



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



Thursday, January 11, 2018

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember Kevin Hazard
Councilmember Philip Miller
Councilmember Peter Leonard-Morgan
Councilmember Trowbridge "Bridge" Littleton
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 M. Bott, Town Treasurer
A.J. Panebianco, Chief of Police
Jamie Gaucher, Business & Economic Development Director

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, January 11, 2018 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Patrick Carter, of Boy Scout Troop 2950, led Council and those attending in the Pledge of Allegiance to the flag.

Special Recognitions by Mayor and Council

Resolutions of Appreciation – Pam Mickley-Albers, Dev Roszel, Christmas in Middleburg,
Delegate Randy Minchew

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt resolutions of appreciation for Pam Mickley-Albers, Dev Roszel, Christmas in Middleburg and Delegate Randy Minchew

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 read the resolutions of appreciation for Ms. Mickley-Albers and Mr. Roszel aloud. She presented them with signed copies, along with a Middleburg paper weight; and, thanked them for their service to the Town.

Addition of Item to the Agenda

Vice Mayor Kirk moved, seconded by Councilmember Miller, that Council add item XA (Council Approval – Purchase of Electronic Agenda Software and Audio/Video Recording System) to the agenda.

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.)

Discussion Item

Request for Funding – Mosby Heritage Area Association

Jennifer Moore, President of the Mosby Heritage Area Association advised Council that the Association was formed in 1995. She explained that after Disney proposed to locate in Manassas, some Middleburg residents and other concerned citizens decided they needed to think about that and work on preserving this historic area. Ms. Moore reported that they focused on five counties, including Loudoun, Fauquier, Clarke, Prince William and Warren. She further reported that their mission was to educate people about the history of the area so they could care about and protect the historic sites. Ms. Moore advised that they started by working on education in the schools and reported that last year, 5,113 students heard their presentations. She noted that they went into the classrooms and hosted field trips. Ms. Moore advised that in addition to the education programs, the Mosby Heritage Association offered fifteen to twenty-five special events annually for the general public. She explained that those events funded the education programs in the schools.

Ms. Moore advised that one of their special events was the Conference on the Art of Civil War, also known as the Civil War Conference, and noted that this was the event for which they were seeking funding. She explained that it was a three-day nationally recognized event that was strictly based on scholarly academics. Ms. Moore advised that it was the 2010 Visit Loudoun Tourism Event of the Year for up to 3,000 attendees. She reported that there were approximately sixty to one hundred attendees annually and advised that they came from sixteen states this past year, as well as from Italy and England. Ms. Moore noted that only one-third of their surveys were returned this year; however, based upon those, Middleburg experienced \$7,775 in non-conference expenditures, which included antiquing, retail and restaurants. She reported that their last survey results showed that the attendees brought spouses/guests who shopped or participated in a recreational event. Ms. Moore advised that seventy-five percent of this year's guests were returning guests, twenty of whom stayed for a weekend or up to five days. She reported that half drove and half flew into Middleburg. Ms. Moore advised that they were of mixed ages and gender; however, they tended to be retirees.

Ms. Moore reported that the conference was always Middleburg centric and used Middleburg businesses. She advised that based on the survey, they found that people wanted something to do on Saturdays during the period between the last talk and the banquet. Ms. Moore noted that they used to turn them loose; however, the attendees wanted a sanctioned event. She explained that they wanted the Town to become a sponsor so they could ask the local businesses to partner with them to advertise their businesses as something to do during that time. Ms. Moore advised that they wanted to include the business' information in a handout. She noted that the attendees loved Middleburg and had their favorite places to go. Ms. Moore opined that they looked forward to this event in October. She suggested the sanctioned event would be another chance for the attendees to spend money. Ms. Moore noted that their registration confirmations included contact information for Visit Loudoun and

Middleburg, as well as store hours. She suggested the Town could be included in any mailings in whatever format it deemed appropriate and advised that she would be happy to discuss how the Town would like its name to be shown. Ms. Moore opined that having the Town as a sponsor would encourage others to participate in the happy hour concept.

Ms. Moore reported that in 2017, the Civil War Conference's income was \$243,000 and the net was \$26,000. She advised that this represented eleven percent of their annual income. Ms. Moore noted that the Mosby Heritage Association was a small nonprofit that relied on donations and advised that she would like to see a contribution from their home town. She reported that the people who attended were a different demographic and noted that they included academics, professors, military personnel and people who liked the Civil War.

Ms. Moore advised Council that the Mosby Heritage Association's office only consisted of three staff members; however, they were a vibrant office. She noted that they would love to get more involved in Middleburg. Ms. Moore advised that as to the Civil War Conference, objectivity was applied to the interpretation of history. She stressed that they approached and told all sides equally. Ms. Moore noted that they covered all eras of history. She advised that they were doing some of their work on social media.

Mayor Davis expressed appreciation for what the Mosby Heritage Association did and opined that they did a lot of things that people did not think about.

Councilmember Littleton noted that the Association received \$100,000 in sponsorships. He questioned whether they were looking to increase that amount. Mr. Littleton further questioned whether there was point where it was too much.

Ms. Moore opined that there would never be too much. She reported that they were offering a student conference rate this coming year, which would make a difference. Ms. Moore advised that they would like to highlight the conference to local colleges and offer scholarships. She explained that they were learning what people found attractive and advised that they would like for the conference to grow. Ms. Moore reiterated that the staff was young and vibrant and advised that they had a huge network of people who would like to come; however, they could not afford the \$425 registration fee. She opined that offering scholarships may encourage younger people to attend.

Councilmember Snyder inquired as to what the Mosby Heritage Association was doing to preserve historic sites. Ms. Moore reported that in December, they closed a conservation easement on the Vineyard Hill property in Upperville, which was a core battlefield property. She explained that they were targeting those areas and noted that there were two other properties that were being surveyed on Trappe Road. Ms. Moore reported that the Association paid for the surveys so the property owners could see the tax benefits of placing their property in a conservation easement in perpetuity. She advised that one of their top preservation policies was the Calvary battle core properties.

Mayor Davis thanked the Mosby Heritage Association for watching over things that were so precious. She noted that once the historical sites were gone, they were gone. Ms. Davis advised Ms. Moore that the Council would discuss their request further and expressed appreciation for the information she provided.

Mayor Davis read the Resolution of Appreciation for Delegate Randy Minchew aloud and presented a signed copy to him, along with a Middleburg paper weight. She thanked him for his service and noted that he did more than his job required for the Town and County. Ms. Davis wished him well in the future.

Delegate Minchew expressed appreciation for the Mayor, Council and staff's service to the community. He noted when he was first elected to the House of Delegates, Delegate Joe May made his promise that he would look out for western Loudoun County, including its capital, the Town of Middleburg. Mr. Minchew advised that Middleburg was a jewel and noted that it was his honor to represent it. He advised that when he talked with former Mayor Tim Dimos about the County Comp Plan in 2001 because the County was suggesting every town have an urban growth area, he told the Mayor that Middleburg should not have one as it should preserve the areas outside of its boundaries as conservation land. Mr. Minchew advised that he was happy it worked out. He noted that the Town would continue to see him as he was a resident of Leesburg and would still continue to help Middleburg.

Closed Session – Acquisition of Property

Councilmember Littleton moved, seconded by Councilmember Hazard, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A) (3) pertaining to the discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Councilmember Littleton further moved, seconded by Councilmember Hazard, that these matters be limited to the acquisition of property within the town. Councilmember Littleton further moved, seconded by Councilmember Hazard, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes, Martin Crim, Will Moore and Randy Minchew. Councilmember Littleton further moved, seconded by Councilmember Hazard, 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 the members so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Councilmember Littleton moved, seconded by Vice Mayor Kirk, that the Town Administrator proceed with the direction as was discussed in the closed session.

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.)

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the December 14, 2017 Special and Regular Meeting minutes as amended.

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.)

Staff Reports

Stuart Will, of IES, reported that he defrosted meters for a week. He noted that he responded to one frozen and burst meter on Jay Street; however, there were no other major issues.

Mayor Davis questioned whether Mr. Will replaced several water meters. Mr. Will confirmed he had.

Councilmember Leonard-Morgan questioned whether the Well 4 treatment plant was still idle. Mr. Will confirmed it was and noted that he was still doing tests. He reported that what had been done thus far had not resolved the issues. Mr. Will advised that the plant had been idle since July. Councilmember Snyder noted that this was a topic of discussion at the Utility Committee meetings.

Town Administrator Semmes noted that the CIP discussion was removed from the agenda. She asked the members to send the staff any questions or comments they may have in advance of the work session so they could be prepared for the discussion. Ms. Semmes reported that the first draft of the FY '19 General Fund budget would be presented to them in February.

Councilmember Snyder asked that the members keep the agenda back-up materials on the draft CIP for discussion during the January work session.

Councilmember Hazard inquired as to the status of the VDOT repaving project. Town Administrator Semmes reported that VDOT planned to put it out to bid in the next couple of months. She further reported that the staff had a discussion with the consultants on the water line design. Ms. Semmes noted the need to coordinate on the cover with VDOT. She reminded Council that the Town would not have to put a complete pavement section down following the water line replacement; therefore, she did not foresee any big issues. Ms. Semmes noted the need to make sure there was proper space between the water and sewer lines and to avoid the laterals. She advised that the schedule would be tight to get the water line project going before the repaving.

Councilmember Snyder noted that this was discussed with Stantec (utility engineers) during the Utility Committee meeting.

Councilmember Miller inquired as to the status of the Visit Loudoun MOU. Town Administrator Semmes reported that it was complete and that the Mayor had signed it. She advised Council that she would email them a copy. Ms. Semmes noted that it had not changed and opined that the members saw the document in October. She reported that a representative from Visit Loudoun would be coming to the Middleburg Main Street Committee and EDAC meetings. Ms. Semmes further reported that they would do at least one work shop in Middleburg. She advised that they would work with the Town, if needed, on a consulting basis.

Business & Economic Development Director Gaucher reported that they would attend the Business-2-Business Expo next week.

Councilmember Littleton inquired as to when the MOU ended. Town Administrator Semmes reported that it was on a fiscal year basis; therefore, it would end on June 30th. She suggested that after seeing how it worked, the Town could tweak it for next year if needed.

Councilmember Littleton inquired as to how they would report back on their success. Town Administrator Semmes reported that there were measures that Visit Loudoun must keep and that they must report them to the Council.

Councilmember Miller suggested the staff recheck the numbers. Business & Economic Development Director Gaucher reported that he had already asked for the reports and data.

Councilmember Littleton inquired as to the status of the Town's website project and noted that it was listed on the action tracker as being done by the end of March. Town Administrator Semmes reported that it was on hold until the branding project was completed, along with the wayfinding sign project. She reported that the branding RFP proposals were due this week. Ms. Semmes suggested the staff could proceed if there was some part of the website on which the Council would like to move forward.

Councilmember Miller questioned whether the Town received its money back from the original website vendor. Town Attorney Crim reported that the Town only made one progress payment and did not pay the other invoices. He confirmed the Town did not pay the full contract amount.

Councilmember Snyder noted that he liked other towns' websites better than Middleburg's as they were easier to navigate and had more information.

Councilmember Littleton noted that the branding project would take a couple of months once the vendor was selected, which would also take a month or two. Councilmember Miller opined that it would take a month at the most to do the branding.

Councilmember Littleton opined that the Council could not be interviewed in a month and reiterated his opinion that it would take three to four. He reminded Council that the new website was started two or three years ago and was not moving forward. Mr. Littleton opined that the branding was not the background for how a website worked and suggested it not be done with the branding.

Councilmember Miller opined that the branding identity would define the look, feel and design of the website.

Councilmember Littleton expressed concern that the Town would never get anywhere on the website. He expressed an understanding that the Town hired a bad contractor the first time.

Vice Mayor Kirk questioned whether the plan was to seek bids for another contractor. Councilmember Miller confirmed that once the branding was done, the Town could send out another RFP. He suggested, however, that if the branding vendor was a full service firm, the Town may move forward with them on the website as well. He suggested an addendum could be added to the scope of work.

Councilmember Littleton urged caution and noted that the Town must know what it wanted. He compared it to the agenda management system and suggested the need to go through a detailed requirements analysis and to understand what functionality the Town wanted for its website. Mr. Littleton agreed that a lot of branding companies did website development; however, the Town would not know whether this was a part of their functions.

Councilmember Miller opined that website building was much easier than it used to be.

Councilmember Hazard reminded Council that the Town hired a company to do the website. Councilmember Miller noted that the company experienced personnel turnover issues that caused problems.

Councilmember Hazard suggested that as the Town looked at vendors, it should make sure they were strong on design and on putting a website together.

Councilmember Littleton suggested the Council was talking about how to disqualify people from the RFP when it did not ask for website design capabilities. He opined that the branding project must stand on its own and suggested that whether the vendors had website capabilities was irrelevant. Mr. Littleton noted the need to figure out the website requirements and suggested the Town could then return to the firm that did the branding work and ask them to apply.

Town Administrator Semmes opined that the Town learned a lot about the requirements for a website as a result of the last website RFP process. She suggested it could start to develop the technical requirements for an RFP.

Town Clerk North noted that the Council had the latest action tracker on their desks. She reported that PMA Architects had completed the staff interviews related to the Town space needs study and now needed to conduct interviews with the members of Council. Ms. North advised that PMA was available to come to Middleburg on January 18th or January 20th. After some discussion, the Council agreed to schedule the interviews for January 18th. Town Clerk North advised that she would contact the members to schedule individual interview times. It was suggested that phone interviews be conducted with those who could not be present.

Town Clerk North reported that she updated the Council's vision/goal projects status on the website and reminded the members that they asked that she do so on a quarterly basis.

Town Clerk North reminded Council that they were scheduled to discuss the staff's recommendations related to Council's questions and comments from the individual handbook chapter reviews during the January work session. She advised that the January work session agenda would be limited to the CIP discussion and two items that were previously scheduled for it; therefore, the final handbook review was moved to February. Ms. North noted that she was scheduled to have surgery on January 25th; therefore, she would not be present during the January work session.

Business & Economic Development Director Gaucher reported that the Business-2-Business Expo would be held next week at the Salamander Resort. He further reported that he had thirty companies lined up and had personally invited another thirty that had not yet signed up. Mr. Gaucher advised that the Loudoun County Economic Development Director, as well as representatives from the SBDC and Visit Loudoun would be present. He noted that the MBPA agreed to send an email on the event to its membership; however, he did not know when that would go out.

Business & Economic Development Director Gaucher announced that the Financial Literacy Workshop would be held at the Community Center on January 17th. He noted that twenty-five people had registered for it to date.

Business & Economic Development Director Gaucher reported that he and the Town Planner had received requests for two new restaurants since his report was prepared last week, as well as for a juice bar.

Business & Economic Development Director Gaucher announced that twenty firms registered to submit a proposal in response to the Town's branding RFP.

Vice Mayor Kirk questioned whether any businesses were interested in filling the storefronts on the main street. Business & Economic Development Director Gaucher confirmed there was interest from existing businesses and noted that he was showing properties to one later in the week.

Councilmember Littleton expressed appreciation for the job that Mr. Gaucher had done. He cited the example of Appaloosa Painting and noted that he connected them on office space that Mr. Littleton had available for rent. Mr. Littleton reported that they have already moved into the space. He explained that they had a painting company in Western Loudoun and Clarke Counties and was trying to come to the east. Mr. Littleton reiterated his appreciation that Mr. Gaucher made that connection.

Town Planner Moore reminded Council that, a few months ago, they received a presentation from Go Green on cigarette receptacles. He further reminded them that they wanted the staff to work with the HDRC on an appropriate receptacle. Mr. Moore reported that a representative of Go Green attended the HDRC meeting when they deliberated on the issue of aesthetics and advised that they agreed to go with a black receptacle. He noted that he obtained a sample one, which was mounted onto one of the Town's trash cans. Mr. Moore advised that when it was presented to Go Green for their review, it did not receive a positive response as they felt it blended in too well. He noted that they also expressed concern about visibility. Mr. Moore reported that this item was returned to the HDRC, who settled on the black receptacle.

Councilmember Miller questioned whether it was possible to place a cigarette sticker on the receptacle. Town Planner Moore reported that there were three such stickers on it. He advised that the staff was prepared to move forward with the order. Mr. Moore noted that he would reach out to Go Green and let them know of the HDRC's decision.

Mayor Davis advised that it would be nice for the Council to see the receptacles. Town Planner Moore advised Council that he would send them a picture.

Councilmember Leonard-Morgan questioned whether there was any mention of placing a bright sign on top of the receptacle. Councilmember Littleton confirmed that was briefly discussed. He opined that the receptacle looked good. Mr. Littleton reiterated that the HDRC talked about the cap, which was black, and advised that they talked about making it white or placing the logo on top.

Mayor Davis expressed concern that if the cap was painted white, it would look grungy. She asked to see a picture of the receptacle.

Town Planner Moore reported that two radiators, as well as a water line to the washing machine, burst in the empty apartment in the Health Center, causing a good bit of damage. He advised that Service Pro was remediating the space and expressed hope that the work would be finished this weekend. Mr. Moore noted that the staff would then look at what the Town needed to do to get the building restored. He advised that the staff was working with the Town's insurance adjuster. Mr. Moore noted that the heat was on in the unit; however, it was set very low. He further noted that the fins had blown away from the air conditioning units, which were still mounted, allowing an infiltration of cold air. Mr. Moore advised that the thermostat could not keep up during the cold spell. He reported that the air conditioning units were removed and the window sealed. Mr. Moore advised that the Town was in a good position now; however, the building would need some restoration.

Councilmember Littleton opined that Cowgill was responsible for checking and removing the air conditioners. Town Planner Moore advised that the Town did not ask them to remove them. He noted that Cowgill gave the Town a monthly report, which was received the day the pipe burst. Mr. Moore advised that the report noted the cold air was infiltrating the building. He further advised that he had a conversation with the manager about the need to alert the Town to things that may cause immediate problems, as opposed to waiting to send it out in a monthly report.

Councilmember Littleton expressed an assumption that Cowgill set the thermostat at a low level. Town Planner Moore advised Council that there were a lot of issues with thermostats in the building. He noted that one of the thermostats in the basement controlled a radiator in the doctor's office.

Town Planner Moore reported that the Town received a zoning map amendment application, a rezoning application and a special use permit application for the fifteen acre parcel on the east end of town that was located adjacent to the sewer treatment plant. He further reported that it was submitted by the individual who addressed the Planning Commission about an assisted living facility. Mr. Moore noted that he met with the Town Attorney to discuss the applications, which contained a number of deficiencies. He advised that the proposed use was not in conformance with the Comprehensive Plan. Mr. Moore reiterated that the applications did not contain enough information and noted that he would correspond with the applicant. He advised that the Town Attorney would report on this during his monthly report, including the need to make sure there were no ex-parte communications. Mr. Moore noted the need for the members of the staff, Council and Planning Commission to be careful about what they said to a rezoning applicant.

Vice Mayor Kirk questioned whether the Facilities & Maintenance Supervisor checked on the trash in the restrooms on the weekends. Town Planner Moore advised that he did on occasion; however, he did not on a regular basis. He noted that he emptied the cans on Friday mornings, did a late check that afternoon and then rechecked them on Mondays.

Vice Mayor Kirk asked that he check them when there were events in town.

Councilmember Miller noted that the trash can by Middleburg Common Grounds was always full. Town Planner Moore reported that the owners of Middleburg Common Grounds agreed to empty the two trash cans if they started to overflow, with the Town agreeing to provide them with a small supply of trash bags. He advised that he was not sure whether they were keeping up with it; however, he would keep an eye on it.

Vice Mayor Kirk advised that she did not want the public restrooms to get grungy and noted that the former Facilities & Maintenance Supervisor came in on weekends to check them. Mayor Davis suggested the Town may need to hire someone to do that on the weekends.

Town Treasurer Bott reported that she and the Town Administrator met with VML/VACO on investing Town funds in their investment pool. She advised that an ordinance would be presented to the Council during their January work session that would allow the Town to make investments with them.

Town Treasurer Bott reported that the business license renewal applications went out this week and were due March 1.

Chief of Police Panebianco advised Council that the installation of the new police reporting system was moving forward and expressed hope that it would be operational by March 1st at the latest. He reported that MADD asked the Police Department to partner with them to collect used sneakers. Chief Panebianco noted that he spoke with Go Green and they agreed to help with the promotion of this program. He asked that if anyone had old sneakers that they give them to Councilmember Leonard-Morgan or bring them to the Police Department. Chief Panebianco advised that this was for a good cause and noted that they had already mailed two bags thus far.

Councilmember Leonard-Morgan noted that the book store also offered to place a collection box in their store and asked that the Chief secure a second collection box. Chief Panebianco confirmed he would try to do so.

Chief Panebianco reported that there was a fatal crash recently that was outside of the town limits. He advised that he felt responsible for slowing motorists down; therefore, the officers were heavily working that area. Chief Panebianco noted that the speed sign was there to collect data so he could determine the peak time for violators and would set future enforcement efforts based on the information collected. He reminded the audience that speeding did not save time, especially if you did not reach your destination. Chief Panebianco encouraged everyone to slow down and be patient. He advised that overall, the Council would likely see an increase in the number of tickets written. Chief Panebianco explained that this was not meant to punish drivers but was rather to get their attention so they would adhere to the speed limits. He opined that one life was too many to lose due to speeding.

Councilmember Miller questioned whether the speed sign could collect data without displaying the speeds and suggested the results may be different when people saw the sign. Chief Panebianco opined that they may be able to set it so it would not come on and would look like it was just sitting there.

Councilmember Snyder noted that Middleburg was known as a speed trap town at one time. He opined that this was not a bad thing.

Chief Panebianco reported that the officers worked eighty-eight radar assignments last month and wrote sixteen traffic tickets. He opined that drivers were slowing down when they hit what they believed to be the town; however, on the outskirts, they were traveling too fast. Chief Panebianco advised that he would do his best to send the message to “slow down” and noted that he posted a Facebook message to let folks know the officers were working radar heavily and encouraging drivers to slow down. He advised that the officers would ticket offenders if they must.

Vice Mayor Kirk questioned whether speeding was a factor in the fatal crash. Chief Panebianco reported that not all of the details had been released; however, he noted that it was a very heavy impact. He advised that Lieutenant Hollis went out to the scene to help.

Town Attorney Crim reported that he and the Town Administrator have spoken about the importance of having someone present when SB 594 for the Town’s charter amendment was taken up by a committee or subcommittee. He reminded Council that this often occurred on short notice and noted the need to follow the legislative schedules. Mr. Crim reported that SB 594 was in the Senate Local Government Committee and advised that he expected the same for the House Bill. He reminded Council that the reason to have a representative present was that the charter amendment required a two-thirds vote of each house to pass. Mr. Crim advised that this was an extraordinary percentage and noted that it could easily be lost. He reported that he would continue to track the bill.

Town Attorney Crim reported that he would also monitor SB 92 and HB 193, which were the consolidated billing statutes that would allow the County Treasurer to bill and collect the Town’s taxes, including delinquent ones. He noted that they would also require a two-thirds vote.

Town Attorney Crim reported that the Town received applications for a rezoning and special use permit for adult living facilities on the east side of town and advised that he was working with the Town Planner to evaluate them. He reminded Council that the current zoning ordinance did not provide for assisted living facilities, except for small facilities of up to six individuals. Mr. Crim advised that the Town did not have a process for individuals to request a zoning text amendment and noted that the only way this could go forward was if the Council initiated one and referred the matter to the Planning Commission so they could report back to the Council on the advisability of whether the zoning ordinance should be changed. He stressed that the Council would not be voting to change the ordinance and would only be voting to have the Commission advise it on the desirability of a change. Mr. Crim suggested this could move forward depending on the discussions of the completeness of the applications. He encouraged the members of Council to not talk to the developer or property owner related to this project and noted that, like the Miranda rule, those conversations

could be used against the Town in a court of law. Mr. Crim opined that it would be difficult for the members to remember a conversation three years later and advised that it was best not to have them. He cited legislation and Supreme Court rulings that could make the Town liable in the event a member asked for a proffer, with the applicant not offering it, and the Council then turning down the rezoning request. Mr. Crim reported that a member could ask for a proffer, be rejected, approve the application and still be sued. He advised that there were almost no discussions regarding proffers that would not result in liability for the Town; therefore, he recommended that all communications with the developer be left to the staff. Mr. Crim further recommended that if any members had questions or thoughts on specific impacts of the applications that they go to the staff. He advised that there would be environmental impacts if this went forward, including transportation ones. Mr. Crim reiterated his recommendation that all communications be left to the staff so someone would not inadvertently create a liability for the Town.

Councilmember Littleton inquired as to names of the property owner and developer. Town Planner Moore reported that P. Daniel Orlich was the applicant and was represented by Cooley, who was the land use attorney that submitted the applications. Town Attorney Crim reported that the property owner was Townview Properties, LLC. Town Planner Moore opined that this was Eric Prince. Councilmember Littleton asked that the staff email the information to the Council so they would know with whom they should not speak.

Councilmember Snyder questioned when the Council would be obligated to refer a zoning text amendment to the Planning Commission. Town Attorney Crim advised that the short answer was “hardly ever”. He further advised that the longer answer was that if the property was not reasonably zoned currently, the Town had an obligation to rezone it to something reasonable; otherwise, it could be a taking. Mr. Crim explained that the property owner must have an opportunity to make a profit; however, it did not need to be a maximum one but it must be reasonable. He advised that the applicant was not alleging that the current zoning was unreasonable and was saying “it was consistent with the Comprehensive Plan”, which it was not. Mr. Crim reported that a Comprehensive Plan amendment would be needed as it called for twenty-four units, which the applicant wanted to exceed.

Councilmember Snyder advised that he was not inclined to act unless the Town Attorney said there was a reason to do so.

Town Attorney Crim advised that there may be and noted that an assisted living facility had been identified as a need in the community. He suggested it may be appropriate to have a special use permit requirement for an assisted living facility over a certain level.

Vice Mayor Kirk inquired as to the number of units that were proposed. Town Planner Moore advised that the applicant proposed a zoning text amendment for one hundred forty-four or fewer persons. He noted that it was currently six. Mr. Moore advised that the applicant provided a conceptual layout, but not a site plan and noted that a site plan was needed. He reported that the conceptual plan showed one larger unit that would consist of multi-stories and several smaller units.

Councilmember Hazard questioned whether it would be considered a taking even if the applicant bought the property with the current zoning in place. Town Attorney Crim confirmed it could be. Town Planner Moore noted that it would be if there was no reasonable use under the current zoning. Town Attorney Crim reiterated that the applicant had not raised that issue.

Reports of Town Committees/Council Liaisons

Vice Mayor Kirk reported that the Ad-hoc Property Committee was meeting a lot and advised that they would talk to the Council later about their recommendations.

Councilmember Leonard-Morgan reported that Go Green would hold the HEAL Fair and 5K at the Community Center on March 24th. He further reported that they would hold a town-wide clean-up; battery recycling collections, in conjunction with the Police Department's drug take-back; and, Arbor Day on April 28th. He advised that they were trying to do a document shred, which the Middleburg Bank usually did; however, the truck was not available that day.

Councilmember Littleton reminded Council of the vacancy on the HDRC and asked that they encourage people who may be interested to apply. He noted that the individual did not have to live in town but did need to own property. Town Planner Moore noted that the ordinance provided for a combination of criteria and advised that some members had no direct interest in property; however, they filled a professional role. Town Clerk North reported that she had recently received two letters of interest for this position. She noted, however, that the Town had received no applications thus far for the vacant Planning Commission seat.

Councilmember Snyder reported that the Wellhead Protection Advisory Committee and the Utility Committee would hold meetings next week.

Action Items (non-public hearing related)

Council Approval – Purchase of Electronic Agenda Software & Audio/Video Recording Systems

Town Clerk North reminded Council that the Town issued an RFP for electronic agenda software and audio/video recording systems, with a total of nine responses received. She noted that the committee reviewed the responses and brought in two audio/video vendors and three software companies for presentations. Ms. North reported that the committee recommended the purchase of Peak Agenda Management and Meeting Efficiency Software from Granicus and the purchase of audio/video equipment for the Council Chambers from Swagit, as well as to contract for Swagit's EASE monthly services to do live streaming and transcripts for the meetings. She noted that she was not sure how deeply the Council wanted to get into the details and suggested the Committee members may have something they would like to add.

Councilmember Littleton advised that he was really happy with the work the committee did and noted they used a very methodical approach. He explained that the committee looked at what the Town needed to have, what it wanted to have and what would be nice to have in the future. Mr. Littleton advised that they kept things as focused as possible, which was to go as electronic as possible with the agenda meeting materials; to have accessibility so people could log into the system from the road; and, to make sure there were no technology limitations. He noted that if members did not have a computer, the Town would have to provide them with their agenda packets in paper form; otherwise, anyone could access the agendas from a mobile or other device. Mr. Littleton opined that this would free up a lot of the staff's time.

Councilmember Littleton advised that the meetings would be videotaped so they could be streamed, which would allow for transparent government. He noted that within a day, the Town would have a word-for-word transcript of what occurred during the meeting.

Town Clerk North advised that the video would be linked to the agenda so that if someone wanted to research an item, they could click on that item and would be taken to that place on the video. She noted that they could also key in a word and be taken to that discussion.

Mayor Davis questioned how much extra the Town would be paying to have the video streamed. She noted that she was okay with the electronic agenda portion and the minute transcription portion.

Councilmember Littleton explained that the live feed was simply something that was available by having the closed captioning and the transcript. He noted that the online storage of documents, such as the agenda packets, was what Granicus provided. Mr. Littleton explained that having the meeting minutes in a fashion where they would not have to be transcribed by the Town Clerk was the second piece. He noted that with that, the Town got the video and live streaming services.

Mayor Davis noted the yearly fee. Councilmember Littleton advised that the yearly fee was one price for everything.

Mayor Davis expressed concern about the annual price given Middleburg's small size. Councilmember Snyder agreed. He questioned the number of small towns the size of Middleburg that had this type of system. Mr. Snyder opined that it was a worthy goal that was worth pursuing. He suggested that they came into it because the committee did their due diligence. Mr. Snyder noted that if the Town was going to have software, it had to pay an annual maintenance fee. He advised that he did not see any way around that.

Mayor Davis noted that she had been interested in going to electronic agendas for a long time. She advised that she was simply interested in the breakdown of the costs and opined that it was more for the video part. Ms. Davis advised that she would like to see the Town do the electronic agendas and address the meeting minutes.

Councilmember Littleton noted that the Council thought of minutes as a paper document that was part of the agenda. He explained that to get the transcript, there must be microphones and cameras. Mr. Littleton advised that it would already be recorded and noted that there was no cost to posting it on the web. He explained that the Committee was not recommending going live with the streaming; therefore, the price was no different.

Councilmember Hazard questioned whether it was necessary to have the camera in order to do the transcript. Councilmember Littleton confirmed the Town must have the microphones. He noted that each microphone would be keyed to a specific individual so that when that person spoke, the system would know who was speaking. Mr. Littleton advised that the camera was not necessary. He noted that the cost for the camera was a one-time fee of \$4,500. Mr. Littleton opined that local governments that have gone with this system, provided video as people now expected it.

Mayor Davis questioned whether it was possible to add the camera at a later time. Councilmember Littleton explained that as proposed, the installation, which would include running the cabling, would be done all at once so it would all work together. He questioned what would need to be changed if the camera was added later. Mr. Littleton noted that the staff would need to learn how to use the system and suggested they learn how to use the entire system at once so they could become efficient in it.

Mayor Davis questioned whether it would be used by all of the committees that met. Councilmember Littleton confirmed it could. He advised that the committee was recommending it start with the regulatory committees, including the Council, Planning Commission, HDRC and BZA. Mr. Littleton advised that it could be used by other committees as well.

Councilmember Snyder noted that it was the same software.

Town Clerk North advised Council that under the proposal, the Town would only get services for up to fifty meetings per year. She further advised that it was much more expensive to go up to one hundred meetings per year. Ms. North noted the need to make sure the Town did not exceed the fifty meetings per year. She reported that Swagit originally gave the Town a price for one hundred meetings per year and advised that it was approximately \$1,200 per month. Ms. North advised that she then negotiated the number down to fifty meetings per year at a price of \$875 per month.

Mayor Davis opined that there were sixty meetings per year of the regulatory committees. Councilmember Littleton noted that the Council met twenty-one times a year and the Planning Commission and HDRC each met twelve times a year, resulting in forty-five meetings a year. He advised that this would leave the Town with five other opportunities for meetings a year, such as special meetings.

Mayor Davis inquired as to the cost in the event the Town went over fifty meetings per year. Town Clerk North advised that she did not ask for an overage price.

Mayor Davis asked that the staff research the overage cost and noted that sometimes going over even once could result in huge costs. She further inquired as to the cost to go to the next step. Councilmember Leonard-Morgan advised that according to the agenda materials, the overage cost was \$150 per meeting. Town Clerk North reported that the next step was for one hundred meetings per year and advised that the price was \$1,200/month.

Councilmember Littleton recommended the Council go with the baseline package and suggested that if it was determined that there was public demand for more items, the package could be increased. He reminded the members that when Jay Hubbard videotaped a Council meeting and posted it on the web, one hundred forty people watched it. Councilmember Miller noted that thirty plus people watched it live on Facebook.

Councilmember Snyder questioned whether the Council wanted to ask the vendors to come in and make a presentation to the Council. Councilmember Littleton reported that they had already made a presentation before the review committee. He advised that the review committee spent six months working on this item.

Councilmember Miller moved, seconded by Vice Mayor Kirk, that Council authorize the Town Administrator to purchase electronic agenda software and contract for annual services, for a one-time cost of \$2,520 and an annual cost of \$5,820, from Granicus as identified in the Town Clerk's memorandum dated January 9, 2018, with the terms of the contract to be approved by the Town Attorney. Councilmember Miller further moved, seconded by Vice Mayor Kirk, that Council authorize the Town Administrator to purchase an audio/video recording system and contract for EASE Monthly Managed Services Package 2 from Swagit, at a one-time cost of \$23,526 and an annual cost of \$10,500, as identified in the Town Clerk's memorandum dated January 9, 2018, with the terms of the contract to be approved by the Town Attorney.

Mayor Davis questioned whether the audio system was a push-to-talk one. Town Clerk North confirmed it was. Councilmember Littleton noted that the committee talked about that a lot. Town Clerk North noted that the committee talked about everything from a request-to-speak system down and agreed to recommend this one.

Councilmember Hazard questioned what the annual fee would cover. Councilmember Miller noted that this was for the hosting services, updates and support.

Councilmember Hazard questioned the number of years that the annual fee would be good for before it increased. Town Administrator Semmes reminded Council that the Town could not enter into a contract that was more than five years long. She advised that the staff had not yet negotiated these contracts. Ms. Semmes suggested the staff simply tell the vendors that the annual fees must be good for a five year period.

Councilmember Hazard expressed concern that the annual fee could increase.

Councilmember Littleton moved to amend the motion that the annual fee would be fixed for the term of the contract or could contain an escalation clause of no more than 3%. He suggested that if the vendors wanted a higher escalation clause, the staff would need to return to the Council for approval. The Council agreed to accept the amendment.

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

No – N/A

Abstain: Councilmember Hazard

Absent: Councilmember Daly

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

(vote on motion as amended)

Discussion Items

Draft Employee Handbook Updates – Chapter 9-12

Town Clerk North advised Council that the biggest change in these chapters was to the Grievance Chapter and noted that it was mostly based upon the State Code. She advised that as to the Discipline Chapter (Chapter 9), the current handbook only identified suspension as the available option to the Town. Ms. North reported that the proposed changes would add a range of options starting with verbal counseling and going up to dismissal. She advised that no changes were proposed to Chapters 11 and 12.

Town Administrator Semmes reported that the staff worked with the Town Attorney and his firm to come up with a hybrid grievance procedure that was not as onerous as the State Code one.

Councilmember Hazard noted the use of the word “repeated” related to poor attendance. He questioned whether the language was not specific for a reason. Town Attorney Crim opined that the Town did not want this to be identified as a specific number or a specific amount of time. He suggested it made a difference whether a police officer was twenty minutes late for a police shift versus the Town Administrator being twenty minutes late after she attended a late meeting the previous night.

Councilmember Hazard noted that he had seen it both ways in employee handbooks. Town Attorney Crim opined that the Council did not want to create an entitlement feeling in which a person would believe they were entitled to three instances of tardiness per month and took them. Town Clerk North opined that the Town also did not want to create a situation where twenty minutes was identified as being “tardy”. She opined that an employee could push it up to eighteen minutes each day because the limit was twenty.

Council agreed it had no suggested changes to these chapters.

Parking Study Proposal

Town Administrator Semmes reminded Council that they asked her to return to the consultants to see what they could do to evaluate and interpret the data the Police Department provided. She reported that she had received a proposal from Kimberly Horn for \$9,500 to interpret, make recommendations and provide an analysis of the survey conducted by the Police Department. Ms. Semmes reiterated that they would look at what the Town had and make a professional judgement in terms of the parking supply. She advised that they would look at typical parking trends; however, they would not do any counts. Ms. Semmes reminded Council that the idea was to see if they were interested in proceeding to the next step.

Councilmember Miller noted that the Council looked at the police data; however, they did not know what to make of it. He suggested the need to do the study. Councilmember Snyder agreed and suggested it was the only way to put this issue to rest. The remainder of Council agreed to move forward with the proposal.

Councilmember Littleton questioned whether there was any way to get a better price and noted that the Police Department did all of the work. He reminded Council that the Town had done five parking studies. Mr. Littleton opined that if the cost of them was added up, he would probably be aghast.

Mayor Davis noted that the price was not much compared with what the Town paid for the others. Town Administrator Semmes opined that it was not a bad price. Councilmember Hazard opined that it was a rational number. Town Administrator Semmes reminded Council that the previous proposals were for \$25,000-35,000 on the low end.

Mayor Davis asked that the staff make sure the consultant understood that it would have to give the Town a good, full report based on the available data. Town Administrator Semmes noted that they have seen the Police Department's survey.

Councilmember Miller questioned whether the consultant was confident he could pull together something based on that data. Town Administrator Semmes confirmed he was.

Amendments to Town Code Pertaining to Snow/Ice Removal

Town Planner Moore reminded Council that the Town Code required owners/occupants of property in the commercial zoned district to clear sidewalks of snow/ice within a certain period. He advised that there were no provisions established to require anyone else to remove snow/ice if a sidewalk was adjacent to their property. Mr. Moore opined that it was common practice for localities to require the property owner to be responsible for clearing snow and ice.

Councilmember Miller questioned whether a property owner had a legal responsibility to clear snow/ice from the sidewalk. Town Planner Moore advised that in his experience, people shoveled their sidewalks. He noted, however, that the ordinance stated that they only had to do so "in the commercially zoned district". Mr. Moore advised that while it was not his interpretation to make, if he had to make one, he would say that applied to the C-1, C-2 and C-3 districts. He reported that he received complaints about ice during the recent cold spell, with one person requesting the Town require the owner of the adjacent property to take care of it. Mr. Moore explained that because it was a residential area, the Town could not do so. He reiterated that the complainant thought the Town should take care of it, which it did. Mr. Moore advised that this highlighted the issue. He noted that while requiring the property owners to clear the snow/ice was common, it was not universal.

Councilmember Snyder suggested the Town strongly encourage it; however, he opined that it was not realistic to expect every business or residential sidewalk to be shoveled. He noted that a lot of people thought "it's only a couple of inches, it will melt by tomorrow".

Town Planner Moore opined that adopting an ordinance and aggressively enforcing it were two different things. He suggested that during a large event, it was important to have the sidewalks cleared within a reasonable amount of time so people had a way to pass. Mr. Moore further suggested that with the proposed amendment, the Town would have something enforceable if needed.

Mayor Davis questioned whether the Town had a responsibility to clear the snow/ice. Town Attorney Crim confirmed it did not and noted that the Town did not own the sidewalks.

Mayor Davis questioned whether this was also true of the brick sidewalks. Town Administrator Semmes reported that the Town maintained the brick sidewalks; however, it did not clear them of snow and ice.

Town Attorney Crim advised Council that if an individual slipped and fell because a sidewalk was not clear, no liability attached to the Town even if it had an ordinance requiring the property owners to clear them.

Councilmember Snyder opined that the ordinance was written to allow the Town to take action if it had an egregious offender.

Mayor Davis noted that there were some houses on Route 50, where the house was not located close to the road, which were owned by older people. She opined that they would have a hard time finding someone to shovel the sidewalk.

Councilmember Leonard-Morgan noted that the instance cited by Mayor Davis was in a residential area.

Councilmember Littleton noted that the staff was proposing changing the ordinance to require that everyone in town must shovel and de-ice the sidewalks.

Councilmember Snyder noted that he paid someone \$200 years ago to clear his driveway of several feet of snow. Mayor Davis noted that that instance was a driveway so Mr. Snyder could get out.

Councilmember Littleton noted the need to balance the public interest against mandating people to clear snow/ice off a public structure that they otherwise had no ability to say or do anything about. He further noted that the Town installed the sidewalk; however, when it came to snow/ice removal, it would be saying "you must pay to clean it and if you don't, I'm going to fine you".

Town Attorney Crim advised that it would not involve a fine and explained that the property owner would be charged whatever it cost the Town to do the removal. He opined that this would be more than they would pay if they hired someone to do it. Town Planner Moore confirmed it would not be a punitive cost.

Councilmember Littleton opined that the citizens would not see it that way. Town Planner Moore noted that he did not disagree. He advised that this was a policy issue and noted that a majority of municipalities imposed this requirement.

Mayor Davis noted that when looking down Route 50, you could see that some property owners shoveled the sidewalk and others did not. She opined that there was a difference in commercial properties because the businesses wanted people to come into their store so they cleared the sidewalk. Ms. Davis noted that sometimes it froze so fast, it was not possible to remove it.

Town Attorney Crim advised that if an individual slipped on a public sidewalk, it was on them; however, private sidewalks were a different story.

Mayor Davis advised that she would see the safety and goodness reasons behind requiring that the sidewalks be shoveled. She suggested the Town not force an issue it could not necessarily enforce.

Councilmember Snyder suggested it be enforced just for egregious offenders. Vice Mayor Kirk questioned what would be meant by "egregious".

Councilmember Littleton suggested the issue was not about being punitive. He further suggested the Town would either clear the sidewalk and bill the property owner or not. Mr. Littleton opined that the Town must treat everyone the same or it would be arbitrary.

Councilmember Miller questioned what would occur in privately owned parking lots. Town Attorney Crim confirmed they would not be covered.

Councilmember Miller noted that Go Green was concerned with the Town's water supply. He opined that they would want to regulate what was used to melt ice. Councilmember Snyder opined that the Town did not have that authority.

Town Planner Moore advised Council that sidewalks adjacent to a business in a private parking lot would be covered in the proposed amendment. He advised that he was not saying he was a huge advocate of this; however, he opined that the amendment would go a long way if there were issues.

Councilmember Leonard-Morgan suggested that if the Town had a rule, the rule must be what must be done.

Town Planner Moore opined that the predominant theme in town was that most citizens were already shoveling the sidewalks. He further opined that under the Town Code amendment, if a sidewalk was not cleared, whoever was enforcing it would go to the door and tell the property owner the Town Code required that it be cleared within xxx time. Mr. Moore noted that this could not be done currently. He advised that he was not looking for the Town to hire a contractor to do a lot of snow clearing and explained that he envisioned this would be an extra tool if a problem was encountered.

Councilmember Leonard-Morgan opined that the motivation behind the ordinance would be health and safety.

Councilmember Littleton agreed this would be the right thing to do from a public safety perspective; however, his concern was that the Facilities & Maintenance Supervisor would have to knock on all doors for sidewalks not shoveled or none. He opined that this could not just be enforced where people wanted the sidewalk to be cleared. Mr. Littleton expressed concern about enforcing the ordinance on Route 50 because it was a main sidewalk; however, two blocks away, the sidewalk could be worse and no one could ever be contacted.

Councilmember Miller questioned what would occur in the case of a property owner who was gone all winter or in the city during the week. Councilmember Hazard advised that in that case, the Town would provide a service that the property owner would pay for.

Town Planner Moore likened this to zoning enforcement and noted that often times, zoning enforcement was reactive. He advised that he did not look at every property every week for a violation; however, if he noticed something or received a complaint, he responded. Mr. Moore noted that he had a frank discussion when he was recruited and advised that this was the way he preferred to approach zoning enforcement as he was not looking to create a hostile environment.

Mayor Davis questioned whether the staff received a lot of calls about residential sidewalks. Town Planner Moore reported that he received two during the cold spell for ice. He noted that if the Facilities & Maintenance Supervisor saw a problem, he could take care of it. Mr. Moore opined that if he received a call from a neighbor, he must respond. He suggested that if the property owner pointed out that someone else had not cleared their sidewalk, the Town could then take a look at that one as well.

Councilmember Littleton opined that the more popular sidewalks would be the ones that people paid attention to and suggested they would not pay attention to one that was four streets over. He opined that that would be active enforcement, not passive.

Town Planner Moore noted the sidewalk that was being installed on Marshall Street, at the intersection of Chinn Lane. He advised that the property owners on either corner would be responsible for clearing the sidewalk on both sides.

Councilmember Snyder noted that this was the same scenario as for the Community Center. He advised that they had sidewalks along the front and back. Mr. Snyder noted that the sidewalk in the back was installed mainly for people to walk safely to the library; however, it was one that always had snow on it.

Town Planner Moore noted that the Community Center property was not commercially zone; therefore, they were not required to clear it. He confirmed they would under the changes he was proposing.

Councilmember Miller opined that the Council was on the fence about this request. Town Planner Moore noted that he was not asking for a decision. He suggested the Council hold a public hearing during its February meeting to give residents an opportunity to provide feedback. The Council agreed to hold a public hearing in February.

Information Items

Vice Mayor Kirk announced that the Community Center was looking for volunteers to help at events as they were going to start doing more. She noted that she suggested they do paint nights and other things to get people to come into town, to which they agreed. Ms. Kirk reiterated that they were looking for volunteers and advised that she told them that most of the Council would be happy to help.

Mayor Davis suggested they send the members an email early when they needed assistance.

Councilmember Littleton reported that he would be in Richmond on January 31 and February 1 for VML's Legislative Day as a member of the VML Executive Committee. He advised that while there, he could seek out members of the General Assembly to let them know about legislation the Town was seeking and to gauge their support.

Councilmember Littleton questioned whether the members had read the 5G bill that was before Congress and noted that he talked to Congresswoman Comstock's Legislative Director to explain that it was bad and that the Town did not want it. He reported that he asked the Director what the Town could do to help make a case against the bill and advised that he suggested a joint letter from every member of the Council urging Congresswoman Comstock to oppose the legislation. Mr. Littleton asked the staff to draft such a letter that all of the members could sign. He suggested this be used as a starting point to reach out to the other towns in western Loudoun to ask them to do the same thing.

Councilmember Miller suggested the VML should address this as well. Councilmember Littleton confirmed they were doing so.

Town Administrator Semmes noted that there was a bill before the Virginia General Assembly that would take away local governments' remaining powers regarding telecommunications facilities. She reported that she contacted Delegate Gooditis' office to reiterate the VML talking points.

Councilmember Littleton noted that AT&T's annual revenues were \$220 billion; therefore, their ability to fight was incredible. He advised that over the last five years, they spent \$700 million just at the federal level on lobbying and opined that localities did not have a chance.

Discussion – Request for Funding – Mosby Heritage Area Association (continued)

Vice Mayor Kirk questioned why EDAC only recommended giving them \$3,000, as opposed to the requested \$5,000, when the Association was planning to do more with the restaurants next year.

Mayor Davis opined that the difference was based on the amount of people they would bring versus what other events brought.

Councilmember Miller explained that this was an instance of whether this was a community event that the Town wanted to support above its economic development budget. He advised that, based on its analysis, EDAC saw \$3,000 worth of value. Mr. Miller questioned whether the Council saw a community benefit.

Councilmember Snyder noted that they were not just providing a community event, but were also using the revenues to help meet the Town's open space goal.

Mayor Davis noted that the Council wanted to hear about the things the Association did. She advised that they did more than just teaching Civil War history.

Councilmember Miller opined that anything related to this issue opened the Town to attacks. He suggested the need to make sure the Police Chief was aware of all of their events.

Councilmember Snyder advised that he saw this more as a history in our area and what historical things happened in our vicinity.

Councilmember Hazard questioned whether the donation needed to come from the same line item. He noted that the Association was asking for money for a specific event on which they already made money. Mr. Hazard opined that in that regard, it did not make sense for the Town to give them anything. He suggested it was worth giving them money; however, it should not come from this one line item.

Councilmember Littleton opined that this was the same reason the Town gave money to the Charter School and suggested it was about other things.

Councilmember Snyder expressed a willingness to give the Association \$5,000. Councilmember Littleton noted that they were a great organization. Councilmember Leonard-Morgan noted that this funding would not be used just for one event and opined that it was much bigger. He advised that he could vote to approve a \$5,000 donation.

Town Administrator Semmes suggested the funding could come from the community development special events or non-profit support line item. Councilmember Miller agreed it was community development. After some discussion, the Council agreed to split the donation between the two line items.

Councilmember Hazard moved, seconded by Vice Mayor Kirk, that the Council approve \$5,000 for the Mosby Heritage Association, with \$3,000 to come from EDAC funds and \$2,000 to come from the community development line item.

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 reminded Council that the Town had given the Association money in the past, even though their Director indicated it was the first time.

Closed Session – (1) Personnel; (2) Acquisition/Disposition of Property; (3) Legal Advice by Counsel and (4) Appointment to the BZA

Councilmember Miller moved, seconded by Councilmember Hazard, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1), (3) and (8) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees and employees of the public body; the discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held 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 regarding specific legal matters requiring the provision of legal advice by such counsel. Councilmember Miller further moved, seconded by Councilmember Hazard, that these matters be limited to (1) discussion of a longevity bonus for a Town employee; (2) the acquisition/disposition of property within the town; (3) the provision of legal advice by counsel related to the Town’s responsibilities regarding Town owned property and (4) an appointment to the Board of Zoning Appeals. Councilmember Miller further moved, seconded by Councilmember Hazard, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes for the first part; Martha Mason Semmes, Martin Crim and Will Moore for the second and third parts; and, Martha Mason Semmes, Rhonda North and Will Moore for the fourth part. Councilmember Miller further moved, seconded by Councilmember Hazard, 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 the members so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Council Approval – Personnel

Vice Mayor Kirk moved, seconded by Councilmember Snyder, that the Town Administrator do as directed in the closed session on the personnel matter.

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 Appointment – Board of Zoning Appeals

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council recommend the appointment of H. H. Duval “Dev” Roszel to the Loudoun County Circuit Court to the Board of Zoning Appeals for a five-year term, expiring December 31, 2023.

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.)

There being no further business, Mayor Davis declared the meeting adjourned at 9:46 p.m.

APPROVED:

Betsy A. Davis, MAYOR