmember Shea suggested the Town offer local architects the opportunity to view the space as they may see the space differently than others. Town Administrator Semmes agreed to put together a solicitation for the website, Facebook page, newsletter and newspapers.

Discussion – Mid-Year Budget Review

Town Administrator Semmes noted that Page Two of her memorandum summarized the recommended budget amendments. She reported that there were no additional appropriations in the General Fund; and, noted that she was just proposing to shift money due to unbudgeted expenditures, such as the painting of the curb lines along the streets. Ms. Semmes reminded

Council that there were different pots of money from VDOT for the Marshall/Madison Street Project. She noted while the funds must be kept segregated, money needed to be shifted around in order to balance the accounts based upon the bids.

Town Administrator Semmes reported that the Utility Fund items were more substantial. She advised that the proposed line item transfers were coming from the contingency reserve and opined that this would not be a problem as the Town's user fee revenues exceeded seventy percent (70%) of the budgeted amount at mid-year. Ms. Semmes opined that the Town would have more of a reserve than anticipated.

Town Administrator Semmes advised Council that the proposed new appropriations included expenditures from the bond proceeds that the Town would spend before the end of the fiscal year. She reminded Council that the bond included three major projects – the Route 50/Washington Street Water Line Replacement Project, the East Washington Street Water Line Extension Project and the West End Pump Station Project. Ms. Semmes advised that the reason the Route 50 Project, which included a betterment cost of \$280,000, was not included was that the project would not be advertised until May, with bids being due in thirty to sixty days thereafter. She noted that VDOT did not anticipate letting the contract until July or August; therefore, this project would be included in the next budget. Ms. Semmes advised that the proposed amendment would cover the expenditures associated with the design of the East Washington Street Line Extension Project and the West End Pump Station, as well as cover the bond issuance fees paid to the bond counsel. She reminded Council of the need to hold a public hearing on the Utility Fund supplemental appropriations and advised that the staff was asking for permission to advertise the hearing, to which the Council agreed.

Town Administrator Semmes reported that based upon the lodging tax receipts from this past quarter, the Town was ahead of its revenue projections. After some discussion, the Council expressed a desire to get a quarterly comparison of the lodging tax receipts.

Discussion (continued) – Creation of Economic Development Advisory Committee

Town Administrator Semmes reminded Council that they asked that the resolution be amended to broaden the power and duties and noted that Councilmember Shea offered some ideas. She expressed hope that the staff has incorporated what she had in mind into the resolution and noted that she also included some things.

Mayor Davis asked that item #1 under “Powers and Duties” be amended to add the phrase “as approved by Council”. She opined that the Council should have the final approval over the rules under which the Committee would operate.

Councilmember Snyder opined that they needed an initial meeting schedule. Town Administrator Semmes reported that the resolution required that they meet at least once a quarter.

Councilmember Shea suggested the initial group come to the Council with recommendations for what they should do. Mayor Davis noted that this was why she suggested the Council should approve their by-laws.

Councilmember Snyder questioned whether the Committee would have a reporting requirement. Councilmember Shea opined that more information was needed as the Committee set itself up. Councilmember Snyder advised that he was fine with the proposal to start. He noted that if the Council did not like their reporting, they could always change it in the future.

Councilmember Snyder moved, seconded by Councilmember Littleton, that Council adopt the Ordinance Establishing the Economic Development Advisory Committee, as amended by the Mayor.

The Council held some discussion regarding the process for appointing individuals to the Committee. It was noted that the appointments would be discussed in closed session.

Councilmember Shea questioned whether the Council was going to make the appointments based upon the staff's recommendations or whether it would allow the public to apply to serve as well, as the Town did for its other committees. Mayor Davis noted that the Council would not make the appointments during this meeting and opined that the seats would be opened for applications.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk, Hazard and Murdock

(Mayor Davis only votes in the case of a tie.)

Discussion (continued) – How to get more people involved in Town Government

Councilmember Shea reminded Council that she has announced that she was not seeking re-election to the Council. She suggested the need to develop some activities that would encourage people to run and advised that she liked the suggestion that the Mayor give a State of the Town Address and invite people to hear it. Ms. Shea reiterated the need to identify ways to involve people in the Town government before the next election.

The Council held some discussion as to ways to encourage people to run for public office. They suggested that the most effective way was for members of Council to approach individuals to encourage them to do so. It was further suggested that the Council ask the local newspapers to run articles within the next few months explaining why the members of Council ran for public office and what it meant. It was noted that these were not political positions.

Town Council Reports

Councilmember Scheps reported that the Pink Box Advisory Board has not had a meeting since his appointment as its representative. He questioned whether the onus was on him to call a meeting. Council suggested Councilmember Scheps initiate contact with Mary Kay Garwood.

Councilmember Snyder reported that the Wellhead Protection Advisory Committee met earlier this week. He advised that they were working on their annual report to the Council.

Councilmember Shea reported that Go Green secured the services of two students from the Foxcroft School to work on a green shopping guide. She noted that they were not necessarily asking businesses to go green but rather to provide a list of what was available.

Discussion

Town Clerk North advised Council that the staff recently discovered that the ordinance assessing personal property taxes on vehicles was still on the books. She reported that an ordinance would be presented to them in February to remove it. Ms. North advised that the Town Attorney was currently researching whether a public hearing would be necessary given that the Town has not imposed this tax since 1998.

Town Administrator Semmes reported that she and the Town Attorney were reviewing General Assembly bills that have been submitted. She noted that the Chief had an issue with one bill that the Police Chief's Association was able to address. Ms. Semmes reported that there was a House Bill that would exempt churches from all state and local taxes, fees and charges. She noted that VML was concerned about the bill as churches were already exempt from property taxes. Ms. Semmes opined that to exempt them from fees did not seem fair and questioned why they should be treated differently than a homeowner. She reported that the VML was opposing the bill.

Mayor Davis asked whether a church could seek a waiver of a charge from the Council if the law was left as is. Town Administrator Semmes confirmed it could.

Councilmember Shea opined that this bill would not be good business as there would be no way to make the organization comply with the regulations.

Town Administrator Semmes reported that VML was following a bill that would require a locality to provide documented instructions to an application who was seeking a business license. She further reported that a locality would also be required to specify any other permits that would be required and the time requirement for completion of each step. Ms. Semmes noted that it would be onerous to provide this for each individual project.

Councilmember Shea noted that she talked about doing something similar a few years ago; however, it never went anywhere. She suggested the Town would be remiss if it did not do something similar on its own. Town Administrator Semmes noted that the Town has always had instruction forms; however, they were not used in the past.

Town Administrator Semmes reported that the VML was supporting a bill that has been introduced related to the Line of Duty Act. She opined that the bill made sense from an administrative standpoint.

Town Administrator Semmes noted that a bill has been introduced to have JLARC study the feasibility of purchasing the Dulles Greenway. She advised that VML was asking localities to oppose a House Joint Resolution that would add a constitutional amendment to exempt the primary residence of the surviving spouse of public safety personnel killed in the line of duty from real estate taxes. Ms. Semmes explained that the concern was that the spouse would be eligible even if the employee did not live in the locality at the time of the death of the employee.

Mayor Davis questioned whether this was just done for veterans. Town Administrator Semmes confirmed it was and noted that this would add to that. She advised that VML's position was that the State should exempt these individuals from State tax and not exempt them from local taxes.

Councilmember Shea noted that Delegate Marshall has submitted a bill to exempt anyone with an ethical opposition to gays and lesbians from having to serve a gay and lesbian person. She suggested VML should oppose that bill.

Town Administrator Semmes reported that there was a conservation bill that could affect the Town. She explained that under this bill, localities could not acquire an interest in property for conservation that exceeded five years in duration. She opined that it appeared that under this bill, property would be subject to renewal every five years. Ms. Semmes questioned whether a locality that purchased land for a park would have to repurchase it every five years. She opined that under this bill, a developer who purchased development rights and used them elsewhere would have the right to sell them again in five years. Ms. Semmes reminded Council that January 23rd was the last day to submit a bill.

Closed Session – Appointments to Economic Development Advisory Committee and Performance of Town Clerk

Councilmember Snyder 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)(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 Snyder further moved, seconded by Councilmember Shea, that this matter be limited to a discussion of (1) appointments to the Economic Development Advisory Committee and (2) the performance of the Town Clerk. Councilmember Snyder further moved, seconded by Councilmember Shea, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes for the first part and Martha Mason Semmes and Rhonda North for the second part. Councilmember Snyder further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk, Hazard and Murdock

(Mayor Davis only votes in the case of a tie.)

Mayor Davis 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, Mayor Davis declared the meeting adjourned at 7:48 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk