



**MIDDLEBURG TOWN COUNCIL  
Regular Monthly Meeting Minutes**



**Thursday, September 14, 2017**

**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk (arrived late)  
Councilmember Kevin Hazard  
Councilmember Peter Leonard-Morgan  
Councilmember Trowbridge "Bridge" Littleton  
Councilmember Philip Miller (arrived late)  
Councilmember Mark T. Snyder

**STAFF:** Martha Mason Semmes, Town Administrator  
Martin R. Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
William M. Moore, Town Planner  
Ashley Bott, Town Treasurer  
Jamie Gaucher, Business & Economic Development Director  
Lieutenant Jay Hollins, Police Department

**ABSENT:** Councilmember J. Kevin Daly

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, September 14, 2017 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance to the flag.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Councilmember Leonard-Morgan, that the Council approve the August 10, 2017 Regular Meeting and August 17, 2017 FOIA Training meeting minutes as amended.*

Vote: Yes – Councilmembers Hazard, Leonard-Morgan, Littleton and Snyder

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk, Daly and Miller

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

-----  
**Staff Reports**

**Town Administrator Semmes** reported that the new Administrative & Accounting Assistant, Tina Staples, would start work on September 25<sup>th</sup>; therefore, she would have one week of crossover with Ms. Pearson.

**Town Clerk North** reported that a Request For Information (RFI) for electronic agenda software and audio recording equipment was let earlier in the day. She advised that it was on the Town's website, she sent it to some of her contacts and Councilmember Littleton was going to send it to his. Ms. North further advised that she planned to post it on eVA – the State's procurement website. She explained that once the responses were received, the plan was to prepare a Request For Proposals for the system.

Town Clerk North noted that she would be on vacation next week. She advised that her plan was to have the work session agenda prepared before she left so it could be distributed next Friday as usual.

Councilmember Leonard-Morgan thanked the Town Clerk for the latest version of the draft Employee Handbook amendment.

Town Administrator Semmes reminded Council that the Town had requested CIP funding from the County for the Marshall Street Sidewalk Project. She reported that the money had been received, the survey work was complete and the design work was underway.

**Business & Economic Development Director Gaucher** reported that he completed an economic development strategy that contained nine major action items. He noted that he initially met with the Town Administrator to gain her feedback and review the document. Mr. Gaucher advised that it would be presented to EDAC at their next meeting and noted that he was looking for their feedback. He suggested there could potentially even be a public input session to allow more eyes to review it. Mr. Gaucher advised that once that was done, he would bring it to the Council for their review.

Business & Economic Development Director Gaucher reported that two brew pubs were looking to locate in Middleburg. He noted that there was also a potential for a sushi restaurant and a family-oriented business. Mr. Gaucher advised that he spoke to a realtor today for the latter business in order to get the specifications on the space the business needed.

Business & Economic Development Director Gaucher reported that he was participating in the County's Rural Economic Development Council. He noted that he had a list of all of the marketing and trade show events that the Virginia Economic Development Partnership had on their calendar for the upcoming year. Mr. Gaucher advised that he was speaking with the Town Administrator about it, as well as EDAC, to determine which trade shows/marketing events made sense for Middleburg and that he should attend.

**Town Planner Moore** reported that the Planning Commission would hold the second Comprehensive Plan public workshop on September 27<sup>th</sup> at the Community Center.

Mayor Davis noted that the Town Planner's written report stated that there was a discussion of the possibility of an assisted living facility locating in town. She questioned the location. Town Planner Moore reported that the representative had not yet publicly identified a spot to the Planning Commission; however, he did have one that he was envisioning. He advised that this would return to the Planning Commission this month for further discussion.

Councilmember Snyder expressed an assumption that the Town Treasurer's report was generated using the new financial software. **Town Treasurer Bott** confirmed it was; however, she noted that it would not be what Council would receive going forward. She explained that she did not have time to put it into the normal format that the Council was used to seeing and noted that this simply showed budget versus actual figures. Ms. Bott advised that between the audit and the software conversion, her time was limited. She confirmed that she would return to the other format next month. Councilmember Snyder noted that the other report was easier to read.

Mayor Davis questioned whether the year-to-date figure was correct for the occupancy tax revenues. Town Treasurer Bott confirmed it was and reminded Council that only one quarter had been received thus far this fiscal year. She further reminded them that the staff was very conservative with its revenue projections in the budget. Ms. Bott noted that it was possible that some of that amount may go back into last year's budget during the audit.

Mayor Davis noted the miscellaneous revenue figure and questioned whether it was related to anything in particular. Town Treasurer Bott confirmed it was; however, she could not recall exactly what. She advised Council that she would check on it and report back to them.

(Councilmember Miller arrived at the meeting at 6:10 p.m.)

Mayor Davis noted that Chief Panebianco was on vacation. She further noted that Councilmember Daly could not attend the meeting and asked that she make the introductions related to the police promotions. Ms. Davis announced that Officer Jay Hollins had been promoted to the Police Lieutenant position and that Officer Heather Fadely had been promoted to Corporal. She noted that the Oaths of Office for these individuals would be administered during next month's meeting.

Councilmember Snyder questioned whether the traffic summonses were down because people were behaving or because the officers were focusing on other things. **Lieutenant Hollins** reminded Council that the summonses tended to fluctuate and depended on whether the officers were in the right place at the right time.

Mayor Davis questioned how things were going from the standpoint of parking. Lieutenant Hollins reported that the parking survey was finished on September 9<sup>th</sup>. He advised that as to parking in general, the biggest change was to overtime parking violations. Lieutenant Hollins opined that people, including the businesses, were starting to understand that they must move their cars. He advised that the officers were seeing a lot of the same license plates being moved throughout town during the day. Lieutenant Hollins noted that by doing that, spaces were opening up.

Councilmember Miller inquired as to the status of the registration stops through the DMV. Town Administrator Semmes reported that the Town finally received the signed agreement from the DMV. She opined that the Police Department started placing the stop orders earlier this week or last week; however, she noted the need to double check the date. Lieutenant Hollins noted that the Administrative Assistant was diligently working on this, contacting the DMV to make sure it was done and was getting the proper reports.

Councilmember Leonard-Morgan thanked the Police Department for their support during the Clean-Up Day. Lieutenant Hollins opined that it made a lot of difference.

Councilmember Snyder noted that the Police Department did a wonderful job supporting such activities. Lieutenant Hollins expressed appreciation for the Council's support.

**Town Attorney Crim** noted that he was unable to ask Chief Panebianco whether the Town planned to seek federal grant money in the near term. He reported that the federal government was now requiring, as a condition of any grant, a statement certifying the Police Department's cooperation with immigration and its enforcement, including certifying that the jails would allow ICE to come in and that the jail would alert ICE before releasing anyone they wanted to speak with. Mr. Crim noted that local governments could not commit regional jails to do so; therefore, this was a problem. He advised that he understood that the federal government was not very understanding of this and was requiring that the form be signed or there would be no grant money.

Town Attorney Crim reported that following the recent Charlottesville tragedy, Governor McAuliffe signed an executive order establishing the Task Force on Public Safety Preparedness & Response to Civil Unrest, which met earlier this week. He advised that part of their work would be to develop a model permitting process ordinance for local governments to use for public gatherings and noted that it would be up to the Council to decide whether they wished to adopt it. Mr. Crim noted that the Task Force's final report was due December 1, 2017.

Town Attorney Crim noted that he received the Town's request for information with regard to the annual audit and would provide a response starting with their date of hire.

Town Attorney Crim advised Council that he was reviewing a draft contract with Paymentus for the acceptance of credit card payments. He further advised that he sent the staff comments on the Southern Software contract for the police record management system. Mr. Crim noted that he expected there would be a couple of rounds on the contracts.

Town Attorney Crim reported that as to the AT&T lease, the Town staff was at the position of basically telling AT&T "this is what we recommend the Council adopt". He suggested that if they did not like that, it could be a problem. Mr. Crim explained that the Council could say "this is the franchise we are willing to sign", hold the public hearing and if AT&T did not want to sign it, the Town could tell them to remove their equipment. He further suggested that sometimes municipalities must play hardball.

Councilmember Leonard-Morgan questioned whether this only affected AT&T. Town Administrator Semmes confirmed it was the only lease that was up for renewal. She reminded Council that negotiating leases was difficult as it often involved a middle man doing the negotiations and it was rare for the Town to talk to the company's attorney directly. Ms. Semmes noted that this was an existing facility and advised that the lease had died; therefore, AT&T was now on a month-to-month tenancy. She explained that the staff was attempting to do a new lease and confirmed the Town would like for AT&T to remain on the tower.

Town Attorney Crim explained that AT&T was balking at a number of the provisions he suggested, such as paying a premium if the lease expired and there was not a new one in place. He noted that he also wanted them to provide a security deposit that the Town could draw on in the event it had to remove their equipment. Mr. Crim noted that he had suggested a number of things be included in the lease to protect the Town.

Councilmember Littleton noted that he worked on tower leasing at Nextel. He urged the staff to be careful and noted that Middleburg was not like Fairfax, where there were millions of companies clamoring to put their equipment here. Mr. Littleton further noted that they were probably not making a lot of money here as the Middleburg area did not contain a lot of customers for AT&T. He opined that they were just maintaining their customer base. Mr. Littleton confirmed that companies would be flexible in some areas; however, in some areas, it was policy. He suggested the Town must be prepared to accept AT&T's language and noted that if they withdrew their equipment, anyone with an AT&T cell phone would not get service. Mr. Littleton urged the staff to be thoughtful that the Town may have to give on some things, otherwise, there could be a lot of unhappy citizens if AT&T removed their equipment. Town Attorney Crim confirmed these were policy decisions.

Town Administrator Semmes noted that the staff had negotiated a lot of points and opined that they were down to things that they did not think AT&T cared about. She advised that she did not anticipate this being a big issue. Ms. Semmes opined that if AT&T cared about providing customer service, there was nowhere else for them to locate their equipment due to all of the open space.

Councilmember Snyder opined that at a certain point, the message became "welcome to Middleburg".

Councilmember Littleton advised that AT&T was a \$200 billion/year company; therefore, Middleburg was not on their radar and they could leave without it bothering them. He noted that he was not saying the Town should do anything unwise or take too many legal risks. Mr. Littleton opined that half of the town used AT&T and noted that he would not have cell coverage if they left. He further noted that he did not have a home phone and opined that there were a lot of others who would be in the same boat if AT&T left. Town Attorney Crim expressed an understanding of Councilmember Littleton's concerns.

Town Attorney Crim noted that Joe Pasanello, the Vice Mayor of Haymarket, was in the audience.

### **Reports of Town Committees/Council Liaisons**

Councilmember Leonard-Morgan introduced Lynne Kay, of Go Green, and noted that Committee Member Mary Woodruff was also present. He advised that Ms. Kay was passionate about littering, primarily in the form of cigarette butts, and noted that she wrote a paper on this issue.

Ms. Kay advised Council that whenever a clean-up event was held in Middleburg, the number one item that was picked up was cigarette waste. Councilmember Miller noted that it was also the number one litter item world-wide.

Ms. Kay explained that cigarette filters trapped the "bad stuff" from cigarettes, which then leached out onto the ground. She noted that the filters were made of plastic; therefore, they would not biodegrade. Ms. Kay advised that when it rained, they washed into the storm sewers and ended up in the creeks.

Ms. Kay advised that she thought about what could be done to make this situation better. She reported that TerraCycle was an environmental services company that had teamed up with Keep America Beautiful to do cigarette waste recycling. Ms. Kay advised that Go Green was proposing to set up a cigarette recycling program in Middleburg that would be based on the pilot program they did during the clean-up. She reported that the collected cigarette filters would be placed in a box and sent to TerraCycle, using their free shipping labels. Ms. Kay advised Council that they recycled close to 3,000 filters during the last community clean-up event.

Councilmember Leonard-Morgan noted that the clean-up event occurred only a few days after others had already cleaned up the cigarette butts.

Ms. Kay reported that a number of filters ended up on the streets and in bushes. She explained that their proposal was to collect and recycle them. Ms. Kay advised that, specifically, Go Green wanted to purchase twelve containers that would be attached to the existing trash cans and six free-standing ones for the parking lots, which were critical locations. She reported that Go Green spent a long time looking at different receptacles and tried to pick the best looking, highest quality one that was consistent with Middleburg's aesthetic. Ms. Kay noted that her report contained examples of the best ones they found. She advised that they were proposing to use the silver one. Ms. Kay noted that while more colors were available, Go Green wanted them to stand out so people would see them. She reminded Council that the Town had a cigarette tax, with budgeted revenues of \$24,000 for the current fiscal year. Ms. Kay reported that they wanted to use 17.5% of that revenue to cover the initial cost to put the program in place. She opined that the on-going cost was minimal as TerraCycle paid for the shipping. Ms. Kay noted the need for bags for the containers.

Councilmember Miller inquired as to how often the units would need to be emptied. Ms. Kay suggested they be emptied each time the trash cans were emptied; however, she noted that this was an unknown until the program was in place and they knew how fast they would fill.

Ms. Kay noted that they provided a breakdown of their budget proposal on page ten of the report. She advised that most of the on-going funding was for communication and opined that it was critical to get people to use the containers. Ms. Kay noted that it would do no good to buy them if they were not used. She reiterated that they wanted to communicate the program and proposed to do so through press releases, signs on the Town entrance signs alerting people that Middleburg was a cigarette recycling town, putting information in the Town's newsletter and on the Town's website, by asking the local media to promote it and by asking the local Keep America Beautiful chapter to publicize it.

Councilmember Snyder complimented Ms. Kay on a thoroughly researched and well-presented proposal. He advised that it was one of the best he had seen in years.

Mayor Davis noted that she had not had the opportunity to go over the report in detail. She advised that she personally preferred the black or dark green containers. Ms. Davis questioned whether there was a reason the free standing ones could not be placed by the trash cans and expressed concern about attaching them to the cans. (Vice Mayor Kirk arrived at the meeting at 6:30 p.m.)

Councilmember Leonard-Morgan noted that the committee discussed that. He reported that one of the members had agreed to provide a container at his restaurant and pointed out that restaurant patrons tended to leave the restaurant to have a cigarette and then dispose of it. Mr. Leonard-Morgan noted the need for the containers to be in plain sight. He advised that this member was very supportive of buying his own container.

Councilmember Snyder expressed concern that the free standing units could be easily knocked over, creating a mess.

Ms. Kay reported that they were heavy, with the base weighing approximately twenty pounds. She agreed it could, however, be knocked over.

Councilmember Snyder advised that he envisioned a mix of containers, depending on location. He suggested that if one was located on a sidewalk with heavy traffic, he wanted it to be a mounted one. Mr. Snyder further suggested that if it was off to the side in its own space that it be a free-standing unit. He advised that he envisioned this as a start-up, whose results could be evaluated, with the possibility of a second phase.

Mayor Davis questioned whether the units that would be attached to the trash cans only came in chrome. Ms. Kay reiterated that they came in twenty-seven colors, including red. Councilmember Miller opined that people would not miss a red one. Councilmember Leonard-Morgan noted that Go Green talked about green ones, like the trash cans.

Councilmember Miller advised that he favored having them look like the trash cans, with a sign attached for the first year or so to draw attention to them. He further advised that he was in favor of as few free-standing ones as possible. He opined that Go Green knew the locations where they were needed; however, he noted that there was a lot of clutter on the sidewalks. Mr. Miller opined that they could be a problem for people walking through the narrower areas.

Councilmember Snyder opined that if the containers were red, they would draw people's eyes to them and they would then miss other visual things that were nice about Middleburg.

Mayor Davis suggested they match the trash cans. Ms. Kay confirmed that Go Green could put signs on them.

Councilmember Littleton questioned whether they must be approved by the HDRC. Town Planner Moore reminded the Council that the HDRC and Streetscape Committee were tasked with looking at aesthetics. He encouraged them to have both organizations look at the containers. Mr. Moore noted that he also had concerns and explained that he was not sure the mountable version could be fastened to the Town's trash containers, which were in various stages of disrepair. He reminded Council that they were not smooth on the outside and advised that the side-mounted cigarette containers were actually wall-mount ones that were intended for a flat surface. Mr. Moore reiterated that he was not sure they could be fitted to the existing cans. He opined that this was a thorough report; however, he noted that more research was needed. Mr. Moore noted that he already sent a request to the company seeking their technical specifications so he could determine if they could be fitted to them. He opined that they were not heavy enough to tilt the cans; however, he suggested there were some details that needed to be addressed before the Council could make a final decision.

Councilmember Hazard questioned whether the wall-mount units could be mounted on private property. Councilmember Littleton noted that the property owner could refuse. Town Planner Moore confirmed they could if the Town received the cooperation of the property owners and the HDRC was amenable to that. He noted the need to be careful about what was attached to certain buildings and opined that the Town would not want to drill into the older, historic ones.

Ms. Kay noted that the model they used was Niagara on the Lake, which was similar to Middleburg. She further noted that it was located near Toronto, which was the place to go for wine and the arts; and, opined that they had everything that Middleburg had, other than horses. Ms. Kay advised that all of their trash cans had cigarette containers.

Vice Mayor Kirk questioned whether this could be unsafe. She further questioned what would happen if someone dropped a cigarette into the trash can instead, causing the trash to catch fire. Councilmember Leonard-Morgan noted that the containers would be located away from the can. He advised Council that Go Green would need assistance from the Police Department to enforce the Town's littering regulations. Ms. Kay noted that Go Green was requesting this be enforced.

Councilmember Littleton opined that the proposal was awesome. He suggested there may be a reason to attach them to the trash cans and opined that free-standing ones could be stolen or knocked over and roll into the street

Ms. Kay suggested that when someone had something they wanted to get rid of, the trash cans were where they naturally went. She noted that this would also help with sidewalk clutter. Ms. Kay acknowledged that there may be some places where there would be a need for a free-standing unit; however, she noted that it could be ground or surface mounted.

Councilmember Littleton advised that he was in favor of this request. Councilmember Miller agreed it was a great idea. Mayor Davis noted that this item would return to the Council after the details had been worked out.

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

**Council Approval** - Resolution of Appreciation – Middleburg Film Festival

Mayor Davis advised Council that the idea was to present the resolution during the event's opening.

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt a resolution recognizing the Middleburg Film Festival for their fifth annual event in 2017 and thanking Sheila Johnson, the Film Festival's Board of Directors, their staff and the volunteers who offer their time for the benefit of our community.*

Vote: Yes – Councilmembers Kirk, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: Councilmember Daly  
(Mayor Davis only votes in the case of a tie.)

---

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

Mayor Davis thanked Joe Pasanello for attending the meeting.

Mr. Pasanello thanked the Council for taking the opportunity to recognize Blood Cancer Awareness Month. He noted that Lymphoma Awareness Day was tomorrow and advised that he would like to present the members with a pin in honor of that day. Mr. Pasanello opined that the proclamation spoke for itself. He advised that it was important to have communities, elected officials and citizens involved to get the message out and explained that it helped show support for the people who were battling these harsh illnesses. Mr. Pasanello noted that those numbers were growing and advised that in the same amount of time it took to read the proclamation, another person would be diagnosed with blood cancer in the United States. He reported that blood cancers accounted for ten percent of the new diagnoses in the U.S. and was the third most common for children. Mr. Pasanello noted that this month was also Childhood Cancer Awareness Month. He reported that a lot of good things were happening and noted that the FDA had fast tracked the approval for some therapies. Mr. Pasanello advised that he was diagnosed with blood cancer in 2011 and while he had not yet been treated, he would have to be in the future. He explained that the longer he could put it off, the less need he would have for chemo therapy treatments. Mr. Pasanello noted that he was looking forward to new solutions and advised that his focus was on supporting research and education. He thanked the Council for adopting the proclamation and expressed hope that they would do so every year in order to get the message out to the community.

Councilmember Leonard-Morgan questioned why the numbers were increasing. Mr. Pasanello advised that part of it was due to population growth. He further advised that as to childhood cancers, the thought was it may be environmental. Mr. Pasanello noted that in his case, the cause was unknown, although there was a familial history. He advised that he had the very slow growing strain and had experienced six years of no treatment; however, eventually it would happen. Mr. Pasanello noted that on a positive note, there were over 1.5 million people living with or in remission from blood cancer – a number that was growing due to research. He advised that what the Council was doing supported that, whether they were an advocate, participated in fundraising or just raised awareness.

Mayor Davis thanked Mr. Pasanello for bringing this to the Town’s attention and wished him the best.

Mr. Pasanello presented Lymphoma Awareness Day pins to the members.

*Councilmember Leonard-Morgan moved, seconded by Councilmember Snyder, that the Council adopt a proclamation declaring September as “Blood Cancer Awareness Month” and September 15, 2017 as “Lymphoma Awareness Day” in the Town of Middleburg.*

Vote: Yes – Councilmembers Kirk, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: Councilmember Daly  
(Mayor Davis only votes in the case of a tie.)

---

Council Approval – EDAC Recommendation – Middleburg Music Fest-Piano Recital

Business & Economic Development Director Gaucher opined that the important point was that the applicant was leveraging contributions from the Salamander Resort and the Foxwood Winery. He reported that this was the second year this event would take place and advised that the plan for next year was that it would be a three-day festival to bring people to Middleburg. Mr. Gaucher further reported that the \$4,800 that was requested would go toward transporting the piano and for compensation for the performer. He advised that it was recommended for approval by EDAC. Mr. Gaucher noted that the applicant, Miguel Diaz, was present.

Mayor Davis noted that Mr. Diaz spoke with some members of the Council individually, including herself. She opined that this was a great opportunity for the town. Ms. Davis noted that a three-day event would provide another art weekend festival in the town.

Councilmember Hazard advised that a very special caliber of people was coming for the event and noted that the pianist was internationally known. He opined that this would be great for the town.

Business & Economic Development Director Gaucher advised that the target audience was equivalent to the Middleburg Film Festival.

Councilmember Miller noted that when Mr. Diaz spoke with EDAC, he mentioned some similar festivals around the world upon which he was modeling this one.

Mr. Diaz advised that he would have a pianist from Rome, Italy, who would do a one hour recital, followed by a wine reception to meet the artist. He noted that he wanted to repeat this again in March and May, with a big festival being held in September of 2018 at different venues in the town.

Councilmember Miller opined that Switzerland had one of the models. Mr. Diaz confirmed he was following the models in Switzerland and Provence, which were small towns like Middleburg. He reported that these were first quality performers and advised that they brought in a cultural level that was at a different level. Mr. Diaz noted that the events were small and that everyone could approach the artist.

Councilmember Miller thanked Mr. Diaz for his work in enriching the Town.

Councilmember Littleton opined that Mr. Diaz's presentation at EDAC was great. He noted that the Salamander Resort's support was also great. Mr. Littleton advised that he did not know the direction that Mr. Diaz wanted to go in; however, he suggested the three-day event include something that was educational for the kids at the Middleburg Charter School and The Hill School. He further suggested Mr. Diaz partner with them at some level.

Mr. Diaz confirmed the event would have an educational component, including students from the Shenandoah University. He explained that they would use their academic orchestra so young artists could perform with first class international artists. Mr. Diaz advised that he was also planning to have a few master classes, where top piano students in the local area would be brought in to play for a master pianist, who would offer them suggestions. He noted that these would be open to the public and would include a question and answer opportunity.

*Councilmember Miller moved, seconded by Vice Mayor Kirk, that the Council approve a request from Middleburg Music Fest International for funding in the amount of \$4,800 to support their piano recital to be held November 4, 2017, said funding to come from the Special Events line item in the Economic Development Budget.*

Vote: Yes – Councilmembers Kirk, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: Councilmember Daly  
(Mayor Davis only votes in the case of a tie.)

---

Town Clerk North reminded Council that during the recent FOIA training, it was brought to the Town's attention that any organization that received funding from the Town fell under the requirements of FOIA if that funding represented the primary source of funding for the organization. She suggested the applicant may want to review FOIA if that was the case. Business & Economic Development Director Gaucher agreed to help the applicant in this regard.

### **Discussion Items**

#### **Employee Handbook Amendments**

Town Clerk North noted that the members of Council had the latest version of the draft Employee Handbook on their desks. She reminded them that they previously agreed to review it three chapters at a time and noted that a proposed schedule was included in the agenda packet that would allow for the reviews to occur this year, with adoption slated for January 2018, if acceptable to the Council.

Councilmember Snyder noted that the first review would consist of the Introduction and Chapters 1-3. He suggested the third chapter review be deferred to the October meeting so the Council would have more time to read the materials. Town Clerk North noted that the Introduction only consisted of approximately three-quarters of a page. Mayor Davis noted that a good portion of Chapter 1 was definitions. Town Clerk North suggested that if the Council found that it could not review all of them during the meeting, it could always defer whatever it could not do to the next meeting and the schedule could be re-adjusted. Councilmember Snyder advised that if the Council was comfortable with the schedule, he could take it on in a single review and agreed the schedule could be readjusted.

Mayor Davis noted that one of the proposed review dates was the December 7<sup>th</sup> meeting. She questioned the date of the annual Christmas luncheon and suggested this date be moved if needed.

Town Clerk North advised Council that the luncheon was tentatively scheduled for December 8<sup>th</sup>; however, she reminded them that they moved it to the third Friday last year. She suggested the Council see how the reviews went and then make a determination.

Vice Mayor Kirk agreed the date could be moved if needed. Councilmember Snyder opined that it would be easier to move the date of the holiday luncheon. Town Clerk North noted that the luncheon was scheduled for discussion in a future Council meeting.

#### **Christmas in Middleburg Parade – Mayor/Council Float**

Town Administrator Semmes advised Council that the Facilities & Maintenance Supervisor cleaned up the Town Shop and in doing so, found the giant sign for the hayride. She opined that it had not worked well and suggested it may be good to make a banner, which included the Town seal, that could be walked in front of the Council if necessary. Ms. Semmes advised that she also wanted to double check to make sure the Council was still okay with the hay wagon and expressed hope that it would be available this year.

Vice Mayor Kirk suggested the Town truck be available as a back-up. Town Administrator Semmes noted that it was already in use that day. Vice Mayor Kirk opined that it was not in use during the parade itself. She suggested it be parked where the bank people parked on the hill as a stand-by unit. Town Planner Moore opined that there may be insurance concerns associated with that use.

Councilmember Snyder opined that a banner would provide good flexibility and advised that he liked that idea. Vice Mayor Kirk agreed.

Town Administrator Semmes advised that she would see whether it was possible to put hay bales in the middle of the wagon so the members would sit up higher and noted that she would work on that detail. She advised that someone suggested antique cars that the members could ride on.

Councilmember Littleton advised that he liked the idea of a hay ride. Vice Mayor Kirk noted that she liked having the members all ride together.

Town Administrator Semmes confirmed she would get something better than the sign.

### **Information Items**

Councilmember Littleton thanked Lynne Kay, DeeDee Hubbard and those volunteers who participated in the community clean-up event, including the Town staff. He noted that Councilmember Leonard-Morgan organized it. Mr. Littleton opined that for a first event, it was a great one, with forty-five people participating. He noted that Salamander donated the food. Mr. Littleton thanked Ms. Kay for educating everyone on how nasty cigarette butts were. He noted that he walked the street the day after the event and opined that it looked much better. Mr. Littleton suggested the removal of the weeds produced the most dramatic visual affect.

Councilmember Snyder opined that the opportunity to work with the Police Department was good. He suggested this was a good community outreach project.

Councilmember Littleton noted that Delegate Randy Minchew also participated. He reported that they would like to repeat this event again in April and would like to hold it twice a year. Mr. Littleton thanked the King Street Oyster Bar for providing the white vinegar that was used as a weed killer and noted that it really worked. He advised that it was also environmentally friendly. Mr. Littleton thanked Ms. Hubbard for taking pictures of the event.

### **Closed Session** – (1) Personnel, (2) Legal Advice and (3) Property Acquisition

Vice Mayor Kirk moved, seconded by Councilmember Leonard-Morgan, that Council go into closed session as allowed under the Virginia Freedom of Information Act Sections 2.2-3711(A)(1),(3) and (8) pertaining to the discussion, consideration or interviews of prospective candidates for appointment to a public body; consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel; and the discussion or consideration of the acquisition of real property for a public purpose. Vice Mayor Kirk further moved, seconded by Councilmember Leonard-Morgan, that these matters be limited to (1) an appointment to Go Green; (2) the provision of legal advice by the Town Attorney related to the applicability of a Town Code provision and (3) potential property acquisition within the Town limits. Vice Mayor Kirk further moved, seconded by Councilmember Leonard-Morgan, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes and Rhonda North for the first part; Martha Mason Semmes, Martin Crim, and Ashley Bott for the second part; and Martha Mason Semmes, Martin Crim and Will Moore for the third part. Vice Mayor Kirk further moved, seconded by Councilmember Leonard-Morgan, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: Councilmember Daly  
(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.

**Appointment to Go Green**

*Councilmember Leonard-Morgan moved, seconded by Vice Mayor Kirk, that the Council appoint Kathyjo Shea to Go Green to fill an unexpired term, said term to expire May 12, 2018,*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: Councilmember Daly  
(Mayor Davis only votes in the case of a tie.)

---

**Appointment of Property Assessment Committee**

Mayor Davis directed the staff to proceed as directed in the closed session. She announced that she was appointing an Ad-Hoc Property Assessment Committee and appointed the following individuals to serve on it: Vice Mayor Kirk, Councilmember Littleton, Councilmember Hazard, Town Administrator Semmes and Town Planner Moore.

**Miscellaneous**

Councilmember Miller inquired as to the members’ thoughts of a Town Council response to mayoral candidate Vincent Bataoel’s article in the Middleburg Eccentric. He noted that a number of people have asked him about the \$6.6 million that the Town was sitting on in cash.

Vice Mayor Kirk noted that she was doing a letter to the editor addressing it and other issues that were raised.

Councilmember Leonard-Morgan noted that the only thing he saw was the reference to the high cost of water and sewer.

Councilmember Snyder noted that he was addressing that issue in his column. He reported that he did a thorough analysis, looked at all of the towns in Loudoun County, and prepared a chart of consumption costs with the assistance of Councilmember Littleton. Mr. Snyder noted that anything that was not addressed in his column this month would be addressed in the next edition. He opined that it was more effective for the individual members to address the inaccuracies than to respond as a body.

Vice Mayor Kirk noted that the article said that the Town had \$6.5 million available. Councilmember Miller explained that the candidate indicated that there was cash that he would like to invest if he was elected in order to provide dividends for the Town. He reiterated that people have asked him about it and he had to explain that it was not true.

Councilmember Snyder reiterated that whatever he did not address this month, he would address next month in his column.

Vice Mayor Kirk reiterated that she was preparing a letter to the editor on the article and its inaccuracies.

Mayor Davis suggested it would be better to address this as individuals.

Councilmember Miller questioned whether the Council, as the public body, felt it needed to set the record straight on the inaccuracies.

Councilmember Snyder opined that it would be more effective for those in the know to respond individually.

There being no further business, Mayor Davis declared the meeting adjourned at 8:03 p.m.

APPROVED:

---

Betsy A. Davis, MAYOR

ATTEST:

---

Rhonda S. North, MMC, Town Clerk