



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, September 8, 2016**



**PRESENT:** Vice Mayor Darlene Kirk  
Councilmember J. Kevin Daly  
Councilmember Kevin Hazard  
Councilmember Trowbridge "Bridge" Littleton  
Councilmember Philip Miller  
Councilmember Kathy Jo Shea  
Councilmember Mark T. Snyder

**STAFF:** Martha Mason Semmes, Town Administrator  
Angela K. Plowman, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
William M. Moore, Town Planner  
Ashley M. Bott, Town Treasurer  
Cindy C. Pearson, Economic Development Coordinator  
A.J. Panebianco, Chief of Police

**ABSENT:** Mayor Betsy A. Davis

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, September 8, 2016 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Vice Mayor Kirk led Council and those attending in the Pledge of Allegiance to the flag.

**Public Comment**

Joe Pasannello, Vice Mayor of the Town of Haymarket, thanked the Council for their consideration of a resolution proclaiming September as Blood Cancer Awareness Month and September 15, 2016 as Lymphoma Awareness Day. He noted that, last February, the General Assembly adopted legislation declaring September as Blood Cancer Awareness Month in Virginia. Mr. Pasannello advised that, if adopted, the Town would join many other municipalities in raising awareness about blood cancer and lymphoma.

**Public Hearings**

**Agreement with Loudoun County – Boundary Line Adjustment**

No one spoke and the public hearing was closed.

**Public Comment (continued)**

Darcy Justin, President of the Middleburg Garden Club, advised Council that because the Christmas Parade has become "quite a fiasco", the Garden Club has had to move the Christmas Show from Saturday to Friday. She opined that one could not take a small town to a population of 26,000 and still have a nice, sweet parade and all that went along with it. Ms. Justin suggested that the change in date

may affect the Garden Club financially. She advised that personally, she was extremely disappointed in what Christmas in Middleburg had turned into and what it did to the town. Ms. Justin noted that she had six children and opined that they could no longer go to the parade. She reported that last year, there were a quite a few people who were drunk on the streets. Ms. Justin advised that she had to take her thirteen year old and move to another part of street due to drunken brawls. She noted that she has been going to the parades for twelve years and not witnessed this in the past. Ms. Justin advised that she did not know what could be done; however, many people were upset about how out of control the event had gotten. She noted that she moved to Middleburg because it was a small town. Ms. Justin advised that the Garden Club had a lot of nice community projects coming up and would like to be more community involved. She explained that she wanted to let the Council know of their change due to the parade.

Vice Mayor Kirk noted that Councilmember Hazard served on the Christmas in Middleburg Committee, as did the Chief of Police. She further noted that they were working on some issues, including those raised by Ms. Justin.

Councilmember Hazard opined that an event like this grew on its own. He advised that Ms. Justin's comments were indicative of those of many people in town. Mr. Hazard reported that the Committee was working to scale back the event; however, they could not tell people to stay home.

Ms. Justin disagreed and noted that notice of the parade was blasted on social media. She opined that most of the attendees came from other places.

Councilmember Hazard and Vice Mayor Kirk assured Ms. Justin that the Committee was working on the issues.

Scott Bessette, a tenant of the Town, advised Council that on April 19<sup>th</sup>, three wall air conditioning units that the Town provided were installed for his office space. He reported that one worked but two were reported as being deficient. Mr. Bessette noted that it was now September 8<sup>th</sup> and the summer was almost over. He advised that he went two winters without heat and now a summer without air conditioning. Mr. Bessette reported that on June 17<sup>th</sup>, the hail storm broke a window, which he brought to the Town's attention; however, it still had not yet been fixed. He noted that the repair was scheduled to be done tomorrow; however, he suggested that two months was unacceptable. Mr. Bessette opined that the Town would not wait two months for the rent. He expressed appreciation that the Council would not want have a debate in this forum; however, he advised that last week, he was directed to attend the meeting. Mr. Bessette noted that he raised an issue last week when he sent an email to each member of the Council and reported that he was advised to raise a complaint about a Town employee here. He advised that he was refused access to the Town Attorney. Mr. Bessette reiterated that he was told by two Town employees to come here and raise the issue about a Town employee. He advised that he was here and noted that he was not usually here this time of night. He questioned who wanted him to raise a complaint about a public official's job performance.

Vice Mayor Kirk noted that she asked Mr. Bessette to come to speak about the air conditioning. She reported that Bob Ball was supposed to replace the broken window the next day after they spoke and advised that she would call him again. Ms. Kirk advised that the personnel matter would be discussed in closed session.

Mr. Bessette opined that this was an inappropriate forum to discuss a personnel issue and expressed concern that he was directed to come to a Council meeting and to raise an issue about an employee's performance, which he believed was inappropriate.

Vice Mayor Kirk suggested to Mr. Bessette that he state that he felt he already had a valid request submitted to the Town during the public hearing (lease of Health Center).

Mr. Bessette reiterated that he was directed to raise his concerns during this forum, which he did not believe was appropriate. He noted that he has been waiting four months for air conditioning during the summer and two months for the window to be fixed after it was reported, which was unacceptable.

Vice Mayor Kirk asked that, in the future, Mr. Bessette report his complaints to the Economic Development Coordinator or come to see her (Ms. Kirk). She noted that she would check with Mr. Ball on what happened, as she was told the window would be fixed the next day.

### **Public Hearings (continued)**

#### **Lease – Portion of Health Center to Second Chapter Books, LLC**

Jilann Brunett, 204 Sycamore Street, noted that she was a co-owner of Second Chapter Books along with Kathy Jo Shea. She reported that Ms. Shea began her business in town in 1993 and she joined her fourteen years ago when they opened Solstice Healing Center. Ms. Brunett noted that they opened the bookstore six years ago. She reminded Council that in the past, there have been two other bookstores in four locations in Middleburg. Ms. Brunett advised that in buying and selling new and used books, they did research to find the best quality at the best price. She noted that they supported the local library, as well as local authors by selling their books at signing events. Ms. Brunett advised that they supported literacy and provided discounts for the schools and reading groups. She noted that they sold books that had been donated to the Middleburg Library for the library and donated to non-profits and small businesses. Ms. Brunett advised that they chose to locate their store in Middleburg. She noted that they have been encouraged by many people to move to a location where the rents were more affordable; however, they loved it here. Ms. Brunett stressed that they have made every effort to have the bookstore support and be a part of the community and opined that their success was never more evident than it was now. She advised that when they were told their lease would not be renewed, they planned to close; however, the community said “it did not want them to”, which made them change their decision. Ms. Brunett reiterated that they worked in and for the community. She reported that they have offered young residents the opportunity to learn about retail and supported the Foxcroft School by giving students the opportunity to work through their on-line presence. Ms. Brunett noted that they have given a share of their sidewalk sale profits to nonprofit organizations. She advised that while they have a viable, booming business, they have struggled with the rents in Middleburg. Ms. Brunett expressed hope that by moving to the Health Center, they could expand their business. She explained that while the physical space was smaller, they hoped to put resources into an online presence and author support.

Donna Strama, Orange Drive, advised Council that she loved the bookstore and would hate to see it leave. She noted that people were always in it when she was there. Ms. Strama advised that it provided inexpensive books. She reiterated that she would hate to see it leave town as it was the only bookstore. Ms. Strama noted that she did not frequent the library as she took the books she purchased with her out of town. She expressed hope that the Council would consider leasing the space that they were asking for and advised that she would be sad if it left.

Linda Kenney, Easton Lane, advised that she worked part-time for Second Chapter Books and opined that it was an important part of the community. She noted that she would be sad to see it close.

Tom Ack, a resident of Charter Hill School for thirty-five years, advised that he had nothing to add to Ms. Brunett’s comments. He noted that he used the bookstore for their newspaper service. Mr. Ack noted that he had grown to know and liked the people who ran it. He opined that Middleburg was lucky to have a bookstore as many small towns did not. Mr. Ack further opined that it was even luckier to have the two ladies who were running it.

Fiona Ownswells, Landmark Road, opined that Second Chapter Books was a vital and important part of the community. She further opined that it was difficult to find such a store, especially one with as much warmth and charm as Second Chapter Books. Ms. Ownswells noted that she could order books that were unavailable at the library or find rare first editions there. She further noted that they would special order books for schools and supported local authors. Ms. Ownswells advised that Middleburg Library had a strong partnership with Second Chapter Books and noted that they sold books that were unable to be stored at the library and then returned the money to them. She advised that she has known the bookstore since she was eight years old and used to stay with Ms. Shea and Ms. Brunett to help them while her mother did errands. Ms. Ownswells noted that she loved books and advised that they were influential in life. She opined that from birth to old age, people needed books to keep them occupied. Ms. Ownswells acknowledged that the library served the same purpose as a bookstore; however, she opined that there was nothing like the feeling of owning a book.

Meredith Whiting, 1 Orange Drive, opined that independent bookstores were rare these days. She further opined that Middleburg was the perfect location for such an entity. Ms. Whiting suggested it would be crazy to let it go. She opined that Middleburg worked hard to keep chains and others kinds of businesses at bay. Ms. Whiting noted that the bookstore made the town part of what it was.

Stephen Plescow, 7 Hunt Court, appeared before Council representing himself and Seven Loaves. He noted that he only had nice things to say about Ms. Shea and Ms. Brunett. Mr. Plescow opined that the Town strived to have these types of businesses and suggested the need to keep them in Middleburg. He further opined that they were essential to the community. Mr. Plescow noted that they generously supported Seven Loaves. He expressed hope that the Council would support their request.

Mary Jo Jackson advised Council that she has lived in the area for forty years. She suggested it was very important that the bookstore remain here. Ms. Jackson opined that the Health Center building was to be used to assist the community and questioned what better way to do so than to provide a bookstore. She suggested it would be sad if children grew up not knowing they could go to a store to a buy a book. Ms. Jackson noted that the Middleburg Library was a direct result of the development of a volunteer library in this exact space thirty-five years ago. She advised that this was how the community proved to Loudoun County that Middleburg could support a library. Ms. Jackson suggested it would be very appropriate to keep books there.

Ann Lee, of Rockville, Maryland, appeared before the Council representing herself and her daughter, Lannie. She noted that her daughter had special needs and lived in a residential community. Ms. Lee advised that when she came home, after asking to see her horse, Miss Lee would ask to go to Middleburg. She further advised that the trip would not be complete without going to the bookstore. Ms. Lee displayed a photograph of her daughter. She noted that people would come up to them on the street to talk to her daughter and opined that Middleburg was fabulous with her. Ms. Lee advised that they have been coming to Middleburg for twenty-five years. She explained that she told her daughter that Middleburg might lose the bookstore and that she planned to come to this meeting and advised that her daughter asked her to say that “the bookstore is nice, they have nice books, they are nice to her, they read to her and she would be upset if they were not there”. Ms. Lee opined that the book store was one of the things that made and kept Middleburg a small town, which was why she made the four to five hour round trip here. She described their first visit into the bookstore, in which Ms. Shea asked Miss Lee if she would like a book, only to have her respond that she did not read. Ms. Lee noted that she read at a limited level. She advised that Ms. Shea said “she could read”, pulled out books and read to her. Ms. Lee noted that every time they came to town, Ms. Shea took thirty to forty-five minutes to work with Miss Lee and would get her to look at books. She noted that they have given her daughter confidence so she could read. Ms. Lee advised that she bought a book of prayers about horses, which had big words in it, which she sounded out on the way home. She opined that they were an amazing bookstore and suggested the Council would be crazy to let them go.

Al Strama, 10 Orange Drive, noted that the thing he loved about Middleburg was that it was a family oriented town. He further noted that he knew just about every child in Middleburg, whom he viewed as his own. Mr. Strama opined that shutting the door on Ms. Shea and Ms. Brunett was akin to shutting the door on family. He noted that he loved both of them dearly and would do anything for them. Mr. Strama advised that every Christmas, Ms. Brunett and Ms. Shea managed a free dinner for the community. He opined that they were such a part of the community that it owed them.

Mike Morency, Landmark School Road, noted that he has been a customer of the bookstore since it opened and used it frequently. He agreed with everything that had been said. Mr. Morency opined that the Town looked for businesses that supported the needs of local people and suggested the bookstore did just that. He noted that the owners bent over backwards to serve the needs of anyone who walked in and opined that it was an integral part of the town. Mr. Morency further opined that Middleburg was lucky to have such a wonderful store in a small town. He noted that there were not many towns that had a bookstore that was vibrant. Mr. Morency opined that they struggled from time to time, which was the nature of the business. He advised that he did not know of anyone more involved in the community than Ms. Shea and Ms. Brunett and expressed hope that the Council would support their move. Mr. Morency asked that the Town not abandon its book buying to Amazon.

Tim Blakely appeared before Council on behalf of himself and his wife, Stacy. He noted that they supported Middleburg as the cultural center for literature in Loudoun County and suggested that Second Chapter Books was a part of the established culture and diversity of Middleburg. Mr. Blakely noted that it drew him and his wife in each week, during which time they shopped and dined. He advised that they visited other stores in conjunction with their visits to the bookstore. Mr. Blakely opined that many people benefited from touching books. He advised that the bookstore recirculated used books and provided other services, which Internet shopping could not provide. Mr. Blakely suggested that the faces of business mattered and noted that the owners provided sage advice and kept their inventory current and dynamic. He further noted that they invested their resources to sponsor social and intellectual events, such as book signings. Mr. Blakely opined that the impersonal expansion of national chains had left people with a renewed interest in local businesses. He noted that purchasing power was something libraries did not provide. Mr. Blakely advised that when he left with books, he supported a local business and took a part of Middleburg with him. He expressed hoped that the Town could keep the central members of its community together for many years to come.

Susan Long, Landmark Road, advised Council that she has lived here for four years. She noted that the first people she met were Ms. Brunett and Ms. Shea, who were welcoming and demonstrated incredible support for the community. Ms. Long advised that losing their lease was through no fault of their own and noted that they needed a new home. She suggested the community needed to provide them with a home. Ms. Long advised that they were taking on one of the biggest giants, Amazon, and making their business survive. She suggested that if they were willing to step forward to take on Amazon, the community needed to support them. Ms. Long opined that moving to the Health Center building was an opportunity for them. She suggested it was not the best opportunity as they would not have the visibility she would like them to have. Ms. Long asked that they be charged a steady rent that would not overwhelm them. She suggested that when they moved, the Town needed to make sure they had visibility. Ms. Long further suggested the need to support them though signage, connectivity and talking about them. She asked that the Town stand behind these women who meant so much to the community and that it help move them into the facility before their lease was up.

Trowbridge Littleton opined that Ms. Brunett and Ms. Shea had a great business and noted that they have done a lot of great things for the community. He advised that if he was still on the Council, he would have supported this request. Mr. Littleton opined that the help that the Town could give was important to the community. He suggested that Amazon could not have all of the business. Mr. Littleton advised Council that he gave Second Chapter Books' owners his full support and expressed hope that the Council did as well.

Dennis Cotter, Dover Road, noted that he has lived here for thirty years. He further noted that he was involved in the expansion of the Middleburg Library. Mr. Cotter advised that he supported the lease of the Health Center space to Second Chapter Books. He reminded Council that Second Chapter Books was a successor to Books & Crannies, who was the successor to The Book Chase. Mr. Cotter noted that all were independent bookstores located in Middleburg. He likened Amazon to the Borg in that they believed that resistance was futile. Mr. Cotter opined that Ms. Brunett and Ms. Shea have kept the flag of literacy flying in Middleburg. He noted that Ms. Shea and Ms. Brunett ran a well-stocked book store. Mr. Cotter advised that the proposed location was where the original library was located. He noted that the Police Department was located there afterwards. Mr. Cotter opined that there was a good article from 1999 written about the short-lived Middleburg Regional Library before it became the County library. He opined that while this was not an ideal location, he hoped the Town would set an affordable, appropriate rent. Mr. Cotter suggested that the chances of another bookstore opening in Middleburg were zero. He opined that a good lease would give the bookstore another lease on life. Mr. Cotter advised that he strongly supported this request and hoped the Council would set a good rent. He noted that the proposal was only for a one year lease and urged the Council to consider one for three to five years for business planning purposes.

Peter Leonard-Morgan advised Council that he and his family moved to Middleburg three years ago. He reported that the first thing he did with his daughter was to find Second Chapter Books. Mr. Leonard-Morgan advised that they started to do book reviews on books that were not yet published, which they then took back to the bookstore. He opined that to lose the bookstore would be a travesty. Mr. Leonard-Morgan agreed that a one year lease was not enough.

Scott Bessette, of Charter Technologies, reminded Council that he rented the space across from the proposed one. He noted that he has purchased books in the bookstore and was a supporter of community bookstores, including this one. Mr. Bessette reminded Council that when he rented his office space, it cost him over six figures to go into it. He noted that he also had to certify that he was not a retail operation due to the concern of foot traffic. Mr. Bessette advised that his conference room was located across the hall from this space and noted that noise coming from that space was disruptive. He advised Council that he put in a bid to rent that space and opined that it was higher than what was offered by Second Chapter Books. Mr. Bessette advised that he was surprised to learn there was going to be a public hearing on this matter and noted that there was never a public hearing on his offer, which was simply declined. He advised that while he supported a bookstore in that location, he was concerned about the effect of its traffic on his business. Mr. Bessette reminded Council that his space was used as office space and that it was quiet space. He advised that while he did not foresee a problem, he wanted to understand the use. Mr. Bessette reiterated that he had a proposal before the Council to rent this same space and asked that that be resolved. He opined that there was a solution that would allow Second Chapter Books to occupy the space and for him to rent it and advised that he would be happy to discuss it. Mr. Bessette suggested his solution would save the bookstore money. He reiterated that he was open to a dialogue to see how his needs and the bookstore's could be met, with the Town making more money than was forecast. Mr. Bessette further reiterated that it would save Second Chapter Books money and get them into the space sooner rather than later.

Hurst Groves, Mountville Road, advised Council that he has been a full-time resident for ten years. He further advised that he supported leasing the space to the bookstore as this was consistent with the concept of the Health Center. Mr. Groves opined that the bookstore was not just a bookstore and noted that it contributed to the mental and spiritual health of Middleburg. He advised that the bookstore has always supported the community by providing books below the normal retail price. Mr. Groves opined that it was more than just a store or a retail outlet. He advised that the owners had given their lives and hearts to the community. Mr. Groves noted that when the new Harry Potter book was released, they opened late at night, with the owners being in full costume. He reiterated that this was not an ordinary retail business and opined that it was part of the soul of the community.

Mary Woodruff, Meadowbrook Court, noted that she was a teacher at The Hill School. She advised that she was passionate about books and the bookstore. She seconded what had been said and noted that she could not imagine Middleburg without a bookstore. Ms. Woodruff expressed hope that the Council would consider leasing the Health Center space to them.

Darcy Justin, Atoka Chase, advised Council that she loved the bookstore and noted that it had become a big part of her and her son's lives. She noted that her thirteen year old son had taken a liking to the owners, who were kind enough to let him intern during the summer. Ms. Justin reported that he had a great experience and wrote the owners a thank you note without being asked. She reiterated that he was passionate about books and the bookstore. Ms. Justin advised that she was overwhelmed with what the owners were willing to do and noted that they asked little of the town. She reported that they organized a book signing for the Middleburg Garden Club. Ms. Justin advised that the owners had a big heart and expressed hope that the town could keep them.

Lucy Turner advised Council that she has lived in Middleburg for four years and noted that she taught English at The Hill School. She advised that she enjoyed Second Chapter Books, including Ms. Brunett and Ms. Shea. Ms. Turner opined that the bookstore was the intellectual center of the town. She further opined that Middleburg was a sophisticated town and suggested the bookstore was a big part of that. Ms. Turner expressed appreciation at finding treasures at the bookstore and noted that the owners ordered whatever she could not find. She advised that her daughter has helped move books. Ms. Turner opined that the bookstore was a local treasure.

Jill Beifuss advised Council that she taught English at The Hill School. She opined that a community did not seem like a real community without a bookstore. Ms. Beifuss advised that this one in particular was exceptionally responsive to the needs of the community. She noted that she could not imagine anyone not having an interest in a bookstore. Ms. Beifuss advised that to live in this town and have access to this bookstore was a special experience; therefore, she would support anything the Town could do to help it.

Don Woodruff, of The Hill School, advised Council that he could not live without books or going to the bookstore. He opined that it was better than Amazon because it was personal. Mr. Woodruff advised that what it had provided for him and his students over the years was remarkable. He noted that he could not imagine not having a bookstore in town. Mr. Woodruff expressed hope that the Council joined him in that thought.

No one else spoke and the public hearing was closed.

Vice Mayor Kirk asked the Town Clerk to explain why the Council held this public hearing. Town Clerk North explained that under the State Code, the Town was required to hold a public hearing whenever it leased its property.

Vice Mayor Kirk noted that the Town did not know of this requirement and had not held public hearings in the past. She explained that now that it knew, the Council was trying to be diligent and follow the rules. Ms. Kirk opined that everyone supported books and the bookstore and noted that that was not the issue. She explained that the Town had another offer on the table, which been there for a while, that must be addressed.

#### Ordinance to amend Town Code Chapter 87 pertaining to Solid Waste

Sam Ti suggested the ordinance allowed for two cans for multi-family buildings and opined that this was low. He advised that over a long weekend, both of the cans would be full. Mr. Ti requested the number be expanded to three for multi-residential households.

No one else spoke and the public hearing was closed.

**Action Items related to Public Hearings**

**Agreement with Loudoun County – Boundary Line Adjustment**

*Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the County/Town Boundary Line Adjustment Agreement to incorporate the lands at the end of Windy Hill Road into the Middleburg Town Limits as shown on the boundary line adjustment plat included with the agreement. Councilmember Snyder further moved, seconded by Councilmember Shea, that the Mayor be authorized to sign said Agreement on behalf of the Town.*

Councilmember Snyder explained that this was being done in regard to the Town’s efforts to replace the west end pump station, which was a part of the wastewater treatment system.

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

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**Ordinance to amend Town Code Chapter 87 pertaining to Solid Waste**

Town Clerk North advised Council that the Town Attorney found a typo in the ordinance. She explained that there was a reference in Section 87-12 to Section 87-5 and noted that it should reference Section 87-7.

*Councilmember Shea moved, seconded by Councilmember Snyder, that Council adopt AN ORDINANCE TO AMEND TOWN CODE CHAPTER 87 PERTAINING TO SOLID WASTE.*

Councilmember Shea opined that there was nothing in the ordinance to address people bringing trash into town and dumping it in trash bins. Town Clerk North confirmed that there was existing language in the ordinance that addressed this issue.

Councilmember Miller questioned whether the number in the ordinance should be changed from two containers to three.

Town Administrator Semmes read the language in the ordinance and noted that it was two containers per unit in a multi-family building. She noted that multi-family units were treated the same as single-family units under the proposed ordinance.

Councilmember Miller noted that he had a small child and has filled up two trash cans in the past. He opined that this was restrictive on families with multiple children.

Vice Mayor Kirk opined that the Town would not police this.

Town Clerk North noted that there was no limit on the number of recycling containers that could be set out. She explained that part of the intent of the ordinance was to encourage recycling.

Councilmember Littleton inquired as to the average number of containers that a municipality would allow. Town Clerk North noted that in Front Royal, residents were allowed one ninety gallon can. She advised that if they wanted to put out more, they had to pay a higher fee.



Councilmember Snyder noted that the Town provided this service and suggested the Council start with two containers.

Councilmember Shea noted that she could not find any language stating that recycling must be free of food and non-recyclable materials. Town Clerk North confirmed the current and proposed ordinance did not include such language. After some discussion, the Council agreed to add language that prohibited the co-mingling of refuse and recycling in a recycling bin.

Councilmember Littleton noted that the definitions included the phrase “not be limited to”. He expressed concern that this was open ended and could result in someone putting out items that the Town did not collect. Mr. Littleton suggested the need to limit the definition. After some discussion, the Council agreed to replace the phrase “not be limited to” with “or as specified by the Town”.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Littleton, Miller, Shea and Snyder  
No – N/A  
Abstain: N/A  
Absent: Mayor Davis  
(vote on ordinance as amended)

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### **Approval of Minutes**

*Councilmember Snyder moved, seconded by Councilmember Daly, that Council approve the August 11, 2016 Regular Meeting Minutes as amended.*

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

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### **Staff Reports**

**Stuart Will, of IES**, reported that the Town received the new PLC display for Well 4. He noted that it was user friendly. Town Administrator Semmes explained that the new display was SCADA ready; therefore, the Town could attach it to the alarm system eventually. Councilmember Snyder explained that it would make the operation of Well 4 more like that of the Stonewall Treatment Plant.

Vice Mayor Kirk inquired as to whether the salary survey had been done. **Town Administrator Semmes** reported that she would receive the results in the morning.

**Economic Development Coordinator Pearson** reported that trolley counts for the past weekend were: 24 on Friday, 106 on Saturday and 58 on Sunday.

Vice Mayor Kirk noted that the trolley received a request from Salamander to take a wedding party into town, which she did not like. She advised Council that Salamander had four cars on site for that purpose and noted that they charged guests a twenty dollar per day fee for this service as a part of the cost of their stay at the inn. Ms. Kirk reiterated that Salamander was making money on this service, while the Town was not.

Councilmember Snyder advised that he would be more amenable to providing services to Salamander if they helped defray the cost of doing so. Vice Mayor Kirk agreed. She noted, however, that they saw it as a free service.

Economic Development Coordinator Pearson reported that the trolley did not make a special trip for the wedding party and advised that they were transported as a part of the regular trolley route. She noted that this was why the count for Saturday was one hundred six. Ms. Pearson opined that the count was still good that day as only thirty-nine of the one hundred six passengers were from the wedding party. She noted that she and her granddaughter rode the trolley on Sunday and advised that there were others on it at the same time. Ms. Pearson opined that people were using it.

**Town Planner Moore** noted that his report mentioned that the HDRC had a discussion about the Joint Architectural Review Board (JARB) nominations. He further noted that he emailed the members invitations to the awards ceremony. Mr. Moore explained that the JARB met annually and reported that their next meeting would be held on September 15<sup>th</sup> in Leesburg. He reported that two of the winners were from Middleburg.

Councilmember Shea noted that she contacted the Town Planner last week to ask if he was monitoring the repairs that were being made in the Historic District as a result of the storm. She noted that he said “yes”. Ms. Shea opined that some landlords were not caring for their buildings.

Vice Mayor Kirk noted that some owners in the residential areas now had gray houses when they were previously yellow. She opined that it was sad to see the changes.

Councilmember Shea noted that a tree was planted in her neighborhood outside of the fence line. She questioned whether such plantings warranted anything from the Town. Town Planner Moore advised that it depended on the fence in relation to the property line. He further advised that property owners should not plant in the public right-of-way. Mr. Moore noted, however, that fences were notoriously not in line with the property line. He reiterated that the answer to the question depended on the fence location.

Councilmember Shea noted that even if a tree was planted within the property line, eventually it could become very large. She questioned whether this was taken into account. Councilmember Snyder noted that this was VDOT property.

Town Planner Moore advised that the general rule with plantings was that if they were centered on the property line, it was okay, even if it expanded. He advised that when this occurred between private property owners, it was a civil issue that the Town stayed out of. Mr. Moore noted that the right-of-way was VDOT’s; therefore, any enforcement effort would be on their part. He advised that the Town could make contact with VDOT when this happened so they could look at it.

Town Administrator Semmes suggested the Town would want to know where the plantings occurred in relation to its utility lines.

Vice Mayor Kirk reminded Council that, at one time, they asked the Police Chief to identify who had items in the right-of-way, such as blocks. Chief Panebianco noted that he did so and submitted the list to the Town Administrator.

Vice Mayor Kirk noted that a complaint was registered in the Town Office about a large block of wood at the edge of a road that turned it into a one lane road. She further noted that she also received this complaint.

Town Planner Moore asked that the Council let the staff know of such situations and advised that there were different approaches that could be taken depending on the situation. He suggested it was best to make contact with the owner first to try to resolve the issue. Mr. Moore noted that it may require VDOT intervention.

Vice Mayor Kirk questioned whether this was done for the woman who complained this week.

Economic Development Coordinator Pearson reported that this was turned over to the Facilities & Maintenance Supervisor. She noted that it involved landscape timbers in the right-of-way.

Vice Mayor Kirk opined that this needed to be dealt with. Town Attorney Plowman noted the need to check for easements. She suggested there may be a utility easement on the property that may prohibit the placement of items within the easement area.

**Town Treasurer Bott** reported that the Town received the real estate module for the new software.

Councilmember Shea noted that the chart for the month of August showed that the utility user fees were up. She questioned whether this reflected better monitoring and repairs. Town Treasurer Bott confirmed that some of it was; however, some of it was revenue that would be moved back to the prior year as a part of the audit. She reminded Council that the May/June period was not billed until July.

Councilmember Shea noted that the occupancy tax line item was showing a minus sign. Town Treasurer Bott reminded Council that the Town received lodging tax funds that it must remit to the State and advised that this represented the payment that went to them. She noted that the State payments were usually made the month after the revenue was received.

Vice Mayor Kirk noted that the Police Office Rental line item was at fifty percent for the year. Town Treasurer Bott explained that this was because the rent was prepaid.

Councilmember Shea asked that a note be added to the report indicating that the payments were being made in six month increments.

**Chief of Police Panebianco** reported that it would be very busy over the next few months. He advised Council that fraud companies were trying to beat citizens out of their money and noted that Middleburg people have been hit, some for a significant amount of money. Chief Panebianco noted that if people received a call from “the IRS” asking that they pay with an iTunes card that the call was fraudulent. He reiterated that some people have lost money. Chief Panebianco advised that the staff was trying to spread the word about these scams and had included an article in the Town’s newsletter and put a posting on Facebook.

Councilmember Snyder noted that there were also computer repair scams occurring. Chief Panebianco confirmed there were a lot of them. He advised that other examples of scams were included in the newsletter.

Councilmember Shea suggested the Chief considered offering a work shop. Chief Panebianco noted that they were trying to put something together at the Community Center. He reminded Council of the number of events that were coming up, including Christmas in Middleburg, which would involve a new set-up this year. Chief Panebianco noted that he wanted to get the word out and advised that he would do so before tax time.

Councilmember Shea advised that if he needed any assistance from the public, she would be happy to help. She noted that she had been a victim of fraud twice this year.

Chief Panebianco announced that The Plains Masonic Lodge has selected the Middleburg Police Department to receive their Community Doer Award for its community policing. He noted that it would be presented next month. Chief Panebianco advised Council that this was a group effort on the part of his staff. He noted that he did not apply for this award, it was simply offered to the Town. Chief Panebianco expressed pride in his staff.

Councilmember Miller inquired as to the status of the police vehicles. Chief Panebianco reported that he hoped to pick up the last one that was ordered soon.

**Reports of Town Committees/Council Liaisons**

Councilmember Shea reported that Go Green moved its meeting to September 14<sup>th</sup>. She noted that a sub-committee was moving forward with the development of a walk/run for the spring.

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

**Council Approval** – EDAC Funding Recommendations – Bluemont Concerts & National Sporting Library

*Councilmember Shea moved, seconded by Councilmember Miller, that the Council approve donations in the amount of \$2,500 each to the Bluemont Concert Series and the National Sporting Library & Museum as the match for the Virginia Commission for the Arts grant previously approved by the Council.*

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

No – N/A

Abstain: N/A

Absent: Mayor Davis

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**Council Approval** – Resolution – Expanding Health Coverage – Virginia Interfaith Center for Public Policy

Councilmember Daly opined that Virginia was leaving money on the table that was allocated by the federal government under the Affordable Care Act. He noted that the State was not using those funds; therefore, a lot of people were going without health care.

*Councilmember Daly moved, seconded by Councilmember Snyder, that Council adopt a RESOLUTION REQUESTING THE GENERAL ASSEMBLY AND GOVERNOR OF VIRGINIA ACCEPT FEDERAL MEDICAID FUNDING AND IMPLEMENT THE FULL EXPANSION OF HEALTH INSURANCE COVERAGE AS PROVIDED BY THE AFFORDABLE CARE ACT.*

Councilmember Hazard questioned whether there was a reason why this money has not been accepted.

Councilmember Snyder opined that this was because of the political fight between the Republicans and Democrats, who hated and loved the Act respectively. He noted that the Republicans have said that while the federal government has offered to give the money, there's no assurance that it would be reliable.

Councilmember Hazard questioned whether there was a downside to accepting the money. He further questioned whether the State would open itself to an unfunded liability up by doing this.

Councilmember Snyder noted that the federal government said it would fund up to ninety percent of the costs; however, the Republicans in Richmond were saying “this was not good enough”.

Councilmember Hazard inquired as to how large the expansion would be if the money was accepted.

Councilmember Daly advised that there were four hundred thousand people who were not covered by health insurance because the State had opted to not accept this money.

Councilmember Littleton noted that this indicated the number of potential people who could take advantage of it; however, this did not mean they would. He opined that this was a personal choice and suggested that if someone had something like a religious objection, they would not.

Councilmember Snyder noted the Council was only talking about the funds.

Councilmember Daly noted that those people could not accept or reject the coverage, as the State was not taking the funds that the federal government was offering.

Councilmember Littleton expressed an understanding of this; however, he explained that he was only saying the Town should not make the assumption that all of those people would sign up for coverage. He agreed the funds must be available so that people could opt in or out; however, he opined that some may, while some may not.

Councilmember Snyder opined that the point was that four hundred thousand people could not make the choice.

Councilmember Littleton questioned what other towns have done in relation to resolutions such as this. He questioned whether they were doing the same thing as Middleburg. Councilmember Shea opined that they were being asked to do the same as Middleburg.

Councilmember Littleton noted that this was an unbelievably contentious issue nationally. He further noted that Virginia’s Governor was in favor of it, while the legislature was opposed to it. Mr. Littleton opined that the divide was fifty-fifty across the country. He suggested that if the Town was going to make a statement around supporting legislation that was so hot and that made such a difference that it should have both sides of the story. Mr. Littleton noted that he could not speak intelligently on either side of the issue. He encouraged the Council to be cautious about adopting a resolution before it was fully informed on both sides.

Councilmember Hazard inquired as to who was the Virginia Interfaith Center for Public Policy. Councilmember Daly reported that they were a not-for-profit organization. He advised that he sponsored this item as he personally felt very strongly that if federal money was being offered, the State should accept it. Mr. Daly noted that this was a political issue and opined that the Republicans did not want to accept the money because they did not like the Affordable Care Act and the Democrats liked to because it allowed a lot of people, who had no other resources, to receive health care. He reiterated his personal feelings that people should at least be offered the opportunity, particularly since the money was available. Mr. Daly noted that it was up to the State to accept it.

Councilmember Hazard questioned whether there was a time limit on the funds. Councilmember Snyder noted that it was a multi-year funded system that would step down from one hundred percent to eighty or ninety percent. He reiterated that the Republicans in Richmond felt it would be cut. Mr. Snyder opined that this was a political argument.

Councilmember Hazard questioned the amount of the unfunded mandate if the federal government was only provided ninety percent of the cost at six million dollars per day.

Councilmember Littleton noted that this equated to \$2.1 billion dollars annually. He questioned what would happen when the amount was reduced to eighty percent. Mr. Littleton further questioned who would make up the shortfall.

Councilmember Hazard explained that this was the information he was looking for so the Council could make an informed decision.

Councilmember Snyder noted that if the federal government provided the State with \$2.1 billion dollars and stepped it back to ninety percent, the number would still be close to \$2 billion.

Councilmember Hazard questioned whether the federal government was saying they would fund ninety percent or they would fund ninety percent and the State must fund the other ten percent. He opined that these were two different things.

Councilmember Littleton opined that if the State did not make up the shortfall, it may have to remove people from the insurance rolls.

Councilmember Daly noted that the State was now accepting nothing; therefore, no one was covered except for those covered by what the State has budgeted.

Councilmember Snyder noted that this was an ongoing issue for three or four years. He further noted that the motion was for the State to take note.

Councilmember Littleton opined that the issue was not the good nature of the intent of this resolution. He noted that if the State accepted the money, it would be spent, which would create an obligation that must be funded. Mr. Littleton further noted that the State has not budgeted for the shortfall. He advised that the State must make budgetary choices and cut \$210 million of something else or raise taxes. Mr. Littleton suggested there were larger questions and opined that it was not as simple as saying there was \$2 billion on the table that needed to be accepted.

Councilmember Shea opined that the Council was down to a dollar discussion. She advised that she lived without health care for a long time. Ms. Shea opined that it was an abomination that the State would not accept these funds and take care of health care in the State. She noted that the State would lose money if it didn't take care of people's health now and they ended up sick. Ms. Shea questioned how one weighed that out.

Councilmember Snyder noted that in terms of grant money, and opined that this was effectively grant money, the Town was happy to get fifty percent matching funds. He suggested that if the Town got eighty percent of the money and only had to fund twenty percent, it would be happy. Mr. Snyder opined that there were a lot of ways to look at this.

Councilmember Hazard noted that the request was from the Virginia Interfaith Center for Public Policy. He opined that a lot of times people found out that the name of an organization had nothing to do with what they did. Mr. Hazard opined that people would say "you're an idiot if you don't vote for this"; however, someone else may say "it's a fifty-fifty split". He inquired as to the other side of the story.

Councilmember Shea expressed appreciation that the Council was questioning what they were doing when making motions and sponsoring proclamations. She expressed hope that the new members would begin to ask questions. Ms. Shea advised that on this matter, she had looked at the issue for a long time and had made a decision. She agreed it was important to know who the group was that was making a request and why it was writing to the Town.

Vice Mayor Kirk suggested the Council was supposed to receive information on a group before it reached the Council.

Councilmember Daly noted that the resolution contained no mention of the interfaith group. He opined that it was simply a Town resolution that stated that there were federal funds available and the Town believed the State legislature should approve the use of them in order to provide the option for those without health care to have it. Mr. Daly opined that the Town would not be aligning with anyone.

Councilmember Littleton opined that there was an equivalent policy group that would say “this was the worst thing in the world”. He advised that he was not saying anyone was right or wrong. Mr. Littleton noted that the resolution was not exactly a lobbying effort; however, it kind of was. He suggested this organization was influencing the Council to get a resolution passed that they would take to Richmond to get the result they wanted. Mr. Littleton reiterated that there were groups on the other side. He advised that he would be curious to find out whether this one was a 501(C)3 organization. Mr. Littleton advised that if this moved forward at this meeting, he would abstain as he wanted to get more details. He noted that he was not opposed to the resolution; however, he was not for it either.

Vice Mayor Kirk reiterated that the Council was supposed to get information when groups came in to ask for support.

Councilmember Shea opined that the Council did not have to ask the staff to do this and suggested it was incumbent on the member of Council who brought the matter forward to go to the staff and say “I would like to sponsor this but I want more information to answer the questions”.

Councilmember Snyder noted that the name of the requesting organization was in the agenda packet. He suggested the members had a chance to ask who they were if they wanted to know.

Town Administrator Semmes noted that in the letter, the organization offered to come to a meeting to speak. Councilmember Daly advised that he was not interested in having them come. He opined that the State was divided not by an issue of who needed health care coverage, but by political parties, which he found to be reprehensible. Mr. Daly noted that people needed health care. He reiterated that this organization’s name was not on the resolution and opined that they would gain no monetary benefit to having this passed to the State legislature. Mr. Daly opined that it was “stupid” to leave money on the table that the federal government was willing to give for those without health care coverage.

Councilmember Shea agreed; however, she noted that any group that got signatures usually said “these people support our efforts”. She opined that it was politically naïve to say that it did not matter who sponsored the request and suggested it did.

Councilmember Littleton noted that he just left a 501(C)6 organization that was an advocacy group. He confirmed that what Councilmember Shea said was correct. He explained that everything they did at the state and federal level was centered around gaining support for supporting the troops in the field; however, they represented an industry. Mr. Littleton opined that there were few real organizations that were non-profits that were there for apple pie reasons. He noted that he was not saying this one was not as he did not know them.

Vote: Yes – Councilmembers Daly, Shea and Snyder  
No – N/A  
Abstain: Councilmembers Littleton, Hazard and Miller  
Absent: Mayor Davis  
Yes- Vice Mayor Kirk (to break the tie)

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Town Attorney Plowman questioned whether the motion passed. Vice Mayor Kirk opined that it passed on a three/zero vote, with three members abstaining. Town Attorney Plowman opined that it did not pass as only three of the six members voted in favor of it. Councilmember Littleton opined that it had to be a majority of those seated, even if some members abstained. Vice Mayor Kirk voted in favor of the motion to break the tie.

Councilmember Miller suggested that, in the future, the Council needed to know more about agenda items.

Councilmember Littleton suggested that he prepare a listing of the relevant information the Council should be looking at, such as who founded the organization and the major donors. He further suggested this be incorporated into the process.

Councilmember Shea suggested that the member of Council who sponsored the agenda item needed to do so, not the staff.

Council Approval – Proclamation – Blood Cancer Awareness Month & Lymphoma Awareness Day  
2016

*Councilmember Snyder moved, seconded by Councilmember Daly, that Council adopt a proclamation declaring September as “Blood Cancer Awareness Month” and September 15, 2016 as “Lymphoma Awareness Day” in the Town of Middleburg.*

Councilmember Shea questioned what would be done with the proclamation. She further questioned whether it would go on social media.

Councilmember Snyder advised that if he was the Mayor, unless an item pertained to Middleburg, he would discourage the members of Council from bringing it forward for consideration.

Councilmember Shea suggested that if the Council supported a proclamation, she would like to make sure it went on social media or the Town’s bulletin board. She advised that she would like to know that was happening. Vice Mayor Kirk agreed and noted that if this was not done, the Town was not raising awareness.

Councilmember Miller agreed; however, he questioned the amount of staff time available to do that.

Councilmember Shea suggested the staff not do it. She further suggested that the sponsor of the item should ask that it be put on social media and give direction to the staff.

Councilmember Snyder opined that it was put in the Town’s weekly e-mail blast, with a link on the webpage.

Town Administrator Semmes advised Council that the staff has never been directed to do anything with proclamations.



Town Clerk North noted that it was recorded in the meeting minutes, which were available on the Town website.

Councilmember Snyder and Town Administrator Semmes suggested they be put on the website.

Councilmember Littleton suggested the person who asked for it be asked what they wanted to do with it.

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

No – N/A

Abstain: N/A

Absent: Mayor Davis

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### **Discussion Items**

Councilmember Shea recused herself from the next agenda item as she had a conflict of interest.

#### **Lease – Portion of Health Center**

Vice Mayor Kirk reminded Council that Scott Bessette felt that he had submitted a valid lease offer of \$900/month for the police space.

Town Administrator Semmes confirmed that he submitted an offer; however, the Town had not thought of renting it at that time. She advised that he first asked about leasing the garages and then spoke of the other space. Ms. Semmes reported that he looked at the space and listed the problems that he had in using the space for his use – one being the need for the Town to gain access to the boiler room. She stressed that this space lacked privacy as the Town needed to get into it for maintenance purposes. Ms. Semmes confirmed that Mr. Bessette provided an offer to take the garages and Police Department space for \$900; however, he was not interested in the Police Department space without the inclusion of the garages. She advised that, at that point, the garages were not available; however, the Town did say that if it decided to rent the garages, it would let Mr. Bessette know. Ms. Semmes noted that the garages were not yet available.

Vice Mayor Kirk reported that they were being cleaned out. She further reported that Mr. Bessette would like to use two of the garages for storage, which was also why he wanted the Police space. Ms. Kirk advised that Mr. Bessette indicated he was concerned for his business if there was a lot of foot traffic in the area as he had a lot of meetings and was concerned about the noise. She opined that bookstores were like libraries.

Town Attorney Plowman questioned whether the Council wanted to have this discussion in open session.

Vice Mayor Kirk explained that she wanted this information to be stated on the record. She suggested the remainder of the discussion be held in closed session. Ms. Kirk advised that the Town was not opposed to the bookstore and explained that it had to look at all of the offers and when they were made.

Councilmember Shea resumed her seat on the dais.

### Continuation of Trolley Services

Councilmember Snyder noted that he asked how much the trolley was costing the Town and advised that it was budgeted at \$1,400/weekend. He opined that it was not needed; however, he was willing to be convinced otherwise.

Vice Mayor Kirk reminded Council that they said they would provide the trolley through October and suggested the Town should keep providing it. She questioned how long the Town was going to offer free parking.

Town Administrator Semmes reported that that item was scheduled to be discussed during the work session.

Councilmember Snyder opined that the Council only agreed to it through the end of construction, which was to be the end of October.

Town Administrator Semmes opined that the Council has had a discussion of not doing anything to rile the merchants. She advised that she planned to touch base with them in September to look at the parking options.

Councilmember Hazard noted that public comments were not allowed during work sessions; however, the Middleburg Business & Professional Association was interested in this topic. He opined that there was a lot of information available and reiterated that the Business Association was very interested in this item. He advised that he would like to bring in the information they had and invite them to attend.

Town Clerk North reminded Council that they could invite people to attend a meeting to present information that they needed in order to make a decision.

Councilmember Daly questioned whether the trolley and parking were connected. Councilmember Snyder advised that it was not and noted that they both happened at the same time.

Councilmember Shea reported that many people have complained to her about the trolley and noted that they were not seeing many people riding it. She advised that the merchants were upset because they felt it was too little, too late. Ms. Shea advised that the comments she received were unsolicited.

Economic Development Coordinator Pearson asked that the Council consider that the Middleburg Film Festival would be held in October as they considered how long to keep the trolley. She noted that a lot of people could be shuttled through town. Ms. Pearson advised that she spoke with a representative from the Film Festival who was interested in extending the trolley service, including possibly looking at a second trolley. She noted that they would pay for the extension. Ms. Pearson reported that Greenhill Wineries had also asked whether it was possible to include them in the trolley route. She noted that they had a lot of people who were asking where they could get lunch and then return to the winery. Ms. Pearson suggested it was something to consider. She opined that Greenhill was willing to pay a fee.

Councilmember Shea opined that that was for another discussion. She reminded Council that she voted against the trolley; however, she believed it could be used in a valid way but was not at this time. Ms. Shea suggested the Council consider using it as a shuttle to satellite parking. She opined that there were ways to use the trolley; however, she suggested this would take a more thorough discussion, which she would like the Council to do.

Vice Mayor Kirk noted that the Council was trying to help businesses in town. She acknowledged that the Greenhill Winery, Salamander and Boxwood Winery were on the periphery; however, she advised that she did not want the Town to put money into something that took people away from the town. Ms. Kirk acknowledged that this would bring people in; however, she advised that she would like to add to the opportunity to move people around town. She noted that Salamander had a car to bring their guests into town and have borrowed others when needed in the past. Ms. Kirk advised that they did move people to the wineries as this was one of their big offerings. She suggested the Council not make a decision on the trolley at this time.

Councilmember Littleton suggested this item be discussed further during the September 22<sup>nd</sup> work session. He noted that if the Council decided to do so at that point, there would still be an opportunity to pull the service.

Councilmember Hazard questioned whether the service would go into November if the Council did not provide a notice. Town Administrator Semmes advised Council that they did not have to give notice after the work session to cancel the service in October. She reminded them that they only needed to give notice if they wished to cut the service short.

Vice Mayor Kirk noted that the Council needed to take action to extend the service if desired. She questioned whether there was any interest in a discussion of extending the service into December.

Councilmember Shea suggested the Council needed to talk about the value of the trolley and how it was used. She suggested this occur at the next work session.

Councilmember Snyder opined that the more important discussion was what the Council wanted to do with parking. He noted that the holiday season was coming. Mr. Snyder suggested the Council think about this for the work session.

Councilmember Shea agreed. She suggested it would be helpful if the Council could find some satellite parking locations.

### **Information Items**

Councilmember Shea noted that she encouraged Darcy Justin to come to the meeting to talk to the Council about the Middleburg Garden Club. She advised that she spent an hour listening to people complain about Christmas in Middleburg.

Town Clerk North reminded Council that they previously asked that the Chair of the Christmas in Middleburg Committee be scheduled to appear before Council in February and again in October of each year to offer a report. She advised that Mr. Herbert was scheduled to appear before Council during the October work session.

Councilmember Littleton questioned whether the Committee would be too far along in their planning to make changes if the Council wanted them to do so. He opined that it sounded like the Council may want some radical changes this year.

Chief Panebianco reported that the Police Department was changing their plan.

Councilmember Hazard reported that he was receiving a number of comments regarding the new town light poles and the associated flags and signs. He noted that as he was walking through the town, he witnessed a flag hanging down too low and expressed concern that low hanging flags could be ripped down.

Vice Mayor Kirk expressed concern about the signs.

Councilmember Hazard advised Council that he reviewed past meeting minutes to look for when the street lights were discussed and opined that they never were. He reported that there were a lot of discussions about what the project would do to the town; however, the lights were never discussed. Mr. Hazard advised that the Council talked about them being dark sky friendly and appropriate to the town. He noted that the Town always hung banners from them.

Councilmember Shea noted that the Council did discuss what they should be; however, it never received information on the lights. Vice Mayor Kirk agreed the Council received no information on their height.

Councilmember Hazard suggested that before making changes like that, the Council needed to look at them in a different location or at a sample. He opined that none of the members thought they would be like they were. Mr. Hazard advised that he did not think they would be that low and noted that the Town had to turn the flags because the posts were lower.

Vice Mayor Kirk expressed concern that during the parade, people would have children riding on their shoulders.

Councilmember Hazard suggested the low flag bar be eliminated.

Chief Panebianco advised Council that he had to fix a flag that was down and was able to do so without a ladder.

Councilmember Hazard noted that they only sat six and half feet from the bottom. He questioned the height of the old poles. Town Administrator Semmes reported that they were twenty-five feet tall.

Councilmember Hazard questioned what the limit was to put them all on the street so they would not have interfered with truck traffic.

Town Administrator Semmes reminded Council that there were no curb extensions prior to the project, which was a consideration. She noted that this was why the flags were turned inward.

Councilmember Hazard suggested that if the poles were twenty-five feet tall, the flags could have been left where they were. He reiterated that the Council never had that discussion.

Councilmember Snyder noted that this was a facet of the poles being closer to the traffic.

Councilmember Hazard reiterated that if they were twenty-five feet tall, this would not have made a difference. He explained that his point was that when changes like this were made in the future, the Council needed to look at what was proposed, including doing a mock-up.

Councilmember Snyder opined that this was a lesson learned. Councilmember Hazard agreed. He noted that the issue of the flags never entered his mind.

Councilmember Shea noted that Councilmember Hazard suggested removing the flag extension.

Town Administrator Semmes questioned whether the Council would rather have flags that hung from the arm. Councilmember Hazard opined that hanging them from the fourteen foot arm would look nice. He further opined that hanging them from the shorter arm was a recipe for disaster.

Town Administrator Semmes advised Council that the designer measured the Christmas decorations to make sure they had a seven foot clearance.

Vice Mayor Kirk expressed concern that people would try to hang from the signs.

**Closed Session** – Lease of Town Property and Consultation with Legal Counsel

*Councilmember Littleton moved, seconded by Councilmember Daly, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(3) and (7) pertaining to the discussion or consideration 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 consultation with legal counsel retained by the public body regarding specific legal matters requiring legal advice by such counsel. Councilmember Littleton further moved, seconded by Councilmember Daly, that these matters be limited to the lease of the Health Center property. Councilmember Littleton further moved, seconded by Councilmember Daly, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes and Angie Plowman. Councilmember Littleton further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.*

Councilmember Shea announced that she would recuse herself from the closed session as she had a conflict of interest.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Littleton, Miller, and Snyder

No – N/A

Abstain: Councilmember Shea

Absent: Mayor Davis

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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 who was present so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

*Councilmember Snyder moved, seconded by Councilmember Littleton, that the Town of Middleburg lease a portion of the Health Center to Second Chapter Books.*

*Councilmember Hazard noted that this was the space previously occupied by the Police Department. He asked that the motion be amended to reflect this. Councilmember Snyder accepted it as a friendly amendment, as did Councilmember Littleton.*

Vice Mayor Kirk questioned whether the motion needed to state that the lease was for one year.

*Councilmember Littleton suggested the motion be amended to state that the Council approved the entering of negotiations of a lease for unit #5 of the Health Center to Second Chapter Books.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Littleton, Miller, and Snyder

No – N/A

Abstain: Councilmember Shea

Absent: Mayor Davis

(On motion as amended)

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There being no further business, Vice Mayor Kirk declared the meeting adjourned at 9:17 p.m.

APPROVED:

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Darlene Kirk, VICE MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk