



**MIDDLEBURG TOWN COUNCIL
REGULAR WORK SESSION
MINUTES**



Thursday, October 23, 2014

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

STAFF: Martha Mason Semmes, Town Administrator
Rhonda S. North, MMC, Town Clerk
Cindy C. Pearson, Economic Development Coordinator
William M. Moore, Town Planner

ABSENT: Councilmember Erik J. Scheps

The Town Council of the Town of Middleburg, Virginia held their regular monthly work session on Thursday, October 23, 2014 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis called the meeting to order at 6:00 p.m.

Public Hearing- Issuance of General Obligation Bonds

No one spoke and the public hearing was closed.

Council Approval – Ordinance & Resolution Approving Issuance of General Obligation Bonds

Mayor Davis noted that the Council was still in limbo as to whether it wanted to borrow \$1 million or \$1.5 million. A straw poll revealed that the majority of Council favored borrowing \$1.5 million, with Councilmember Snyder favoring borrowing \$1 million and Vice Mayor Kirk not expressing an opinion. She suggested she should not vote to borrow \$1.5 million as it would directly affect her water. Councilmember Murdock noted that it would affect all of the Ridgeview Subdivision residents.

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council adopt An Ordinance Authorizing the Issuance of General Obligation Bonds of the Town of Middleburg in the Maximum Principal Amount of \$1.5 million to Finance the Acquisition, Construction and/or Equipping of Various Capital Expenditures for Utility System Purposes.

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

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

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

(By roll call vote)

Councilmember Snyder further moved, seconded by Councilmember Murdock, that Council adopt A Resolution Providing for the Issuance, Sale and Award by the Town of a General Obligation Public Improvement Bond, Heretofore Authorized, in an Aggregate Principal Amount Not to Exceed \$1.5 Million and Providing for the Form, Details and Payment Thereof.

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

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

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

(By roll call vote)

Councilmember Snyder noted that the only reason he argued for both amounts was to make it clear to the Council. He expressed a preference to only borrow \$1 million.

Mayor Davis noted that this would be good for the entire town.

Council Approval – Bid – Well 2 Fence Project

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council approve the acceptance of the bid offered by Long Fence in the amount of \$21,750 for the installation of three hundred forty-eight lineal feet of six foot tall black vinyl chain link fence, plus the associated aluminum track slide gates with controllers, at Well 2 located on Landmark School Road. Councilmember Snyder further moved, seconded by Councilmember Murdock, that the staff be authorized to procure the grading and electrical services work necessary to complete this installation at a cost not to exceed \$7,250, for a total project cost not to exceed \$29,000.

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

No – N/A

Abstain: N/A

Absent: Councilmember Scheps

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

Councilmember Littleton opined that it helped to have the proposed location staked. He suggested that if the Town had some extra green paint that it would be good to paint the well building. He opined that this may help make it “go away”.

Council Approval – Amendments to Town Code Chapter 55 pertaining to licenses (vehicle)

Councilmember Murdock noted that the ordinance included the due date for the fees; however, it did not include a date for which the sticker needed to be applied to the windshield. After some discussion, the Council agreed to amend Section 55.1-10, Issuance and Attachment of Sticker, to add the phrase “by November 15 or ten days after purchase of sticker if purchased mid-year” at the end of Paragraph A.

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council adopt an ordinance to rescind Article I of Town Code Chapter 55 and to enact a new Article I and to amend Article II of Town Code Chapter 55 pertaining to licenses as amended.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Councilmember Scheps
(Mayor Davis only votes in the case of a tie.)

Council Discussion – Zoning Text Amendment Pertaining to Museums

Town Planner Moore advised Council that there were no provisions in the zoning ordinance for museums, which was an issue since the Town had the National Sporting Library & Museum, which had a separate building that was used only as a museum. He noted that he has been developing a laundry list of possible issues that he needed to bring to the Council’s attention; however, this issue recently arose when he had a meeting with the Executive Director of the museum. Mr. Moore reviewed the history of the museum and advised that he found that the occupancy was initially issued under the auspice of a “library”; however, he later found a temporary occupancy permit that was issued for a “museum” even though there are no Town Code provisions for one. He explained that the proposed amendment was intended to address a number of items as outlined in his memo. Mr. Moore reported that he was proposing to add definitions for both libraries and museums. He further reported that he was proposing to include libraries as a special exception use in all four residential zoning districts and noted that libraries were already a special exception use in them. Mr. Moore advised that he was proposing that museums be allowed by right in the C-1 District, which would match the library use that was also allowed in this district. He noted that he was proposing to change libraries from a by-right use in the C-2 District to a special exception use and to add museums as a special exception use. He reminded Council that the C-2 District was primarily the retail district. Mr. Moore explained that making these uses special exception uses would give the Council some scrutiny as to whether they wanted to allow a property to be converted to a use that would not generate revenue. He advised that he was also proposing to change the parking requirement for libraries from 1:300 to 1:500 square feet and to create a similar parking requirement for museums.

Councilmember Snyder opined that the Town Planner was proposing to relax the parking requirements. Town Planner Moore confirmed he was.

Town Planner Moore advised Council that he has been holding conversations with an individual about the possibility of converting an existing residential building to a museum, which was why he was bringing this to the Council at this time. He asked that they consider holding a joint public hearing with the Planning Commission in November to avoid delaying action. Mr. Moore suggested that if the Council was comfortable doing so, there was a resolution included in their agenda packet that would instruct the Planning Commission to consider this zoning text amendment. He reported that he would schedule this as a discussion item for the Commission’s October meeting and would ask them to join the Council for a joint public hearing in November.

Councilmember Snyder moved, seconded by Councilmember Shea, the Council adopt the resolution to initiate an ordinance to amend Articles II, X, XI and XVI of the Middleburg Zoning Ordinance Pertaining to Definitions, Use Regulations and Parking Requirements for Libraries and Museums.

Councilmember Shea noted that she did not see anything in the definition to require that a museum be operated as a non-profit or by a 501(C)3 organization. She asked that this be included and offered it as a friendly amendment. Councilmember Snyder accepted the friendly amendment.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Councilmember Scheps
(Mayor Davis only votes in the case of a tie.)

Council Discussion – Holiday Parking Meter Program

Economic Development Coordinator Pearson questioned whether the Council would like to offer free holiday parking in the municipal parking lots from November 27th through December 31st. The Council agreed it did.

Councilmember Murdock noted the press release. She suggested the wording be amended to read “holiday shopping needs”.

Council Discussion – Holiday Gift Certificate Program, Holiday Luncheon & Holiday Meeting Schedule

After some discussion, the Council agreed to hold the Holiday Luncheon on the second Friday of December. Councilmember Shea volunteered to organize it.

The Council agreed to offer the employees and members of the Town’s boards/commissions gift certificates as it has in the past.

The Council further agreed to cancel the November and December work sessions, with the understanding that a work session could be scheduled for the third Thursday of the month should the need arise.

Town Council Reports

Councilmember Snyder reported that the Wellhead Protection Advisory Committee met on October 21st.

Discussion

The Mayor and Council held a brief discussion regarding Amy Panebianco.

Closed Session – Evaluation of Town Administrator

Councilmember Shea moved, seconded by Councilmember Murdock, 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 Shea further moved, seconded by Councilmember Murdock, that this matter be limited to the evaluation of the Town Administrator. Councilmember Shea further moved, seconded by Councilmember Murdock, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes. Councilmember Shea further moved, seconded by Councilmember Murdock, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Hazard, Littleton, Murdock, Scheps, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Councilmember Scheps
(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, a motion was made and voted upon to adjourn the meeting at 7:13 p.m.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC, Town Clerk