



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes**



Thursday, January 10, 2013

PENDING APPROVAL

PRESENT: Mayor Betsy A. Davis
Councilmember Kevin Hazard
Councilmember Trowbridge Littleton
Councilmember Catherine "Bundles" Murdock
Councilmember Kathy Jo Shea
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Angela K. Plowman, Town Attorney
Cindy C. Pearson, Economic Development Coordinator
David M. Beniamino, Town Planner
A. J. Panebianco, Police Chief
Debbie J. Wheeler, Town Treasurer

ABSENT: Vice Mayor C. Darlene Kirk
Councilmember David B. Stewart

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, January 10, 2013 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.

Public Comment

George Lengauer, of Seven Loaves Services, introduced Melanie Malone. He thanked the Town of Middleburg and the Council for their support of Seven Loaves; and, opined that the community outreach was amazing. Mr. Lengauer noted that Ms. Malone was the incoming President of the organization; and, advised that he was stepping down. He suggested that change was invigorating for an organization; and, noted that Ms. Malone brought many skills with her. Mr. Lengauer advised Council that she was a long-time supporter of the food pantry. He reported that over the summer, she secured fourteen thousand pounds of fresh produce from area farmers' markets. Mr. Lengauer advised that she was an attorney, who brought a lot of skills to their small organization.

Melanie Malone thanked the Mayor and Council for their support of Seven Loaves. She advised that she looked forward to working with them to advance their mission. Ms. Malone noted that she could not think of anywhere she would rather live; and, opined that the community was wonderful. She thanked the members of Council as individuals; and, noted that many supported the organization generously.

Albert L. Bland, a resident of St. Louis, appeared before Council regarding the Middleburg battlefield. He shared some of his knowledge of local history that had been passed down to him; and, expressed concern regarding the lack of an accurately recorded history of the Middleburg battle.

Mayor Davis advised Mr. Bland that Eura Lewis was heading the committee to form a Middleburg Museum. She noted that they not only wanted Middleburg's history, but wanted to record the history as told by the residents. Ms. Davis suggested Mr. Bland contact Ms. Lewis to help sort out some of the issues that he knew were not true. She noted that they had a lot of information; however, they also needed a lot. Ms. Davis opined that Mr. Bland could help them with some of their findings. She noted that a large battle re-enactment was planned for Aldie, Upperville and Middleburg; and, suggested he contact Billie Van Pay regarding that event.

Special Recognitions by Mayor and Council

Council Approval – Resolution of Appreciation – Christmas in Middleburg

Mayor Davis noted that the resolution contained a lot of names of the volunteers. She expressed the Town's appreciation to the Christmas in Middleburg Committee and to Jim Herbert in particular. Ms. Davis noted Mr. Herbert's organization skills. She also noted the number of attendees at the event. Ms. Davis reiterated that the Council would like to thank Mr. Herbert and the many volunteers who assisted in putting on this event.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council adopt a Resolution of Appreciation for the volunteers, sponsors and donors associated with the 2012 Christmas in Middleburg event.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Stewart

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

Mayor Davis presented a signed copy of the resolution to Mr. Herbert.

Mr. Herbert expressed appreciation to the Town on behalf of the Christmas in Middleburg Committee and the event volunteers.

Public Presentations

Jim Herbert appeared before Council representing the Loudoun County Economic Development Rural Business Strategy. He advised that when he went to work for the Department of Economic Development, he was impressed that they had four people dedicated strictly to agricultural business development for Loudoun County. Mr. Herbert noted that he was approached regarding commercial business development, which was what most people thought of when they heard the term "business development". He opined that Kellie Boles and her team were impressive; and, reported that they just finished a rural business development strategy. Mr. Herbert reviewed the key strategies which they planned to implement, which included: assessing the need for a Loudoun agriculture and rural accelerator, which was the equivalent to a business incubator; developing an integrative approach to equestrian business enhancement; conducting a regular rural business owner survey; and, creating a formal rural business peer-to-peer consulting and research network. He advised that within these strategies, the Economic Development Department would redesign and enhance the rural business development component of the County's website; encourage the formation of a Loudoun County multi-user trail association; enhance the marketing programs to improve the linkage between urban and rural economies; create more of a branded Loudoun County visitor's awareness program; and, build a permanent farmers' market. Mr. Herbert opined that this program was to be commended. He submitted a copy of the strategy to the Council.

Action Items (non-public hearing related)

Council Approval – Request to waive parking – Federal & Jay Streets – Federal Street Partners, LLC

Town Planner Beniamino introduced Pam Mickley Albers, who was representing the applicant. He noted that she had the plans for the project. Mr. Beniamino opined that it was premature to believe these were the plans that would ultimately be approved; and, explained that the applicant could not finalize them without knowing whether they would be required to provide the four spaces on the site.

Councilmember Littleton reminded Council that they discussed this item during their January 10th work session. He noted that the Council felt this was the way to go.

Ms. Albers displayed copies of the site plan, including the first version and the revised version. She explained that the first version called for the building to be placed right on the corner of Jay and Federal Streets as they were required to place five parking spaces on the western side of the building. Ms. Albers advised that they have been working with the Planning Commission and HDRC to work out some issues; and, reported that they would like to purchase four parking spaces, which would alleviate the need for them to provide those spaces on the site and would allow them to move the building to the west.

Mayor Davis asked whether the building would face Federal Street. Ms. Albers confirmed it would. She noted that it was, however, designed to be seen from all four sides. Ms. Albers reiterated that the parking spaces have been proposed to be eliminated on the west side of the building.

Councilmember Hazard asked whether the largest change to the plan was to add the green space to the east and the squaring of the building.

Ms. Albers confirmed this was correct. She noted that they were moving the building in order to open the corner.

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve a request from Federal Street Partners, LLC for the waiver of four parking spaces for their property located at the intersection of Jay and Federal Streets as allowed under Section 223 of the Middleburg Zoning Ordinance, contingent upon the payment of the in-lieu-of-parking fee of \$60,000.

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

No – N/A

Abstain: Councilmember Hazard

Absent: Councilmembers Kirk and Stewart
(Mayor Davis only votes in the case of a tie)

Discussion Items

Bond Refinancing/Bond Refunding Options – Davenport & Company

Joe Mason, of Davenport & Company, reminded Council that in the past, they discussed alternatives for refinancing the Town's 2007 loan with Middleburg Bank. He noted that he has also identified two small Clean Water Revolving Fund loans, issued through the Virginia Resource Authority a number of years ago, that had seven to ten years remaining on them. Mr. Mason suggested those loans be refinanced as well.

Mr. Mason presented Council with the discussion materials he prepared for the meeting. He reported that interest rates have dropped since 2007; and, advised that in December of 2012, they dropped to their lowest level in history. Mr. Mason noted that they have come back up just a little since then.

Mr. Mason advised Council that he looked at different alternatives; and, noted that there were a number of funding providers that Davenport used, including the Virginia Resource Authority (VRA). He reminded them that they previously refunded a portion of the 2007 loan through VRA. Mr. Mason advised Council that he solicited an offer from SunTrust Bank; and, noted that the Town Administrator solicited an updated offer from Middleburg Bank. He distributed an information sheet identifying the savings that could be achieved through refinancing.

Mr. Mason reminded Council that the Town had twenty-three years left on its loan. He advised that SunTrust Bank has offered an interest a rate of 2.22%, which would be fixed for ten years. Mr. Mason noted that at the end of the ten year period, upon ninety days advanced notice to the Town, SunTrust would either offer the Town another rate for the final thirteen years or would say it no longer wanted the loan and require the Town to find another lender. He explained that this would lock in \$134,000 in savings, which was the equivalent to ten percent of the present value basis. Mr. Mason advised that this would shorten the loan maturity by one year.

Mr. Mason reminded Council that the Town had the ability to go through VRA to refinance the loan; and, advised that one of the advantages of doing so was that the Town would take advantage of their strong credit rating. He noted that when VRA sold bonds in the public market, they took advantage of the upper slope of the curve, which meant the Town would get a variety of different interest rates that would be blended to provide a better rate than could be achieved from a bank. Mr. Mason advised that they would also provide the Town with a fixed rate loan for the entire twenty-three year period.

Councilmember Littleton asked whether VRA's interest rate was 3.76%. Mr. Mason confirmed it was.

Councilmember Littleton noted that SunTrust's rate was 2.9% for ten years. Mr. Mason confirmed that SunTrust's rate was 2.48%. He explained that the interest rate itself was 2.2%, plus the annual percentage cost of refinancing.

Mr. Mason advised that with the fixed rate product, less the issuance costs, the Town would be saving roughly \$139,000. He noted that this was an estimate based upon the current market; and, reminded Council that the market could change between now and the time of the refinancing. Mr. Mason advised that once the pricing was done, it would be locked in and the bond would be closed.

Mr. Mason advised Council that if the Town refinanced using the SunTrust proposal, it would save approximately \$133,000 over the next ten years. He explained that if the rate stayed the same through the remainder of the loan, the potential savings was \$472,000, the majority of which would come from shortening the loan by one year. Mr. Mason suggested the Council needed to weigh whether it was willing to accept a potential interest rate risk by accepting the SunTrust proposal. He noted the need to look at Middleburg Bank's offer as well.

Councilmember Hazard noted that SunTrust's proposed interest rate was 2.48% for ten years. He questioned what the rate would have to go to for the remaining twelve years for the Town to break even. Mr. Hazard further questioned the down side. He asked what the interest rate would have to go to for the Council to say it should have gone another route.

Mr. Mason expressed hope that even if there was a rise in interest rates, they would not be as substantial as what occurred in the 1980s. He advised that the break even rate for the remaining twelve years was 7.9%, which was a significant multiple. Mr. Mason reminded Council that they would be financing twelve year money ten years from now. He explained that even if the overall level

of rates was to rise, the Town would be half way down the yield curve; therefore, it could end up where it was now or higher. Mr. Mason advised that the question was whether the Council believed the rate would be higher than 7.9% at that time. He suggested that if they were worried about that, they should not accept the proposal.

Mr. Mason advised Council that he believed the options were between the SunTrust offer and what the Town could secure through VRA. He noted that the Town Administrator has met with the Chief Financial Officer of Middleburg Bank; however, they have not budged from their previous position. Mr. Mason reported that they were offering to lower the Town's rate from 4.5% to 3.75% for the loan they held. He advised that for the two Clean Water loans, which totaled less than \$250,000, they were offering an interest rate of 3.5%, which was below the current rate. Mr. Mason advised that given the issuance costs, the Town may see some negative numbers, which would be caused by refunding the Clean Water loans. He explained that even though the loan would be fixed for its life, the savings the Town would realize would only be \$75,000. Mr. Mason advised that with all due respect to Middleburg Bank, from an economic standpoint, this was not the best deal on the table.

Mayor Davis explained that the Council wanted a bid from Middleburg Bank as they have been good to the Town in the past. She advised that if their offer was similar to what others were offering, the Council would have probably gone in that direction; however, she noted that the difference was quite substantial.

Councilmember Snyder agreed that the Middleburg Bank offer would have needed to be close for the Council to accept it.

Town Administrator Semmes opined that the Council was comparing apples to oranges as Middleburg Bank was not recommending a ten year put. She advised that they were continuing to recommend a fixed rate. Ms. Semmes explained that, from Middleburg Bank's perspective, if the Town accepted the other offer and the loan was called in ten years, it would have to come up with the money to pay the loan off.

Mr. Mason confirmed this was correct; however, he advised that he did not see any reason they would do so. He explained that if this occurred, the Town would have to find the cash to pay off the loan. Mr. Mason suggested the Town may be able to do so as a result of the revenue that would come from the Salamander Resort. He noted that the SunTrust bond would be pre-payable should the Council wish to take any excess revenues to do so.

Mayor Davis compared the Middleburg Bank proposal to the VRA proposal, which was also fixed; and, noted that the VRA proposal would result in considerable savings. Mr. Mason confirmed it would under the current market conditions. He reminded Council that the Middleburg Bank proposal was based upon a set interest rate, whereas the VRA interest rate would not be determined for five months.

Town Administrator Semmes asked Mr. Mason to explain the differences between the VRA and the Middleburg Bank proposals.

Mr. Mason advised Council that the VRA loan could not be pre-paid; although, it could be refunded. He explained that the investors who owned the bond would have call protection under the VRA bond for the first ten years. Mr. Mason advised that the Town could call the bond between years eleven and twenty-two by refinancing. He explained that there was no economic benefit to setting money aside in a trust account and using it toward the loan after the call date. Mr. Mason suggested the Council had more flexibility with either of the banks' proposals; however, VRA could give the Town a more reasonable amount of savings for a fixed rate for the entire length of the loan.

Mayor Davis noted that the fixed rate for the VRA bond would not be established until June. She reminded Council of what occurred the last time the Town refinanced a bond through VRA.

Mr. Mason opined that the proposal that SunTrust offered was a good one that gave the Town good savings if the loan was closed before the end of January. He noted that the loan could be pre-paid at any time with no penalty; and, advised that this was a compelling argument. Mr. Mason reminded Council of the put feature; however, he advised that VRA was always an option if the Town feared a bank would not loan it money ten years from now.

Mr. Mason reiterated that the break-even point associated with the SunTrust proposal was 7.9%. He advised Council that the savings from the refinancing would be cumulative; and, reported that in the first year, it would be \$41,640. Mr. Mason advised that if the interest rate increased by one percent, the Town could go to another bank or VRA to lock in another rate; and, opined that it would not be more than 7.9%. He reminded Council that when interest rates moved, they typically did not move more than two hundred basis points in one year. Mr. Mason suggested that if the Council found that it was suddenly in a rising interest rate environment, it could take the savings achieved as of that date and secure a fixed rate through VRA. He noted that this would take future interest rate risks off the table and would still allow the Town to save money.

Councilmember Littleton noted that by that time, the Town would have reduced the principal by \$300,000.

Councilmember Shea asked whether there would be a penalty for refinancing early. Mr. Mason confirmed that under the SunTrust Bank proposal, the Town could pre-pay the loan at any time. Town Administrator Semmes confirmed this was true of either proposal.

Councilmember Littleton asked whether the representatives from Middleburg Bank were aware of the proposal offered by SunTrust Bank.

Town Administrator Semmes confirmed they were; although, they may not have the most current figures. She advised Council that she told the Middleburg Bank that the Town had an updated proposal from SunTrust Bank and was considering going with VRA; and, asked that they update their proposal. Ms. Semmes noted that they did not offer something that could be directly compared to SunTrust's proposal as they did not recommend it in that form.

Mr. Mason suggested it was fair for the Council to put themselves in Middleburg Bank's shoes. He noted that they currently had a guaranteed stream of interest income from the Town that was significantly above the market; and, advised that they had no incentive to lower the rate. Mr. Mason opined that they may be willing to give a little. He noted that the market was currently at 2.5%.

Councilmember Littleton suggested that Middleburg Bank be told that the Town had a proposal that was substantially lower than theirs; and, ask them if they could offer anything else.

Mayor Davis questioned when a decision must be made.

Mr. Mason advised Council that he received a refreshed rate from SunTrust Bank; and, advised that it had risen by two basis points since they last got their rates before the holidays. He noted that it was good for thirty days.

Councilmember Snyder noted that under the SunTrust proposal, the Town would pay off about a third of the principal in the first ten years.

Councilmember Littleton expressed a desire to give Middleburg Bank an opportunity to provide another proposal.

Mr. Mason advised Council that he would like to be able to provide the Town with some savings in this fiscal year. He noted that a bond payment was due in February. Mr. Mason explained that he would like to get this wrapped up before that time so the Town could enjoy the savings. He reminded Council that under Virginia law, this would be considered a refunding; therefore, it had the statutory authority to do so without a public hearing. Mr. Mason asked for direction from the Council to approach Middleburg Bank seeking a rate structure that was similar to the one offered by SunTrust Bank so the Town could compare apples-to-apples. He suggested that if their rate was better, the Town could go with them. Mr. Mason advised that the Town's bond counsel would then draft a resolution for consideration during the January 24th work session. He noted that once the resolution was approved, he could execute the loan documents with the bank and close by the end of January.

Councilmember Snyder opined that this would be a good idea.

Town Administrator Semmes asked for direction to pursue a better proposal from Middleburg Bank; and, if one could not be secured, to pursue the loan through SunTrust Bank. She noted that the Town was not required to put this out to bid.

Councilmember Snyder opined that the Council was interested in doing this.

Town Administrator Semmes noted that this would allow the staff to have the resolution prepared for the Council's consideration during its January 24th meeting. She advised that this would also allow the bond counsel to begin work on the required paperwork.

Councilmember Shea asked that it be made clear to the Middleburg Bank that the Town was working within a specific time frame so they could offer an immediate response, either to decline or to offer a revised proposal. Town Administrator Semmes opined that this was possible.

Councilmember Littleton asked the Town Administrator to share SunTrust Bank's proposal with Middleburg Bank and see if they could beat it.

Mayor Davis noted that if their offer was close, the Council should consider it.

Mr. Mason suggested the bond counsel could prepare two resolutions – one for SunTrust and one for Middleburg Bank. He noted that the Council could then approve whichever proposal it chose.

Mayor Davis asked whether this was agreeable to the Council. The members agreed it was.

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Littleton, that Council approve the December 10, 2012 Work Session and December 13, 2012 Regular Meeting Minutes as amended.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Stewart

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

Staff Reports

Town Administrator Semmes reported that she had a meeting with officials from Lovettsville to discuss both jurisdictions' experiences with Loudoun Water and the services they provided. She noted that Lovettsville's contract expired the end of 2012; and, reminded Council that Middleburg's would expire the end of this calendar year. Ms. Semmes advised that Lovettsville had the same contract with Loudoun Water as Middleburg; and opined that it was designed to get the Town over the hump of getting the Salamander facilities into operation. She advised that Lovettsville was working on a new contract that was more specific about the services to be provided. Ms. Semmes suggested the next step for the Town and Lovettsville would be to meet with Loudoun Water to share the commonalities between the two organizations. She further suggested that each jurisdiction then negotiate its own separate contract.

Town Administrator Semmes reported that she also met with an individual who used to serve on Loudoun Water's Board of Directors. She advised that the individual viewed the Town's facilities. Ms. Semmes noted that she did not have anyone who could help her negotiate this contract; and, advised that Whitman Requardt worked on projects. She suggested that what services the Town should expect from Loudoun Water was a different question. Ms. Semmes advised that she planned to use this individual's experience in this area.

Town Administrator Semmes reported that the project to televise the sewer lines was complete; and, advised that the results were being analyzed. She noted that the tapes revealed a lot of rock in the sewer line on West Washington Street; and, suggested it may have entered the system during the Chinn's Crossing Project. Ms. Semmes advised that the tapes also revealed a lot of grease in the sewer line on Federal Street.

Town Administrator Semmes reported that today was the deadline for businesses to submit their industrial surveys; and, advised that she had received approximately half of them. She noted that the Town was making good progress in checking the items off the list that the Department of Environmental Quality (DEQ) wanted done. Ms. Semmes advised that she anticipated receiving a response from DEQ in the morning on the Town's response to their consent order; and, expressed hope that they would amend some of the items as the Town requested.

Councilmember Shea advised that she would like to hear the comments from the individual that Ms. Semmes referenced, as her comments could impact future decisions made by the Town Council.

Chief of Police Panebianco reported that the Town experienced a huge success with the Fourth of July event. He reminded Council that they hired a new officer this year, who should be an asset to the Department. Chief Panebianco opined that having the Christmas Shop and Halloween fall on the same day was unique; however, they handled it well. He advised that he learned a lot from the Christmas in Middleburg event; and, noted that he planned to improve some things next year. Chief Panebianco advised that they were proud of the National Night Out; and, noted that the Department received the first award ever from the Middleburg Business and Professional Association for the event.

Economic Development Coordinator Pearson reported that she had a copy of the Northern Virginia Magazine that contained an article on Middleburg. Mayor Davis opined that the article was great for the Town.

Town Planner Beniamino noted that the Council had his written report; and, advised that he was happy to answer any questions they may have.

Councilmember Littleton offered the Town Planner a pat on the back regarding the HDRC. He explained that he has been through a lot, worked hard and did a good job.

Town Treasurer Wheeler noted that the Council just received her written report. She advised that she would be happy to answer any questions.

Councilmember Murdock noted that the revenues appeared to be down.

Town Administrator Semmes noted that this report was just for a month. She reminded Council that the meals tax revenues from Christmas in Middleburg would not be received until January.

Councilmember Shea noted that sales taxes were just filed in January; therefore, the December report did not reflect those numbers.

Town Administrator Semmes noted that the appropriated budget expenses were less than the revenues.

Councilmember Snyder noted that there was a lot going on with regard to **utilities**. He advised that the Town Administrator was handling a lot of items; and, suggested the Council should expect to see a lot come before them in the near future.

Town Administrator Semmes reported that she just received the raw data for the utilities report; therefore, she had not had time to assemble it. She advised that she would send it to the Council in the future.

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

Council Approval – Declaration of Surplus Property – Police Department

Chief Panebianco advised Council that the Department did not need the three shotguns. He suggested that rather than letting them deteriorate, the Town should sell them in order to get some value from them.

Councilmember Shea asked the Chief to explain the process that must be used, as opposed to selling them on the open market.

Chief Panebianco explained that these were police shotguns, which held more rounds than the shotguns that were publicly available. He further explained that they would be advertised for purchase by other police departments or licensed federal fire arms dealers.

Councilmember Snyder questioned the difference between a shotgun and a strategic shotgun. He further questioned the odds that these guns would not be purchased by another police organization.

Chief Panebianco noted that he did not know the odds. He opined that the shotguns would be purchased by a gun dealer; and, explained that most police departments did not budget for the purchase of an \$800 weapon. Chief Panebianco advised that it was common for police departments to trade in older weapons to a gun dealer who then resold them to off-duty law enforcement officers or citizens. He explained that the Town could not sell these shotguns to an individual unless he held the proper license.

Councilmember Snyder asked whether these were the type of shotgun that an individual would take into the woods.

Chief Panebianco confirmed they were not. He advised that the reason he was proposing the sale was that he did not feel comfortable having the officers use them. Chief Panebianco explained that they were cumbersome and complicated. He noted that while he never wanted an officer to have to use a

weapon, if they did have to do so, he wanted them to feel secure with what they had. Chief Panebianco advised that the officers preferred to use an 870 as opposed to an M2 tactical shotgun. He explained that they were automatic shotguns; and, advised that when the trigger was pulled, they would discharge five rounds.

Councilmember Snyder noted the distinction; and, explained that his goal was to keep them out of the hands of the public and in the hands of law enforcement.

Chief Panebianco advised that he has put out some feelers; and, had some people who were interested in purchasing them.

Councilmember Snyder advised that he had no problem having a weapon in the hands of police officers who used them to protect the public and themselves. He explained that he did not want these weapons to get into the wrong hands.

Chief Panebianco advised Council that, typically, a gun dealer would change the choke so the guns would only hold three rounds. He noted that an individual could purchase the same weapon; however, it could not hold five rounds. Chief Panebianco reiterated that the dealer would change the round capacity, which would then allow the guns to be sold to the public.

Councilmember Littleton asked whether these guns would be used for bird hunting. Chief Panebianco confirmed they would not. He suggested they could be used for deer hunting. Chief Panebianco noted that this was a tactical stock weapon, which meant it was lighter; however, it also would kick when fired. He advised that they were purchased prior to Chief Klugh's tenure. Chief Panebianco noted that he witnessed the officers with the guns on the firing range; and, reiterated that he was not comfortable having them use them.

Councilmember Littleton advised that he would leave it up to the Chief to ensure the guns were put in safe hands; and, expressed hope that they could go to another police department.

Councilmember Snyder advised that the fact that the weapon could be changed to a regular stock and sold to the public did not concern him as the public could already purchase that type of weapon. He explained that his concern was related to the term "tactical" shot gun; and, advised that he did not want that type of weapon to be sold to the public.

Chief Panebianco reiterated that the difference between a tactical and regular shot gun was the type of stock and the capacity of the weapon. He noted that the Police Department's pistols used high capacity magazines that held forty-six rounds of ammunition. Chief Panebianco noted that this was standard practice for police officers. He reiterated that these shotguns were not the right tools for the officers; and, advised that he would prefer to be safe and cautious.

Councilmember Shea explained that she wanted the Council to talk about the process so the sale would not be a problem. She noted that these types of sales had not been handled this way in the past. Councilmember Shea advised that she did not have a problem with a federally licensed arms dealer purchasing the weapons.

Councilmember Murdock moved, seconded by Councilmember Snyder, that the Council declare three Benelli Tactical Shot Guns, as identified on Police Chief Panebianco's memorandum dated January 4, 2013, to be surplus property to be sold through an advertised public sale.

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

Discussion Items (continued)

Ordinances pertaining to fitness centers and outdoor lighting standards

Town Planner Beniamino reported that the resolutions which the Planning Commission adopted were included in the agenda packets. He asked that the Council schedule these items for a public hearing on February 14th. Mr. Beniamino reminded Council that they have discussed these items in the past.

Councilmember Snyder moved, seconded by Councilmember Shea, Council schedule a public hearing for their February 14th meeting.

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

Information Items

Councilmember Shea announced that the Christmas Dinner, which was held this past year, would be held again this year. She reported that they were setting up a steering committee consisting of town residents and members of the Middleburg Business and Professional Association to organize it. Ms. Shea advised that they only had twenty people attend the dinner this past year; and, noted that normally, they had thirty. She noted that there was a change of venue this past year.

Mayor Davis announced that the Upperville Volunteer Fire Department would hold a breakfast on January 13th.

There being no further business, a motion was made to adjourn the meeting at 7:16 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk