



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes



Thursday, August 10, 2017

PRESENT: Mayor Betsy A. Davis
Vice Mayor Darlene Kirk
Councilmember J. Kevin Daly
Councilmember Kevin Hazard
Councilmember Peter Leonard-Morgan
Councilmember Philip Miller
Councilmember Mark T. Snyder

STAFF: Martha Mason Semmes, Town Administrator
Martin R. Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
A.J. Panebianco, Chief of Police
William M. Moore, Town Planner
Ashley Bott, Town Treasurer
Jamie Gaucher, Business & Economic Development Director

ABSENT: Councilmember Trowbridge "Bridge" Littleton

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

Public Comment

Stephen Plescow appeared before Council on behalf of Seven Loaves. He thanked the Town for their continued support and advised that it had been another good year. Mr. Plescow noted that they experienced a dip in patronage after the election, although the numbers were coming back. He advised that their Board of Director's was trying to increase their penetration and number of patrons. Mr. Plescow reminded Council that they were currently open three days a week from 10:00a.m.-12:00 noon. He noted that the Board believed they were missing a segment of patrons who need them but who could not come in during the day and advised that they were trying to see whether it made sense to be open on a weekday evening and/or a Saturday. Mr. Plescow thanked the Council for working with them on the parking. He noted that he would talk with the Chief about this; however, the Board was wondering whether the Council was open to allowing them to open on a weekday evening and/or an occasional Saturday. Mr. Plescow reiterated that they were looking for ideas to increase their reach.

Councilmember Snyder advised that he could not see how evening hours would conflict with the businesses. Mr. Plescow agreed, especially during the week. He explained that he only wanted to report the options to the Board.

Public Presentations

Chief Panebianco reminded Council that Officer Jason Davis had already been sworn in to enforce the law by the Circuit Court Clerk. He noted, however, that he believed that he needed to take an oath of honor in front of the Council, his family and the citizenry to hold him to a higher standard. Chief Panebianco reminded Council that Officer Davis had taken this oath when he became a part-time officer; however, he was reaffirming it today as the Town's newest full-time police officer. He advised that as a part of this process, his family members would pin his badge on him. Chief Panebianco administered the Oath of Honor to Officer Davis and Officer Davis' wife pinned his badge on him.

Officer Davis thanked the Council for letting him serve the community. He reminded them that he had worked as a part-time officer, as well as at the Safeway; and, noted that he loved this area. Officer Davis thanked the Town for letting him "come home".

Approval of Minutes

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council approve the July 13, 2017 Regular Meeting and the July 27, 2017 Work Session meeting minutes as amended.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Staff Reports

Stuart Will, of IES, reported that the radio was repaired and they were back to normal operations.

Town Administrator Semmes reported that, after speaking with the Mayor, she added an item to the closed session to talk about the Asbury Church bids and the negotiation of that contract. She noted that she would provide more information on the project during the closed session.

Town Clerk North reminded Council of the FOIA training scheduled for August 17th. She noted that it would consist of an hour and a half of training, following by thirty minutes for questions/answers. Ms. North advised that this session would qualify for continuing education credits for those who needed it.

Town Clerk North noted that there were four items on the Council's Action Tracker that were now complete. She advised that if there was no objection from the Council, she would remove those items from the tracker. The Council agreed they could be hidden.

Vice Mayor Kirk questioned why the Town Clerk was waiting for the Leesburg Police Department to run license plates for the past due parking tickets. Town Clerk North explained that this was the system that was in place. She further explained that she prepared a list of license plate numbers, forwarded those to the Leesburg Police Department, who then ran the plates. Ms. North advised that once the report was ready, the Chief would pick it up so she would have the information needed to send out the past due notices. She noted that it was taking longer than normal to get the report back this time. Ms. North reminded Council of the August 31st deadline that they approved for granting amnesty for the late fees and advised that for this last batch, she may not be able to get the notification letters out before that deadline passed; therefore, she may return to the Council with a request to extend the deadline for those individuals who were on this list.

Vice Mayor Kirk inquired as to the time for the retirement party for Economic Development Coordinator Pearson. Town Clerk North reported that it would be held from 4:30-5:45 on September 28th. She reminded Council that they had a work session that evening beginning at 6:00 p.m. Ms. North noted that she would be sending out invitations.

Town Clerk North noted that ten years ago on this day, she attended her first Council meeting for the Town of Middleburg. She reminded the members that they approved the Salamander Resort project during that meeting. Mayor Davis congratulated the Town Clerk on her ten year anniversary.

Business & Economic Development Director Gaucher advised Council that he hosted his first company visit of Middleburg earlier in the day and reported that the prospective business looked at six properties. He advised that he had another prospective business coming next week for a visit.

Business & Economic Development Director Gaucher reported that he had drafted an outline of a marketing and communications plan, which he had shared with EDAC Chair Vincent Bataoel and Councilmember Miller.

Town Administrator Semmes reported that she and Mr. Gaucher met with Beth Erickson, of Visit Loudoun, on the draft MOU, tourism and how Middleburg fit in with their efforts.

Councilmember Hazard noted Economic Development Coordinator Pearson's report on Bluemont and advised that it was nice that they were making an effort to change things up. He noted that they were partnering with Slater Run to offer wine tastings and would offer face painting, which was more family-oriented.

Town Planner Moore reminded Council that he was on vacation last week; therefore, they did not have a written report from him. He reported that the Planning Commission had set an approximate date for a second Comprehensive Plan public workshop for September 25, 26 or 27th. Mr. Moore further reported that the online survey was also underway. He advised that the Commission spent time during their last meeting reviewing the 2011 Virginia Tech planning studio that looked at the Federal Street corridor. Mr. Moore noted that there was a lot of interest in this area with the Comprehensive Plan update and advised that he anticipated it would include a small area plan for Federal Street. He opined that they would start with that plan as a base and noted that the consultant was reviewing it. Mr. Moore advised that the second workshop would include mapping exercises.

Town Planner Moore advised that the Streetscape Committee, Go Green and the Middleburg Futures Group would hold a town-wide clean-up on August 19th. He further advised that the Streetscape Committee was also gearing up for a planting plan for the areas around the new trees and bump outs on Washington Street, which currently looked bare. Mr. Moore advised that the plan, which would include a maintenance plan, would give the Town's maintenance personnel and/or volunteers an idea of what plants could be maintained in those areas. He opined that this was the last step for that project.

Town Planner Moore announced that the new Facilities & Maintenance Supervisor would begin work on August 21st.

Town Treasurer Bott noted that her report included detailed information regarding Invoice Cloud, which was requested during the work session.

Mayor Davis questioned whether it was possible to not charge a fee for electric fund transfers (EFT). Town Treasurer Bott advised Council that if the citizen paid the fee, it would be \$.95; however, if the Town absorbed it, it would only be \$.50. She further advised that if everyone paid by EFT, the annual cost to the Town would be \$1,500. Mayor Davis suggested this be discussed later.

Councilmember Leonard-Morgan noted that there were two donations made to the Police Department. He questioned who the Thompson Foundation was. Chief Panebianco advised that Mr. Thompson was the HOA manager for their office building.

Vice Mayor Kirk inquired as to the status of the new Accounting/Administrative Assistant position. Town Treasurer Bott reported that the first round of interviews had been held and that two people were coming in for a second round of interviews next week. She advised that the Town received approximately one hundred thirty applications for the position. Ms. Bott noted that she felt good about the two applicants.

Councilmember Hazard suggested the need for the Council to talk about the Health Center. Vice Mayor Kirk noted that it needed to talk about all of the Town's properties.

Councilmember Hazard opined that Cowgill's report on the Health Center was frightening. He noted that the Town had spent money to fix an office; however, it was leaking again and needed to be looked at further. Mr. Hazard further noted that there were a number of items for which the Council needed to take a hard look.

Councilmember Daly suggested an item be placed on an agenda to talk about all of the Town's properties. Vice Mayor Kirk suggested the Council may wish to have a discussion on this building only. Town Administrator Semmes reported that it was already on the September agenda.

Councilmember Miller reminded Council that the items cited in Cowgill's report were immediate needs only, not the long term ones. Councilmember Daly noted that the maintenance costs for this building were increasing as it aged.

Vice Mayor Kirk noted that she suggested to the Falkensteins that they buy the building; however, they declined.

Town Clerk North reminded Council that a closed session discussion on Town properties was scheduled for their September meeting.

Councilmember Hazard advised that he could wait until September to have the discussion. He reiterated that the report was frightening.

Chief of Police Panebianco reported that the parking tickets were going well and opined that approximately sixty-two percent (62%) of the tickets written had been paid since the new system was in place. He advised that they had a high paid rate.

Chief Panebianco advised that they were continuing to experience some sticking points with the DMV and suggested he and the Town Administrator may have to drive to Richmond to ask them what needed to be signed as this kept changing. He expressed hope that they were getting to the bottom of what needed to be done as they were now only dealing with one person.

Chief Panebianco opined that National Night Out went very well and advised that it was one of the best they have had in terms of attendance. He thanked the Council and the community for their support. Chief Panebianco also thanked his staff for their hard work.

Chief Panebianco reported that he had closed the application pool for part-time officers, although he had not yet completed this.

Chief Panebianco opined that Bluemont went well and advised that it was well attended.

Mayor Davis questioned how the officers were finding the new ticket system was working. Chief Panebianco noted that it was very simple. He explained that when the officers wrote tickets, if this was the third ticket for that car, the system would indicate that this was a scofflaw and populate it with the accelerated fine. Chief Panebianco advised that he had received some calls, and opined that the Council may get some correspondence, from people who were concerned that they only had seven days to pay the ticket before the late fee was imposed. He suggested it was previously fourteen days. Vice Mayor Kirk advised that it was previously three days.

Chief Panebianco advised that someone put her ticket in her dash until she received her paycheck at the end of the week; however, when she went to pay, the seven days had already passed so the fine doubled. He noted that this was easy to fix during the learning phase; however, he opined that the Council may get some calls.

Councilmember Miller noted that individuals could pay online with a credit card.

Vice Mayor Kirk reiterated that violators now had twice the amount of time to pay that they previously had.

Chief Panebianco advised that this was the only real complaint he had heard. He opined that aside from that, people were getting used to the new system. Chief Panebianco reported that the officers were writing very few overtime parking tickets. He noted that he thought this would be the majority of what they wrote; however, they were writing more for things like expired license plates or parking on the wrong side of the road. Chief Panebianco reported that overtime parking was the lowest number of violations that were being written. He opined that three hours was a long time and made a difference.

Councilmember Snyder noted that the Council thought three hours was an ample and generous amount of time so that people would not have to worry about that. Chief Panebianco opined that it was the right amount of time.

Town Attorney Crim congratulated the Mayor on her selection as a Loudoun Laureate. He reported that he had been working on a lease for the Health Center and noted that Cowgill had furnished a draft. Mr. Crim reported that he had offered a few comments on the Invoice Cloud contract and advised that it was better than he expected. He noted the comments that were made during the last work session related to the Revise contract; however, he advised that the staff asked him to hold off working on that for now.

Town Attorney Crim advised Council that there had been movement with regard to small cell facilities on various fronts around Northern Virginia and noted that a number of his colleagues had been contacted by Mobilite. He opined that the Town could expect that as well. Mr. Crim noted that they had been the most aggressive company in terms of putting up small cell facilities.

Town Attorney Crim reminded Council that he would be on vacation August 11-28 and noted that his office, including Olaun Simmons, was prepared to handle anything that required immediate attention.

Reports of Town Committees/Council Liaisons

Councilmember Leonard-Morgan noted that the Go Green report was on the Councilmembers' desks and advised that it was mostly a summary of National Night Out. He thanked Chief Panebianco for allowing them to help and give away information. Mr. Leonard-Morgan also thanked him for using the recycling containers and noted that they were able to do a demonstration on how to recycle. He reported that Go Green would be involved in the town-wide clean-up on August 19th. Mr. Leonard-Morgan advised that they would be pushing the issue of discarded cigarette butts, which was a big subject for Go Green. He reminded Council that they were researching cigarette butt disposal containers and would bring a proposal to the Council in a month or so.

Discussion Items

Police Department Staff Reorganization

Chief Panebianco reminded Council that the Lieutenant position was designed for the individual who just retired and noted that not everyone had the same skill sets and abilities that he had. He advised that he was not sure these skill sets were needed in one location and noted that in looking at that rank, he felt the proposed job description was adequate to cover what needed to happen in that position. Chief Panebianco explained that it would be a non-exempt position as it was difficult for it to be exempt in a department of this size.

Chief Panebianco reminded Council that the Police Department was a small one. He noted that the depth of morale in any business or government agency was the feeling that one could not move or go forward. Chief Panebianco opined that the Town had a great organization and he had a great department. He advised that for better or worse, most of the people they hired, intended to retire from Middleburg; therefore, they were here for a long time. Chief Panebianco explained that in an effort to spark morale, keep employees and fill the need for a mid-level supervisor, he wanted to create a Corporal position. He advised that as to the budget, the difference between what the retired Lieutenant was making and what the new officer was making was \$21,000. Chief Panebianco proposed that the employee who filled the Lieutenant position be given a ten percent pay increase and the individual who filled the Corporal position be given a five percent pay increase for the extra duties. He advised that even in a worst case scenario, this would still fall well under the budget. Chief Panebianco opined that this would positively affect morale and would spark a new motivation in the officers.

Councilmember Snyder advised that he was not concerned about the budget; however, he was concerned about whether the structure was too rigid for a small department. He questioned whether it would help. Chief Panebianco opined that it would create movement and noted that currently, he must die in order for someone to get a promotion and then it only affected one individual. Chief Panebianco advised that what he was proposing would give the employee a ladder to climb and allow for career development. He noted that given the projected timeline for the people who were eligible for promotions to retire, this would keep the movement going. Chief Panebianco reminded Council that young officers who came here, and wanted to stay, were currently stuck in one position with no possibility of promotion and no movement. He reiterated that this would give them a step to move forward and spark some enthusiasm.

Councilmember Hazard questioned whether the department contained employees who were ready to take on these positions and noted that Lieutenant Prince was unique. Chief Panebianco reported that he had four employees who met the standards and were qualified; however, one had told him that he was not interested. He advised that of the remaining three, each had unique capabilities that would benefit the department in that position. Chief Panebianco noted that the Lieutenant would still remain the investigator; however, he would scale back on some of the daily supervisor duties, which he had been reeling back in anyway. He advised Council that the department had great people that could fit the needs of both positions.

Councilmember Hazard questioned whether they could be appointed to these positions in the interim and get training. Chief Panebianco noted that they would get trained in some form or another. He advised that some of the training was ongoing as he knew Lieutenant Prince was planning to retire. Chief Panebianco advised that they would work closely with him for training and would get specialized academy training for supervisors.

Vice Mayor Kirk noted that she liked that the Chief was proposing to tailor the department to the Town's and the officers' needs. She advised that Lieutenant Prince's background allowed him to do a lot; therefore, it made more sense to have one person doing it. Ms. Kirk noted that the proposal would allow the officers to move up. She opined that some would be retiring as early as in two years.

Councilmember Snyder advised that he was in favor of it as it provided more flexibility. He noted that he was only worried about the structure.

Vice Mayor Kirk suggested that if the Town hired another employee like Lieutenant Prince, the Chief could return to the Council for a change.

Chief Panebianco noted that he built programs around the officers' skill sets. He advised that he looked for someone that could do something and gave them that as their assignment; therefore, they owned it and developed a passion for it. Chief Panebianco noted that this management style worked well and was successful.

Councilmember Daly opined that one of the great strengths in the Police Department was the Chief's training. He noted that they had a four hundred fifty page operations manual. Mr. Daly reminded Council that each officer was unique in that they had their own abilities. He opined that Middleburg had a strong police force. Mr. Daly suggested that in regard to concerns of having too much organization, he had served in an organization that had a twelve man A team and there were no issues with command and control. He noted that he had gone on a ride-along with all but two of the officers and opined that the Town had a great team. Mr. Daly advised that he liked the concept and commended Chief Panebianco on a well thought out plan. He suggested it was a no brainer as it was kept within the Police Department's budget. Mr. Daly noted the issue of when overtime started and suggested that be discussed when the Council discussed the amendments to the Employee Handbook.

Chief Panebianco advised that they would look at that as a team and come up with something that was amenable to the community and what was general practice. He noted that this was a separate issue and advised that what he was proposing was based on current policy. Chief Panebianco opined that there had been a change in the federal regulations that required a lieutenant to be an administrator in order to be exempt. He noted that if an exempt employee was performing the duties of a police officer, he was not exempt and advised that when Lieutenant Prince covered an officer's shift, he was eligible for overtime. Chief Panebianco advised that he kept him at eighty hours so there was never an instance in which he met that standard. He reiterated that the position would be redefined and would not be a salary one.

Councilmember Miller opined that this would leave money in the budget to address the overtime issue when the Council went through the Employee Handbook. He advised that he appreciated the promotional process that was identified and opined that it was great to have third parties involved.

Chief Panebianco advised that there was currently no way to say "this is how we do a promotion" and expressed a desire to have a process that he could leave as a legacy for the next Chief and that would give the staff the ability to know what would happen.

Chief Panebianco advised that he and the Town Administrator discussed the Administrative Assistant's position and noted that she was the catalyst in discovering this discrepancy. He explained what when the Administrative Assistant was moved from part-time to full-time, he provided the numbers based off her then hourly rate and did not do research to see what others made. Chief Panebianco noted that the new Accounting & Administrative Assistant was proposed at a considerably higher pay rate. He advised that he looked at others and opined that if \$5,000 was added to her salary, it would make it more competitive with those who were doing the same job in other jurisdictions. Chief Panebianco noted that she did a great job. He advised that he checked with Purcellville and Haymarket and found that both salaries were considerably higher than what Middleburg paid its Administrative Assistant. He reiterated that he dropped the ball because he was happy to get her full-time and did not do the research that he should have.

Councilmember Daly opined that there would still be budget savings. Chief Panebianco noted that his numbers were based on a worst case scenario.

Vice Mayor Kirk questioned whether the Administrative Assistant's salary was competitive with any others in Loudoun County. Chief Panebianco advised that he only looked at Purcellville and Haymarket. He reported that the Administrative Assistant for Purcellville made \$12,000 more and the one in Haymarket made \$17,000 more; however, he noted that they also had more tenure. He advised that he would feel comfortable with the starting salary if \$5,000 was added so it would be competitive and would provide a decent wage.

Vice Mayor Kirk questioned whether this needed to be approved by the Council. Town Administrator Semmes explained that the staff was asking the Council to approve the creation of a Corporal position so it could be added to the Employee Handbook and advertised.

Councilmember Snyder moved, seconded by Councilmember Daly, that the Council approve the corporal position.

Town Administrator Semmes reported that everything else could be handled at the staff level.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Volunteer Appreciation Reception

Town Clerk North advised Council that based on the two dates they proposed for the reception, she was not able to book it at the Community Center. She noted, however, that the Emmanuel Episcopal Church's Parish Hall was available and advised that it would accommodate one hundred twenty people. Ms. North reported that she had tentatively reserved it for October 11th. She reminded Council that the staff was proposing the reception be held from 5:00-7:00 p.m. since heavy hors d'oeuvres were being served; and, suggested that if it was later, people would expect a dinner. Ms. North advised that the Back Street Café had agreed to cater the event and noted that the cost was proposed at twelve dollars per person based on the menu in the Council's agenda packet. She reported that if desired, the Back Street Café would also provide two servers at \$25/hour/server.

Councilmember Miller questioned whether they would also provide a bartender. Town Clerk North advised that she did not ask whether they would serve in that capacity; however, she would do so. Vice Mayor Kirk opined that they could. Councilmember Hazard suggested she just needed to bring her husband.

Town Clerk North advised that with regard to alcoholic beverages, the church asked that it be limited to beer and wine. The members of Council agreed that was fine. Ms. North reported that the Town would need a banquet license from the Health Department; however, it could get a tax waiver, meaning the cost would only be fifteen dollars. She confirmed the Town had insurance coverage for the service of alcohol as long as it was not selling it. Ms. North reported that the Town Administrator spoke with the Town Attorney about this and advised that Town Attorney Crim recommended the Town find a sponsor to donate the beer and wine and hire a professional bartender. She noted that the Town Administrator suggested the Town simply give out a limited number of tickets that could be exchanged for the beer or wine so the Town would not have to worry that someone may over indulge.

Vice Mayor Kirk questioned whether the staff was proposing the service of red or white wine. She further questioned whether they were proposing soliciting donations from one of the wineries. Town Clerk North expressed hope that a member of Council would volunteer to take on the responsibility of securing the beer and wine donations. Councilmember Hazard volunteered to do so and noted that his wife was already working on it. Town Clerk North opined that what was served would be based on what was donated.

Vice Mayor Kirk expressed disappointment that the event could not be held at a restaurant that would handle everything. Councilmember Hazard opined that this would be a nice venue. Vice Mayor Kirk agreed and noted that the Back Street Café did a wonderful job of catering.

Town Clerk North reported that the staff was proposing a budget of \$2,300, including a ten percent contingency. She noted that she had included an invitation that would be issued through E-invite that made it clear that this would be a reception during which wine would be served. Ms. North advised that if this proposal was acceptable to the Council, she would finalize the plans. She opined that the funding would come from the Council's expense line item. The members of Council agreed the proposal was acceptable as presented.

Vice Mayor Kirk questioned whether guests would be limited to two glasses of wine. Town Clerk North suggested that if the Council wished to use the ticket approach that each guest be given two tickets upon entering the door that could be exchanged for complimentary glasses of wine or beer.

Vice Mayor Kirk suggested that it be clear that people could have as many non-alcoholic beverages as they wanted; however, they were limited to two glasses of wine or beer and could not buy additional glasses.

Town Clerk North noted that if she and her husband attended an event of this nature, because she did not drink, she would give her tickets to her husband, which would allow him to have four drinks. She suggested there was nothing the Town could do to stop that from happening.

Vice Mayor Kirk noted that she did not want to stop it from happening and explained that she only wanted people to know they could not purchase additional beverages. Town Administrator Semmes suggested this was something the bartender would handle. Town Clerk North suggested the bartender explain that the Town was not allowed to sell alcohol.

New chairs for Council Chambers

Councilmember Snyder advised that he did not see anything wrong with the current chairs.

Councilmember Miller opined that the chairs were a little expensive. He advised that he did a little research and found them cheaper at another location.

Town Clerk North explained that she was only trying to get the Council to reach a consensus on the style. She noted that once they had done so, she would do some research to find the best price. Ms. North reported that the La-Z-Boy Delano Executive Chair was the one that received the most expressions of support.

Mayor Davis opined that the Council also looked at a chair that was similar to the existing ones. Town Clerk North confirmed they did; however, the Mayor was the only member to express an interest in that style.

Mayor Davis noted that she did not like a mesh chair. She opined that the La-Z-Boy chair was large. Councilmembers Miller and Leonard-Morgan agreed.

Councilmember Miller questioned whether there were any changes proposed to the Council dais due to the change to digital agendas. He expressed an assumption that there would be a need for more electric outlets. Mr. Miller opined that this would change the whole aesthetic and suggested the Council consider holding off on the chair purchase until the Council figured out what would happen with the entire room.

Town Clerk North reminded Council that the staff only included money in the budget for new chairs because some of the members were complaining that the existing ones were uncomfortable and asked for new ones. She questioned whether the staff could replace the folding chairs used by the audience as some of them were no longer safe because they had lost their support braces. Ms. North advised that the staff was proposing to replace them with the same type of folding chair.

Vice Mayor Kirk suggested the staff eliminate the ones that were not safe and only replace those in order to save money.

Councilmember Miller asked that they be replaced with chairs that matched the existing ones. Town Clerk North confirmed the staff would try to match them as closely as possible.

Councilmember Miller advised that he would prefer to hold off on the replacement of the chairs until the Council knew what it was going to do with the dais and whether it would have less or more room. He suggested it be designed as one project.

Councilmember Snyder advised that he was okay with waiting to replace the chairs; however, he did not see a need to coordinate their replacement with the electronic meeting devices.

Vice Mayor Kirk noted that the Council may have to replace the dais. Town Clerk North advised that currently, the staff was talking about having a charger stand on the file cabinets behind the Council dais that would be used to recharge the units between meetings.

Councilmember Leonard-Morgan questioned whether the chairs were so uncomfortable that the Council needed to make an immediate decision. He noted that they were not falling apart. Mr. Leonard-Morgan opined that the cost was high.

Town Clerk North noted that the staff was trying to determine how long the existing chairs had been in the Council Chambers. She advised that the staff was thinking thirty years; however, Councilmember Snyder thought they had been there for forty. Ms. North reminded Council that unless they were planning to purchase new chairs on a frequent basis, they wanted something that would hold up over time.

Councilmember Miller opined that what was proposed would not last a long time. Town Clerk North opined that nothing that was produced these days would last for forty years.

Councilmember Hazard suggested that if the Council was going to replace the chairs, \$328/chair would not be enough. He further suggested it would be more than \$1,000/chair. Councilmember Miller agreed that if the Council wanted a quality level, commercial chair, they would cost \$1,000 each.

Vice Mayor Kirk noted that the existing chairs could be uncomfortable given that some members of Council were taller or shorter than others. Town Clerk North noted that these chairs were used by all of the Town's committees, which consisted of people of various statures.

Mayor Davis summarized that the Council wanted to table this discussion. The members agreed the staff could replace the folding chairs as needed.

Council Goals (continued)

Draft/Adopt Economic Development Strategy for Middleburg

Business & Economic Development Director Gaucher advised Council that he had some ideas and reiterated that he had already put together a summary of what a marketing and communications plan would look like for Middleburg. He noted that he was currently sharing it selectively. Mr. Gaucher advised that one of the goals on his one hundred day plan was to come up with a similar plan for the economic development strategy for the community. He opined that there was an external facing piece, which was how to communicate who the town was, what the opportunity was and to whom that should be communicated. Mr. Gaucher reminded Council that the marketing for Middleburg would be unique as Middleburg was unique. He noted that it was also tangential to organizations such as the Loudoun County Chamber of Commerce, Visit Loudoun, the County or the State Economic Development Departments. Mr. Gaucher noted that the State had economic development offices around the world and suggested it was important that Middleburg become more integrated with those efforts. He suggested the need to become more integrated not only at the State level, but also at the County and local levels.

Business & Economic Development Director Gaucher advised Council that messaging was related to what Middleburg wanted to tell and to whom and opined that he could narrow that down. He advised that there was also an internal piece related to the need for technical assistance for the existing businesses. Mr. Gaucher noted that some of that was related to transitioning businesses that may wish to be sold to someone else.

Business & Economic Development Director Gaucher advised Council that digital literacy was another issue and explained that it involved helping small businesses to appreciate the Internet and what it could do. He noted that during his short time here, he was not sure as many businesses had as much of an appreciation for that as they could. Mr. Gaucher suggested the need to put some structure around programs to help local businesses do that. He advised that outside of that, it was food and beverage and specialty retail.

Business & Economic Development Director Gaucher opined that education was overlooked in the community. He suggested that very few people talked about the impact of education and noted that this was another opportunity. Mr. Gaucher suggested that another tangential piece was to utilize the alumna networks of the schools and noted that they had a strong emotional connection to Middleburg. He advised that Foxcroft School was very open to this and noted that they were building a makers space that would be made available to anyone in the community. Mr. Gaucher explained that in his business, this was a place where someone could go to make something on a small scale and in a small quantity in order to test the market before making an investment.

Business & Economic Development Director Gaucher opined that it was important that he take on the responsibility of giving the Town a place to start. He reminded Council that his experience was in economic development and reiterated that it was his responsibility to give the Town a place to start. Mr. Gaucher advised that he had served on too many committees where all they did was talk in circles. He noted that in addition to working on the MOU with Visit Loudoun, he sat down this week to look at the Town's website and advised that he planned on taking on the responsibility for it. Mr. Gaucher noted the need to identify the next steps in light of Focal Point Creative's report. He advised that he read the RFP and the contract, looked at what they have proposed and read the technical review. Mr. Gaucher noted that he planned to make a recommendation to the Town Attorney and Town Administrator and would come to the Council with a recommendation. Mr. Gaucher suggested the website also needed to include the Middleburg Future's Group, EDAC, the Council, the Middleburg Business & Professional Association, as well as many other people, in order to become what it should be.

Councilmember Snyder inquired as to what would be a good target date. Business & Economic Development Director Gaucher advised that his first draft would be available within his first one hundred days and noted that it had now been thirty. He explained that it would be a six to seven page document that would lay out some degree of detail, but would not include minutia. Mr. Gaucher noted that he could write a one hundred forty page plan if desired; however, he suggested it did not need to be that large.

Councilmember Snyder suggested Mr. Gaucher think about a simple plan that could be done fast.

Vice Mayor Kirk suggested that if a member wanted to focus on something, they should offer Mr. Gaucher input before he went too far.

Councilmember Miller opined that a simple plan allowed people to shop it around with the various entities for their assistance.

Business & Economic Development Director Gaucher advised that if he needed to pivot or change direction that was fine. He noted that he often counseled businesses that it was not about the plan but was about the ability to pivot and adapt.

Councilmember Snyder noted the large number of groups in town. He advised that he would like to have a simple, short draft plan.

Councilmember Hazard noted that he liked that Mr. Gaucher said that he was “taking ownership”. Councilmember Leonard-Morgan agreed. He noted that the quad sheets prepared by the Council showed lots of stakeholders and opinions. Mr. Leonard-Morgan opined that it all came down to waiting for Mr. Gaucher to start.

Business & Economic Development Director Gaucher opined that someone must own this. He noted that the Town Planner was responsible for zoning and the Comprehensive Plan, which made total sense. Mr. Gaucher advised that he welcomed that.

Town Administrator Semmes opined that there was nothing in the Council’s ideas that did not fit within what Business & Economic Development Director Gaucher wanted to do. She noted that he had already given them a suggestion for the schedule. Ms. Semmes opined that the Council had some great ideas for desired outcomes. She noted that Mr. Gaucher had already met with Councilmember Miller and others.

Business & Economic Development Director Gaucher noted that he was happy to meet with any member of the Council. He advised that he would have something to share with them during the next Council meeting. Mr. Gaucher noted that while it may not be final, he would move this ball forward. He reiterated that he was already working on a marketing and communications plan.

Create land use partnership with Loudoun County

Councilmember Snyder questioned whether the Council was leaving out Fauquier County and suggested the Town could develop a quasi-partnership with them. Councilmember Hazard noted that the quad sheet suggested an MOU be developed with Loudoun and Fauquier Counties.

Town Planner Moore reminded Council that these strategies were a product of the visioning sessions with Mike Chandler; therefore, it was not a surprise that they had a planning focus. He advised that his starting point was to understand the Council’s concerns as the Town did have a partnership with Loudoun County, including a direct line partnership between the staff. Mr. Moore noted that the Planning Commission had been developing a relationship and reported that he and three members attended the certified planning commissioners training, hosted in Purcellville, during which they started relationships with the County Commissioners who also attended. He reiterated that the Town and County did have

relationships. Mr. Moore advised that as far as a partnership and MOU were concerned, he did not know what the Council wanted that to be. He reminded Council that Loudoun County was a very highly organized entity and advised that he did not know where this would fall on their priority list. Mr. Moore reiterated that there was a partnership and noted that they were not operating in a vacuum. He advised that with regard to the Town's own Comprehensive Plan update, he and the consultants have already had two meetings with the County planning staff to coordinate their efforts with the understanding that the County's Comp Plan update was going on simultaneously.

Mayor Davis noted that she and Town Planner Moore met with the Chair of the Loudoun County Board of Supervisors a year ago and voiced their concerns about the need to make the County Comp Plan stronger for the towns and to make sure the towns were made aware before things happened so they could have a say in what was occurring.

Councilmember Snyder advised that he was more concerned with making sure the bodies were aware of the Town's concerns. He noted that his biggest concern was choking off the paths into town, particularly Route 50 to the east, which could make it difficult or unpleasant for visitors to come to Middleburg.

Vice Mayor Kirk advised that it was about keeping the entrance corridors from Gilberts Corner to the town open and agricultural, as opposed to having houses from Route 15 all the way to Middleburg.

Mayor Davis opined that the Town and County had fairly good communication.

Vice Mayor Kirk questioned whether this should be more of a Council person. She suggested the Council recreate the land use committee and have that Chair work with the County to say "we want to keep the entrance corridors agricultural".

Councilmember Snyder agreed and opined that this was about coordinating land uses in the county and how they affected Middleburg's ability to draw people.

Councilmember Leonard-Morgan opined that this was about the Town lobbying in a low key way.

Councilmember Hazard advised that this was going on already and noted that several members of the Planning Commission have met with the County Planning Commission. He further advised that the County had signaled that it understood that Middleburg was an entity onto itself and that it wanted to keep Middleburg as Middleburg, including the corridors. Mr. Hazard noted that there were some things the County could and could not do; however, they were trying to be cognizant of the Town's concerns as they updated their Comp Plan.

Councilmember Miller questioned whether it would be helpful to formalize the Town's goals and the relationship. He noted that he did not know where Middleburg was on their priority list and suggested the Council formalize its side so when it reached out, it could make its opinions known.

Town Administrator Semmes suggested the Council could formalize its opinions. She reminded them that the Town could make statements in its own Comprehensive Plan about what it would like to happen around and outside of the town.

Councilmember Leonard-Morgan agreed and noted the need to have a defined structure and to work together to make sure the Town kept pressure on the powers that be. He acknowledged that the Town did not have total control over this.

Councilmember Snyder noted that the last time Loudoun County changed its plan, there was an ad-hoc committee to communicate the Town's concerns. He advised that it was time intensive and a lot of work. Mr. Snyder suggested this be formalized and agreed to by the Town and opined that this would be an easier resource to bring to the County.

Councilmember Miller suggested that even if it was already happening, it should be formalized. He advised that if there were concerns, the Council could chime in. Mr. Miller suggested the need to formalize the process.

Councilmember Hazard reiterated that there was a process; however, he noted that there also was the "meat" of what the Council wanted. He questioned whether the Council wanted to give the Planning Commission a list that they could put in a document or whether they wanted to do it. Mr. Hazard suggested the Town should have a prioritized list of what it wanted.

Councilmember Miller suggested it should be related to the Comprehensive Plan update. He further suggested this be left up to the Planning Commission. Councilmember Hazard suggested the Commission needed to make this a priority.

Town Planner Moore advised Council that he was closely monitoring the County's Comp Plan update process. He noted that there was a charter document for that plan, produced by the Board of Supervisors, which contained statements regarding this area. Mr. Moore advised that it said that "the County Board did not want to see any changes in Western Loudoun" and noted that it was very well received by the Planning Commission. He reiterated that he was still monitoring the process. Mr. Moore explained that the County wanted to limit its engagements with towns during the process as they had made strong statements and reiterated that the Board felt the policy in Western Loudoun was working. He opined that this was the best thing the Town could hope for out of their Comprehensive Plan update. Mr. Moore suggested the Town was not facing the pressure to which the Council seemed to be reacting.

Councilmember Leonard-Morgan noted that he had heard concerns about potential development. Town Planner Moore advised Council that there was development that could happen by-right and reminded them that the Town could not influence by-right development. He further reminded them that if development required a special use permit or rezoning, there were already lines of communication; therefore, the Town would know when they came in.

Vice Mayor Kirk opined that there were ways that one could negotiate with a by-right holder to change their ideas even if it was for by-right development.

Councilmember Hazard advised that it must be on a hearing level, not the Comp Plan level and opined that that was a separate issue. He advised that if the Council wanted to be influential on the County's Comp Plan that was one thing; however, if it wanted to be influential on development that needed to occur on a case-by-case basis. Mr. Hazard noted that the Mayor and he have both testified at County hearings. He advised that if the development was by-right, there was nothing the Town could do with the Comp Plan as that was not a Comp Plan issue. He reiterated that that must be addressed on a case-by-case basis.

Mayor Davis opined that it was important for the Town to keep its ear to the ground and to monitor things. She noted that this was something it should always do.

Vice Mayor Kirk suggested the Council could keep the lines of communication open with the County. Mayor Davis noted that this was what the staff did.

Councilmember Hazard suggested the Town could revisit what it would like its boundaries to be with its neighbors and noted that it had done so in the past.

Councilmember Snyder suggested the need to gain consensus among the Council and to take that to those with whom they wanted to work.

Councilmember Hazard questioned how the Council wanted to come up with the list. He further questioned whether they wanted to develop a definitive, prioritized list.

Councilmember Snyder suggested it be a summary of the concerns that need to be addressed in the next five or ten years. He further suggested the need to define it into something with which the Council could be comfortable.

Vice Mayor Kirk questioned whether the Council or Planning Commission should do it. Councilmember Snyder advised that he was open on that. He noted that the Mayor, members of Council and staff had issues they have brought forward. Mr. Snyder suggested they may just want to start at the staff level and ping people to come up with a rough list the Council could address in order to come to a consensus. He noted the need to identify the Town's concerns and make sure it communicated successfully with the neighboring communities.

Councilmember Hazard cautioned Council on how this was presented and suggested the County may not want a lot of advice from the Town on their Comp Plan.

Town Administrator Semmes opined that the County wanted to reassure the Town that it liked the policies that it had and felt they were working. She further opined that while the County appreciated what Middleburg provided to them, this did not mean something may not come up at another time.

Mayor Davis suggested the list just be what the Town felt it wanted to see "forever". She opined that it was good if the County was saying "leave it as it is with what was in place". Ms. Davis suggested the Council develop a list of priorities. Councilmember Hazard suggested it be a short list. Councilmember Snyder suggested it be a summary of what the Town wanted to protect and prevent.

Vice Mayor Kirk asked whether each member of Council should do this. Town Planner Moore suggested the members give their list of priorities to him or Councilmember Hazard so they could take them to the Planning Commission. He advised that they would ensure they were incorporated into the Comprehensive Plan. Mr. Moore further advised that he was not comfortable coming up with a priority list for the Council.

Councilmember Leonard-Morgan questioned whether there was a risk assessment of the properties from Middleburg to Gilberts Corner and noted that he did not know if there were parcels that were potentially buildable. He questioned whether it was possible to find buyers and put those properties into conservation easements.

Councilmember Snyder suggested the members look at the conservation maps. Town Administrator Semmes suggested they look at what was already subdivided and permitted for development under the zoning ordinance.

Councilmember Leonard-Morgan opined that this would be a great start to understanding the risk levels. Councilmember Miller advised that he would love to see that data.

Mayor Davis opined that the Snickersville Turnpike was an issue. She noted that it was meant to be a slow drive; however, people who were traveling on it from far away flew through there and were using it as a shortcut. Ms. Davis advised that the problem was that people wanted the roads to be streamlined so they could go 50 MPH.

Councilmember Hazard asked whether the Council would like for the Planning Commission to return in September with a minor list. He suggested the Council could agree, disagree or add to it. Councilmember Snyder agreed that would be a good starting point.

Mayor Davis suggested the need to identify the weaknesses from Gilberts Corner to Middleburg, as well as south, and to determine what could happen.

Councilmember Hazard opined that that was a separate issue. He suggested this was about how the Council would like to keep the town. Mr. Hazard questioned whether the Town Planner had the time to do the studies and recommended the members go to the zoning map. He questioned whether the Council wanted to task the Town Planner with this or hire a consultant to do it.

Councilmember Snyder suggested the Council start with a simple list that it could discuss and adopt as its own. He further suggested they get a recommendation from the Planning Commission, without doing a study, about what they thought in terms of policy.

Councilmember Hazard suggested the need to do a risk assessment as the staff did not have time to do one. He noted that if the Town wanted to do a risk assessment, it needed to find out the cost.

Councilmember Snyder suggested that if the Commission wanted to do a study, they needed to understand that it would have to fit into a future budget and could not be done this calendar year.

Mayor Davis suggested the PEC may already have information on the weaknesses. Town Planner Moore confirmed he had mapping that showed where the conservation easements were located on a county-wide basis. Councilmember Hazard noted that they also had zoning maps and could identify the large parcels that could be subdivided.

Town Administrator Semmes suggested it was important to know what the Council considered to be a threat and how they would define that something bad was happening.

Town Planner Moore cited the example of the new cidery barn. He noted that some people were excited about it, while others thought it was hideous and were upset that the Town “allowed it to happen”. Mr. Moore noted that he would never access agriculturally zoned land as a threat; however, he reminded Council that all of the agriculturally zoned land from here to Gilberts Corner could have a farm cidery or a winery go up on it.

Councilmember Hazard suggested this item return during Council’s first meeting in October. He further suggested that he and the Town Planner provide the Council with a status report in September.

Town Planner Moore reminded Councilmember Hazard that the Planning Commission may not hold its regular meeting in September due to the Comp Plan workshop. Mayor Davis suggested it be done when it could be.

Town Planner Moore opined that it was important that the Commission have time to discuss it. He noted that the Town was working on its own Comprehensive Plan. Mr. Moore advised that the Planning Commission was not just addressing the Town’s corporate limits but was making statements about what it would like to see outside of the town limits. He noted that the workshop that would take place in September would include a mapping exercise. Mr. Moore advised that it would be up to the consultant to determine the structure of that exercise; however, he envisioned it being a change/preserve one. He opined that the map did not have to just be the town boundaries. Mr. Moore suggested that now was an opportune time. He noted that the Council’s participation in the workshop would be highly valuable.

Seven Loaves Extended Hours

Mayor Davis reminded Council of Mr. Plescow's question related to Seven Loaves and asked whether they wanted to add that to another meeting's agenda.

Councilmember Snyder opined that there would not be a lot of conflict with the business community if they were talking about a weekday evening or early morning on a Saturday or Sunday.

Mayor Davis opined that there could be conflict on a Saturday, such as a wedding, since this was the church's lot.

Councilmember Hazard advised that this concern was expressed during Seven Loaves' Board of Directors meeting. He further advised that they agreed to come to the Council and talk to the Police Chief about the dynamics, such as when the lot was busy. Mr. Hazard agreed that evening hours were a no brainer. He advised that the first people Seven Loaves would get an okay from would be the church. Mr. Hazard explained that they wanted to talk to the Council to make sure they were not impinging on anyone.

Councilmember Snyder opined that this would be fine as he did not see any conflicts.

Councilmember Daly noted that the streets were empty by 6:00 p.m.

Town Administrator Semmes opined that this should not be offered on an occasional Saturday and suggested it needed to be structured.

EFT Utility Payments

Mayor Davis reminded Council that the cost to the customer that wished to pay their utility bill through an electronic fund transfer was \$0.95. She advised that she thought there would not be a fee. Ms. Davis acknowledged the reason to charge a fee if a credit card was used; however, she opined that in order to streamline and make electronic payments convenient, the Town needed to absorb the fee. Ms. Davis opined that \$0.95 was high.

Councilmember Snyder inquired as to the types of bills that were being discussed. He opined that if they were talking about the water bill, this would be five hundred customers for six billings, which would equate to \$3,000.

Town Clerk North explained that the \$0.95 fee only applied if the customer paid it. She further explained that if the Town absorbed the fee, it would only be \$0.50.

Councilmember Snyder opined that, in that case, it was worth dropping the fee. Mayor Davis opined that it would be nice to give the customers an option to pay that way if they chose. She reminded Council that Dominion Power offered electronic fund transfers for free.

Councilmember Hazard opined that \$0.50 was cheaper than the cost of the staff time to handle a check.

The members of Council agreed the Town should absorb the \$0.50 electronic fund transfer fee.

Information Items

Town-wide Clean-Up

Councilmember Miller reminded Council of the town-wide clean-up scheduled for August 19th.

Councilmember Snyder noted that he could help; however, he must be stationary as he could not walk.

Closed Session – Appointment to Go Green, Personnel & Contract Negotiations

Town Attorney Crim asked that Council also reference Virginia Code Section 2.2-3711(A)(29) in the motion.

Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council go into closed session as allowed under the Virginia Freedom of Information Act Sections 2.2-3711(A)(1),(6) and (29) pertaining to the discussion of the terms and scope of a public contract, where discussion in open session would adversely affect the bargaining position or negotiating position of the public body; for 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; and, the discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that these matters be limited to (1) an appointment to Go Green, (2) a longevity bonus for a member of the Town staff and (3) the investment of public funds where competition or bargaining is involved related to a contract to stabilize the Asbury Church. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes and Rhonda North for the first part, Martha Mason Semmes for the second part and Martha Mason Semmes and Will Moore for the third part. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Mayor Davis asked that Council certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Councilmember Leonard-Morgan moved, seconded by Councilmember Snyder, that Council appoint Rick Allison to Go Green to fill an unexpired term, said term to expire May 12, 2018.

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

No – N/A

Abstain: N/A

Absent: Councilmember Littleton

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

Councilmember Snyder moved, seconded by Councilmember Daly, that the Council commend Town Clerk Rhonda North for her ten years of service to the Town of Middleburg and hereby approve a \$500 bonus in recognition of her service and loyalty.

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

Councilmember Snyder moved, seconded by Vice Mayor Kirk, that the Council phase the project for the restoration of the Asbury Church and negotiate with Cochran Stone of Lincoln for a phased project, with the first phase not to exceed \$175,000, with subsequent phases to be negotiated and determined as appropriate.

Councilmember Hazard offered a friendly amendment that the amount be increased to \$190,000, to which Councilmember Snyder and Vice Mayor Kirk agreed.

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

There being no further business, Mayor Davis declared the meeting adjourned at 8:11 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk