



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, September 9, 2010



PENDING APPROVAL

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

STAFF: Rhonda S. North, MMC, Town Clerk
Elizabeth D. Whiting, Town Attorney
David M. Beniamino, AICP, Town Planner
Cindy C. Pearson, Economic Development Coordinator
Steven L. Webber, Chief of Police

ABSENT: Vice Mayor 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, September 9, 2010 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. She asked the audience to observe a moment of silence in remembrance of the victims of 9/11 and their families.

Public Comment

Brad Draisey, 106 E. Washington Street, President of the Middleburg Volunteer Fire Department, advised Council that there was a recent investigation that impacted several of its members. He explained that the Department was contacted by the Chairman of Loudoun County's Fire & Rescue Commission regarding allegations that were made; and, as a result, three of the Department's members were placed on administrative leave while they were investigated. Mr. Draisey advised that the investigation was conducted by the Commission, the Loudoun County Fire & Rescue Department and the Sheriff's Department; and, noted that the Middleburg Fire Department was at arm's length the entire time. He advised that during the investigation, five members resigned, including two who were on administrative leave. Mr. Draisey noted that the others resigned due to loyalty to the Fire Chief. He reported that the investigation was now complete; and, that no criminal charges would be pursued. Mr. Draisey noted that while some actions were not deemed to be criminal, they were not in the best interest of the Middleburg Fire Department. He assured Council that at no time were the residents at risk, as the Department maintained twenty-four hour staffing by asking Loudoun County Fire & Rescue to supply Middleburg with career staff until more membership could be gained. He noted that they had no other choice but to do so as the Department was down to eight active members. Mr. Draisey reported that a few years ago, the Department had the same amount of members; and, provide coverage by having each work three to four nights per week. He noted that, at that time, they ran over eight hundred fifty calls. He advised Council that the residents were still in good hands; and, assured them that the Department was working on this issue. Mr. Draisey reported that the "problem children" were gone; and, advised that they had a better system in place to ensure there were no reoccurrences.

Terri Domanski, a member of the Centennial Committee for the Middleburg Elementary School, advised Council that the Committee has spent the last two months brainstorming ideas for the centennial celebration, which would occur in 2011. She noted that they were working with the County Historian to get the actual date the school opened; and, would hold a “birthday party” on that day. Ms. Domanski advised that the Committee would like to have activities throughout the 2011-2012 school year, starting in the spring of 2011. She noted that they would love to have the Council’s input. Ms. Domanski requested funding from the Town for the event. She reported that the Committee would hold its next meeting in October, at which time the activities would be decided upon and the budget set. Ms. Domanski noted that Reggie Dawson was going to help by contacting corporations for funding. She further noted that the school would also provide funding. Ms. Domanski reiterated her request that the Council consider providing funding.

Councilmember Snyder advised that he would be delighted to consider this request. Mayor Davis thanked the Committee for their work; and, noted that it was important. She advised Ms. Domanski that it would be helpful for the Town to have the funding information, including the amount requested from the Town. Ms. Davis suggested the Health Center Fund would probably be the best source; and, advised that she would make sure that Vice Mayor Kirk was made aware of the request.

Ms. Domanski reminded Council that Senator Vogel has been instrumental in keeping the school open for the last two years; and, reported that they were working together to develop an endowment fund. She noted that the School Superintendent has approved such a fund; and, has stated that he would recommend to the School Board that the issue of closing the school be taken off the table if such an endowment was developed. Ms. Domanski advised Council that they wanted to dovetail the development of the endowment with the centennial celebration; and, suggested this was a powerful way to present it to the community. Mayor Davis asked Ms. Domanski to keep the Town posted on their activities.

Public Presentations

Joe Mason, of Davenport & Associates, advised Council that he has been monitoring the Town’s outstanding debts for savings opportunities. (Councilmember Hazard arrived at 6:09 p.m.) He suggested that if the Town was to refinance its 2007 loan, there would be a true economic gain. Mr. Mason advised that this refinance would occur through the Virginia Resource Authority (VRA), which existed solely to assist localities in financing new projects or refinancing existing debts. He noted that the Town has borrowed from them before. Mr. Mason reported that VRA would have a pool of financing in the fall; and, advised that while the Town missed the technical deadline, he has been assured that if Middleburg got word to VRA by the middle of the month that it wanted to participate, it would be included. He noted that other Loudoun County communities, such as Hamilton, were doing refinancings; and, advised that Middleburg’s refunding was better in terms of savings.

Mr. Mason explained that the refinancing would involve exchanging old cash flows for a new set. He reported that the Town would, on a gross basis, save approximately \$11,600 this fiscal year, \$77,000 in the ensuing fiscal year and \$33,000 in 2013. Mr. Mason noted the delay in the opening of the Salamander Inn due to economic reasons. He further noted the ongoing operational costs associated with the Town’s utility system. Mr. Mason suggested that the cash flow created by the refinancing could help bridge the gap; and, suggested that the proposal fit the Town’s needs. He noted that the proposed savings were based on current market conditions; and, advised that they could change. Mr. Mason expressed hope that the market would hold for another six weeks until the bonds were sold. He advised that the proposed savings was the net of all issuance costs; therefore, this would be the actual cash savings. Mr. Mason noted that the financing costs would be included in the loan.

Councilmember Snyder asked whether these obligations were based on utility debt. Mr. Schiro confirmed they were. He noted that these were obligations that the Town has had for some time. Councilmember Snyder reminded Council that utilities were an area in which savings were needed.

Councilmember Murdock asked when the Town needed to lock in to get the proposed rate. Mr. Mason explained that the rate would not be set until the bonds were actually sold by VRA. He advised Council that the typically threshold for moving forward with a bond refinancing was three percent present value savings; and, noted that, in this case, the Town would realize an eight percent savings. Mr. Mason suggested that this would give the Town a lot of latitude. He reiterated that VRA needed to know whether the Town would participate in the bond refinancing by September 16th. Mr. Mason asked that the Council give him direction to contact VRA to tell them they were interested if they were amenable to moving forward. He advised that the Town would then engage McGuire Woods to draft a resolution to approve the refunding. Mr. Mason noted that the resolution adoption could occur during the third week in October.

Councilmember Snyder moved, seconded by Councilmember Murdock, that Council adopt a resolution authorizing Davenport & Associates to initiate a refinancing of the Town's 2007 bonds.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Stewart

(Mayor Davis did not vote as there was no tie to require her vote)

Mr. Mason advised Council that there would be another document that VRA would need. Mr. Schiro advised Council that they could meet on this matter on September 16th, prior to the Town Administrator interviews, if necessary. Town Attorney Whiting noted that this could be a problem if a public hearing was required. Mr. Mason reported that one was not for a refunding.

Councilmember Murdock noted that she has been told that the market would be on a “roller coaster” for a while. Mr. Mason reported that it was down last week, but up this week. He expressed his opinion that there was going to be a “stampede” of issuances of Build America bonds, which would be in the Town’s favor as they were the bonds the Town would use for the refinancing. Mr. Mason suggested there was a good chance the rates would hold for the next six weeks.

Lori K. McGuinness, of the Cherry Blossom Breast Cancer Foundation, presented Council with materials on their upcoming walk and the foundation. She noted that she was the head of the Middleburg effort; and, reported that for the first time in four years, they have expanded their walk to include one in Warrenton and one in Leesburg on the same day and time as the Middleburg walk. Ms. McGuinness thanked the Council for their past support; and, asked for their continued support this year.

Ms. McGuinness reported that Jim Atkins, founder of the Foundation, has obtained sponsorships to cover the walk’s expenses this year. She reminded Council that this was a local volunteer effort, with the disbursements occurring locally. Ms. McGuinness noted the other worthy breast cancer efforts that occurred in the Washington, DC area; and, advised that while they were all working to fight breast cancer, the Cherry Blossom Foundation’s efforts were local. She reported that over eighty percent of the funds raised were spent locally; and, advised that in the last three years, they had raised approximately \$130,000. Ms. McGuinness reported that they were expanding their goal; and, hoped to raise \$300,000. She advised that they would like to have a good time doing so; and, asked that the Council encourage the community to participate. Ms.

McGuinness noted that they would meet in the Middleburg Bank parking lot to start the 5k run/2 mile walk. She reported that the event had been expanded this year to go around the Mare Center. Ms. McGuinness advised that in Leesburg, the walk would occur in their park area; and, in Warrenton, they would walk three miles on their walkway. She reported that they were organizing local schools to participate; and, advised that children ages eleven and under could walk for free, while others were asked to donate \$25 if they registered in advance and \$30 if they registered the day of the event. Ms. McGuinness encouraged those who were interested to visit their website and register online.

Ms. McGuinness noted that the materials she presented included the Foundation's mission, organizational structure, and an identification of the grants given from 2007-2010. She reported that the grant recipients included Blue Ridge Hospice, Breast Cancer Network of Strength, Fauquier Hospital Warrenton, Middleburg FISH, Georgetown University Lombardi Comprehensive Center Institute, George Washington University Mobile Digital Mammogram Van, INOVA Loudoun Hospital, Loudoun Community Health Center and Loudoun Volunteer Caregivers. Ms. McGuinness noted that they continued to screen requests for support. She reiterated that they have expanded their fundraising goal to \$300,000-500,000. Ms. McGuinness further reiterated that they were asking for the Town's support. She presented the Council with a poster for the event; and, asked that the Town contact her if it needed other materials.

Mayor Davis expressed appreciation for the Foundation's work. She noted that it took a lot of volunteer effort to make that happen. Ms. Davis advised Ms. McGuinness that the Town did support the Foundation.

Councilmember Murdock inquired as to the location of the pamphlets. Ms. McGuinness reported that the Boy Scouts distributed them over the weekend. She noted that they only had a certain number; and, had already given them out. Councilmembers Murdock and Shea asked for a poster for their offices.

Councilmember Shea moved, seconded by Councilmember Littleton, that the Council give the Cherry Blossom Breast Cancer Foundation a letter of support for this activity.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Kirk and Stewart

(Mayor Davis did not vote as there was no tie to require her vote)

Approval of Minutes

Councilmember Snyder moved, seconded by Councilmember Shea, that Council approve the August 19, 2010 Regular Meeting and August 26, 2010 Work Session 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 did not vote as there was no tie to require her vote)

Staff Reports

Councilmember Murdock expressed concern about speeding on Blue Ridge Avenue; and, noted that some of the mothers of small children were concerned about safety, especially in the morning when the school buses were in the area. She reported that cars would go “screaming” by while small children were waiting for the bus. Ms. Murdock asked Chief Webber how the Town could get VDOT to help. She noted that there has been talk about doing more ticketing. Ms. Murdock reported that the mothers may do a petition for VDOT to encourage motorists to stop using the streets as their “personal highway”. She reported that one child was narrowly missed; and, her own mother had to move back quickly to avoid being hit by a car. Ms. Murdock expressed her opinion that more cooperation was needed from VDOT to slow traffic. She advised that she would get with the Chief in the next week to work on this issue.

Councilmember Snyder expressed his opinion that speeding would always be on the Town’s radar. Councilmember Murdock expressed her opinion that it was getting worse. She noted that motorists slowed down when the speed trailer was in place; however, they sped up once it was removed. Town Attorney Whiting reported that VDOT had adopted formal traffic calming standards that may be helpful.

Mayor Davis reported that she and the Economic Development Coordinator attended the Town Association of Northern Virginia (TANV) meeting earlier in the day, which Middleburg hosted at Market Salamander. She further reported that they had almost twenty people present. Ms. Davis noted that Ms. Pearson helped put together a great day and luncheon, including goodie bags. Councilmember Murdock asked whether the group discussed anything of interest to the Town. Mayor Davis noted that it was a regular meeting. She reminded Council that the TANV reviewed issues that were forthcoming in the General Assembly. Councilmember Murdock asked whether they discussed the economy of the various towns. Mayor Davis reported that everyone was experiencing the same economy, with all towns reporting that funding was tight but they were managing. She advised that they did discuss a proposal regarding VRS and retired police chiefs, a topic which the Council would discuss later.

Town Planner Beniamino reported that the HDRC would probably reschedule the meeting that was cancelled last week for September 22nd.

Reports of Town Committees

Councilmember Shea reported that the Loudoun County Citizen Action Advisory Committee was still active; and, was doing a tremendous amount of reorganization with the regional board.

Discussion Items

Council Discussion – Joint meeting with Planning Commission

Town Planner Beniamino reminded Council that during their last work session, they directed Councilmembers Shea and Hazard and himself to put together a potential agenda for a joint meeting with the Planning Commission. He noted that the draft agenda was included in their packets. Mr. Beniamino asked if Council had any comments on the agenda or whether they would like to discuss potential meeting dates.

Councilmember Shea advised Council that she drew up the agenda with time frames for each discussion item. She reminded them that the purpose of the meeting was to organize and focus attention on areas of concern, not to delve into and resolve each item. Ms. Shea reported that she has proposed that the Council and Planning Commission spend a limited amount of time on each item.

Councilmember Snyder expressed his opinion that the agenda lent itself to a one-day weekend retreat where the Council and Commission could gather informally and discuss the items as a group. Councilmember Shea concurred that the detailed discussion related to goal setting should take longer; however, she suggested that the discussions centered on setting up systems could be done in a shorter meeting. Councilmember Murdock inquired as to the amount of time needed to complete the proposed agenda. Councilmember Snyder reported that it was two and a half hours, which was why he thought the agenda lent itself to a weekend meeting. He suggested that it not be handled during a regular meeting as the agenda was too long.

Councilmember Littleton suggested the meeting be held in Middleburg. Town Planner Beniamino recommended the meeting be held in the Council Chambers. Councilmember Snyder agreed. Town Planner Beniamino noted that such meetings were traditionally held on a weekend when the members were fresh.

Mayor Davis asked what the next step would be. Town Planner Beniamino asked whether the Council wanted to hold off on having the joint meeting until the new Town Administrator was selected. Councilmember Snyder expressed his opinion that the Town Administrator did not have as much to do with the Planning Commission and Town Council as the Zoning Administrator/Town Planner.

Councilmember Shea expressed her opinion that the intent was not to outline the different jobs, but rather was to look at the differences in the roles. Councilmember Snyder expressed his opinion that the discussion could occur without the person in the role. Councilmember Littleton suggested the joint meeting be held after the Town Administrator candidate interviews.

Town Planner Beniamino noted that there would be a large body of people present with both boards. Councilmember Snyder suggested the Council see how the interview schedule was coming along. Councilmember Littleton noted that the Council had a lot on their plate right now. Councilmember Shea suggested the Council say that they would like for work to begin soon; and, that it not wait three or four months. She recommended that the Council find a date that worked for everyone, including the Planning Commission. Councilmember Snyder recommended that this be deferred to the Council's next meeting. Councilmember Hazard asked that the joint meeting not start until after 10:00 a.m. if it was held on a Saturday. Councilmember Murdock reported that she was generally not available on Saturdays mornings; however, she advised that she could join the group in the afternoon. Town Planner Beniamino reported that he had not spoken with the Commission about their availability. He suggested that he e-mail possible dates to everyone; and, noted that a Saturday may not work. Mr. Beniamino suggested the meeting may need to occur in the evening when no other items were on the agenda. Mayor Davis agreed the staff should start exploring possible dates.

Councilmember Hazard suggested the meeting not occur in the Council Chambers. He further suggested that it be held somewhere where the two bodies could sit as a group. Councilmember Murdock agreed. Councilmember Shea expressed her opinion that the meeting could occur in the Council Chambers, with everyone sitting in a circle in the audience portion of the room.

Council Discussion – Draft amendments to Town Code Chapter 50 – Garbage, Rubbish & Refuse

Town Clerk North advised Council that the cover memo was fairly self explanatory. She explained that the purpose of the amendments was to update this section of the Town Code.

Councilmember Murdock noted that Section 50-3 talked about containers and receptacles. She expressed her opinion that this only referred to garbage cans; and, asked what section addressed recycling bins. Town Clerk North confirmed that the Town Code did not contain a section on recycling bins. Councilmember Snyder suggested it should. Councilmember Murdock noted the

reference to “tight fitting lids” for garbage cans; and, suggested that the recycling bins should also have tight fitting lids to avoid having papers flying out of the bins. She reminded Council that the Town did not provide its residents with recycling bins that had tops. Town Clerk North confirmed that most jurisdictions did not. Councilmember Shea reminded Council that the residents had to purchase the bins with lids. Councilmember Murdock reiterated that there were no purchasable tops for the recycling bins the Town provided; and, advised that she would love to have one.

Town Clerk North advised Council that when Front Royal started its recycling program, it offered residents the option of purchasing a bin that had a lid. She noted that most residents did not opt to purchase a top; however, those who did, including her, found that the lids frequently separated from the bins and were lost. Ms. North advised that the lids were the most expensive part of the purchase.

Councilmember Murdock suggested the need to add recycling bins into the ordinance. She further suggested the need to remove the reference to “tight fitting” lids. Councilmember Shea noted that recycling bins could be purchased that had built-in lids. She suggested that the Town look at the wording for such a bin. Mayor Davis noted that she had a recycling bin with a lid that was identical to the ones offered by the Town. Mr. Schiro confirmed that recycling bins with lids could be purchased at Home Depot.

Councilmember Murdock noted that Section 50-6 referenced “the Mayor or his designated agent”. Town Clerk North explained that town codes used the term “he” as standard language when referring to mayors or members of council. Councilmember Murdock objected. Councilmember Snyder recommended that the term “his” simply be removed from the ordinance.

Councilmember Shea asked whether Section 50-4(F) was consistent with the Town’s noise ordinance. She further asked that this be checked. Town Planner Beniamino reminded Council that the noise ordinance excluded Town designated trash companies; and, noted that the private companies must abide by it. Councilmember Shea reminded Council that this section referred to other trash haulers. Town Clerk North advised Council that she would compare the two ordinances.

Councilmember Murdock asked what the term “mutatis mutandis” meant in Section 50-4(F). She further asked why Latin was included in the ordinance. Town Attorney Whiting advised that it meant “to the extent applicable”. Councilmember Hazard asked that this term simply be used.

Councilmember Shea noted that the ordinance did not address the clean-up of animal waste, other than horse. She asked whether it needed to be included. Town Planner Beniamino expressed his opinion that the animal section of the Town Code addressed this issue.

Mayor Davis asked where the Council stood with this item. Town Clerk North advised Council that she would prepare a revised ordinance for their review.

Council Discussion – Special Use Permit – Middleburg Volunteer Fire Department

Town Planner Beniamino reminded Council that this was a special use permit application that was referred to the Planning Commission, which was the first step in the process. He advised that because of the time requirements, there was not have enough time to advertise the public hearing before Council for this meeting; and, noted that it has been advertised for the September 23rd work session. Mr. Beniamino noted that, at that time, the Council would hold a public hearing and could take action on the request. He explained that the item was placed on this agenda in order to give Council an update on the Planning Commission’s recommendations, which included several conditions. Mr. Beniamino reviewed each proposed condition, which were as follows: (1) that to the extent practical, the existing entrance should be widened to better improve the

access to Route 50 on the west and east sides if possible; (2) in order to improve and maintain the sight distance, the applicant should to the extent possible remove the vegetation on the east corner and should routinely maintain the vegetation; (3) that the applicant should provide signalization in some form of activated warning signs on Route 50 that would be triggered by the ingress/egress of emergency vehicles, with said signs to be connected to the Levis Hill House warning sign which should also be activated; (4) that the emergency generator should cycle from 12:00 noon to 3:00 p.m. on weekdays only; (5) that the temporary facilities and construction sequencing plan should be submitted to the Planning Commission sixty days prior to the start of construction for their review and comment; (6) that any fuel tanks should have the proper containment to meet County and State standards; and, (7) in order to avoid parking issues, the community meeting room should not be used, advertised or marketed for outside events.

Town Planner Beniamino reminded Council that the Levis Hill House installed a mechanism to alert individuals coming out of their facility of emergency response vehicles that were coming down the hill. He explained that the Planning Commission asked for warning signage on either side of Route 50, with the Chairman suggesting flashing signs similar to those near Stone Ridge. Mr. Beniamino further explained that this would be a mechanism to allow the Fire Department to activate a sign warning the public that emergency vehicles were entering the roadway.

Town Planner Beniamino reported that the Commission has recommended that the meeting room not be used for outside events. Councilmember Murdock inquired as to the meaning of this condition. She asked whether it would apply to the Department's rummage sale. Town Planner Beniamino advised Council that the rummage sale was a part of the Fire Department's activities. He noted that this condition would limit the uses for which the room could be used. Mr. Beniamino reminded Council that when the Fire Department's original special use permit was submitted in 2008, there was a proposal for a large building that would be used as a community facility. He noted that they have since scrapped that idea. Councilmember Murdock asked whether the room would be able to be used for fundraising efforts for the Fire Department. Town Planner Beniamino explained that, due to parking issues, the Planning Commission did not want the room to be marketed for uses outside of the fire house. He further explained that someone like the Levis Hill House would not be able to use the room under those conditions.

Paul Draisey, Treasurer of the Middleburg Volunteer Fire Department, explained that if the Department sponsored a clinic in the meeting room, that would be fine; however, if the Town were looking for a place for a joint meeting with the Planning Commission, this could not occur. He noted that the Fire Department was not in the event business; however, it could have its own events to make money. Mr. Draisey reminded Council that the auxiliary was a part of the Fire Department. He advised that, under the condition recommended by the Planning Commission, they could not go to the garden club and offer the room for meetings.

Town Planner Beniamino advised Council that Allie Love, of the Fire Department, called him earlier in the day and said that she had issues with two of the Planning Commission's conditions. He suggested that they hear those concerns so the Council could have time to digest them prior to the public hearing.

Councilmember Shea asked whether submitting the sequencing plan sixty days prior to the start of construction was standard. She expressed her opinion that this seemed like a long time. Town Planner Beniamino advised Council that the submission of a phasing plan was a requirement; and, advised that it would not hold up any approvals. He explained that the phasing plan was necessary because the Fire Department could not shut down their operations during the construction. Mr. Beniamino advised Council that the special use permit would be approved or denied before the phasing plan was complete. He reiterated that this condition should not delay the actual construction. Mr. Beniamino noted that it was not necessary for the Town to have the phasing plan before deciding upon the application.

Allie Love expressed concern regarding the level of restrictions associated with the meeting room. She noted that they anticipated that the room would be the approximate size of the Council Chambers and would contain state-of-the-art electronics. Ms. Love expressed her opinion that it would be a “wonderful” room for the type of event (joint meeting with Planning Commission) the Council was planning. She asked for more flexibility. Ms. Love advised Council that the Department had no intention of charging for the room’s use; and, explained that if an organization such as the Middleburg Business & Professional Association wanted to use it, it would be good PR for the Department. She noted that they did not plan to advertise the room for meetings; however, they hated to be in the position of having to say “no” when asked.

Ms. Love expressed her opinion that if the Department offered a CPR class in the room, they would have just as many cars in the lot as they would have for a community meeting. She asked that the Council consider more directed language that would allow the Department to serve the community. Ms. Love noted that people were often looking for space that could accommodate a meeting of twenty to thirty individuals. Mayor Davis inquired as to the meeting room’s capacity. Ms. Love advised that it would be twenty people when the tables were set up for training.

Councilmember Murdock asked how many parking spaces were available for the public. Ms. Love advised Council that the parking lot would hold fifty-two cars. Mayor Davis noted that the previous concerns were related to large parties and weddings. Councilmember Murdock asked whether the Fire Department anticipated using the room for not-for-profit organizations. Ms. Love confirmed that this restriction would be fine. She explained that they wanted the public to feel welcome to use the facility and get to know the Fire Department.

Councilmember Shea noted that she was concerned when she read this condition. She suggested that it was a matter of wording; and, asked that it be examined more carefully. Ms. Shea expressed her opinion that if the Council was not careful, it could hurt itself by not having a place to meet for activities.

Councilmember Shea noted that because of the way the Department was restructuring the facility, it appeared that all access would be from the front for parking purposes. She asked whether pedestrian access would be available in the back; and, suggested that vehicles could park on the street. Town Planner Beniamino confirmed that motorists could park on the back street and walk. He noted that the Levis Hill House also had a large parking area that was under-utilized.

Ms. Love advised Council that the Department did not anticipate that parties would be held at the station. She expressed her opinion that the new building should be allowed to be used by the public. Ms. Love advised that as she viewed the Planning Commission’s wording, any outside event would be eliminated. Mayor Davis expressed her opinion that this was a wording issue. Councilmember Murdock suggested that outside use be limited to not-for-profit organizations. Councilmember Shea recommended that it be limited by the kind of use. She suggested the Planning Commission be asked to be clearer. Councilmember Snyder advised Council that he would rather that the wording not return to the Planning Commission, as the item was now in the Council’s hands. Councilmember Hazard expressed his opinion that this was not an issue with the Planning Commission; and, suggested it was not their intent to prohibit all outside uses.

Councilmember Murdock inquired as to the problem that prompted this condition. Town Planner Beniamino advised that the problem was two-fold. He explained that the first was that there was a shared access point, with the potential for emergency vehicles and cars for events sharing it. Mr. Beniamino suggested that if the Department reached the point of having a great deal of community use of the facilities, access could become an issue, particularly with traffic coming in from both directions. He reminded Council that the access road was not designed to handle that amount of traffic. Mr. Beniamino suggested that parking was the more important issue; and, advised that there could be so many cars parked at this location between the volunteers, paid staff and visitors that it could affect the functionality of the site during an emergency.

Councilmember Littleton noted that this was his question. He asked whether parking could upset rescue efforts if there was an emergency. Ms. Love advised Council that the meeting room area was separate from the Fire Department's operations. She explained that the public would not be able to get into the fire operation side of the building. Councilmember Littleton asked about the traffic side. Town Planner Beniamino confirmed this was a concern. Mayor Davis suggested the Council look at past history. She noted that the Fire Department has been at this location for many years; and, has been holding fundraising dinners with hundreds of people attending. Ms. Davis advised that there have been instances of fire calls occurring when people were coming and going from the dinners, with no major problems. She expressed her opinion that the Town could not plan for every second of what could occur. Ms. Davis noted that they were only talking about twenty people associated with this room rather than three hundred coming for a dinner. Town Planner Beniamino noted that he liked Councilmember Shea's suggestion; however, he suggested that if the Town tried to word smith the language to deal with every potential issue that could arise, it would miss something. He reminded Council that if they wanted to change the conditions of the special use permit in the future, they must hold a public hearing.

Councilmember Shea recommended that the condition identify the activities that could be done rather than saying that there could be no outside activities. Town Attorney Whiting recommended that rather than approaching the condition as a prohibition, the Council approach it by saying that in addition to any Fire Department sanctioned uses and events, the community room's use was limited to non-commercial community uses. She suggested that if the Council wanted to put a population cap on the room's use, they could do so. Mayor Davis and Councilmember Hazard reminded Council that the Fire Marshall would establish a cap. Town Attorney Whiting recommended that the Council give a description that the Zoning Administrator could then interpret. She noted that if the condition was imposed as a prohibition, the Town would start by ruling out uses. Councilmember Shea asked whether this would address the concerns over parking. Town Planner Beniamino confirmed it would if a cap were put on it. He recommended that the Council impose a condition similar to the one used for Salamander in that the resort must get an administration permit for events. Mr. Beniamino noted that if there was an issue with any event, the Town would then not issue future permits or would include restrictions. He expressed his opinion that Town Attorney Whiting's suggestion was simpler. Councilmember Murdock noted that she did not want to include a population cap. Councilmember Shea noted that there was a difference between the number of people the room could hold and the amount of parking that was available. She suggested the need to make sure the parking was within limits once the facility was built out. Ms. Shea reminded Council that the driveway was narrow; and, advised that she wanted some assurance that motorists would not park on it. Ms. Love advised Council that the site plan was based upon the number of occupants in the room. She expressed her opinion that the amount of parking being provided already included the number of people who could be in the meeting room. Town Planner Beniamino advised that this number was low. He explained that the Fire Department was only required to provide parking at a ratio of one space per three hundred square feet because the meeting room space was proposed to be a part of their internal uses. Mr. Beniamino further explained that communal events have a larger parking requirement of 1:100. He advised that if the Fire Department changed the room's use to an external meeting one, they would have to provide additional parking.

Councilmember Hazard inquired about the Fire Department's dinners. Ms. Love advised Council that the Department created additional lines of parking when it held its dinners. Councilmember Hazard asked whether there would be a lesser number of parking spaces. Ms. Love confirmed there would be more. Councilmember Hazard expressed his opinion that there would not be an issue. Councilmember Snyder noted that he has attended the Fire Department's dinners; and, advised that there have been no parking problems.

Town Attorney Whiting reminded Council that they did something with the Fire Marshall to restrict parking in connection with the driveway for the Salamander Inn. She suggested the Council do something similar for this project. Councilmember Shea expressed her opinion that this issue was not insurmountable. She suggested the Fire Department needed to direct the meeting room's users to park elsewhere. Ms. Shea noted that she was not trying to limit the room's use; however, she advised that there was a difference between the number of people and the number of vehicles. Councilmember Murdock expressed hope that the Fire Department knew about safety. Ms. Love reminded Council that vehicles could park on Route 50. Mr. Draisey noted that some people walked to the Fire Department from the back. Mayor Davis noted that the Department had its equipment ready to roll during events; and, that it parked cars so the equipment could get out. Councilmember Hazard noted that when the Department held its dinners, they had people to handle parking. He asked whether they would do the same for events in the meeting room. Ms. Love expressed her opinion that they would. She suggested there would be plenty of parking spaces for the number of people in the room. Ms. Love reminded Council that they could not fit more than thirty people in the room.

Ms. Love advised Council that her other concern was related to signage on Route 50. She reminded them that the Department has been trying to get a traffic light on Route 50 since 1984. Ms. Love advised that the Town staff has explained that the condition did not require a traffic light, which she noted was expensive. She further noted that it was also not included in the budget. Ms. Love advised Council that the Department researched the type of signalization mentioned; and, advised that the cost was still \$75,000. She suggested that if this was a requirement, they were going to have to find the \$75,000. Ms. Love expressed her opinion that VDOT would require the Department to jump through "major hoops" to allow the signage. She asked that this condition be changed to a recommendation.

Councilmember Murdock noted that VDOT provided money to the Town for a trail. She asked whether the signage could be funded through a grant. Ms. Love confirmed that the Fire Department has tried to get grant funds. She explained that many people were looking for this type of signalization; and, once prioritized, Middleburg was low on the list when compared to other jurisdictions. Mayor Davis asked whether the grants were through the County. Ms. Love confirmed they were.

Councilmember Hazard noted that the Planning Commission purposefully kept this wording vague. He explained that they wanted to provide for some form of warning and asked the Department to do some homework. Mr. Hazard noted that the intent of most of the conditions was for safety. He advised Council that the Commission understood the Department could not install a traffic light. Mr. Hazard noted, however, that there would be emergency vehicles pulling out on the roadway; and, explained that the Commission wanted to look at anything that could be done to make the intersection safer, with the minimum being to install signs. He suggested that the Department work toward flashing signs.

Councilmember Murdock asked whether the condition would be met if the Fire Department worked on the signs but could not get them. Town Planner Beniamino confirmed it would not. He explained that the condition says that they must install some form of an activated warning sign. Mr. Beniamino reminded Council that a similar sign was installed at the entrance to the Levis Hill House. He advised that in 2007, the Windy Hill Foundation was quoted a price of \$1,668 for the sign, \$3,465 for the opticon equipment and \$1,325 for the fire truck emitter. Mr. Beniamino noted that the emitter was now more expensive; and, advised that six were needed – one for each fire truck. He expressed his opinion that the Department was looking at \$20,000 for all the equipment in 2007 prices.

Mr. Draisey advised Council that the Department now used opticon technology, which was similar to a remote controller. He noted that there were “cameras” on the lights in Leesburg that allowed Loudoun County to control the lights in the direction they were headed. Mr. Draisey advised that this was a different version of that.

Mr. Draisey advised Council that he contacted the Smith Signal Company, which was the “expert” for the mid-Atlantic region, and was quoted a price of \$75,000 for a flashing sign. He suggested the need to revisit this price. Mr. Draisey advised Council that due to the technology changes, the Department would have an activation system that would trigger the alarms in the fire house so there may not be an external siren required. He further advised that they would use a tone-activated system; and, noted that he was looking into whether the receiver that turned on the lights and set off the alarm could be used to trip a flashing light. Mr. Draisey expressed concern about the use of a continuous light that blinked; and, noted that motorists became numb to that type of system. He reiterated that he was trying to look at other technology; and, advised that by the time the Council reconvened on this issue, he hoped to have some “real” numbers.

Mayor Davis expressed her opinion that it was important to have a signal; and, noted that everyone would like to have it as this was a safety issue. She advised that she would personally like to have this in a recommendation form. Ms. Davis reminded Council that the Fire Department had been established at this location for thirty years; and, noted that they were not creating something new. She expressed her opinion that no one would disagree that they would like to have a signal; and, noted that the Department was working on it. Ms. Davis suggested the Department could start a community funding campaign. She noted that she would hate to see the special use permit conditioned upon this. Ms. Davis suggested there be an agreement that the Fire Department would work on a signal and that something would be put in place. Councilmember Murdock expressed her opinion that the Town could not delay the Fire Department’s construction project.

Town Planner Beniamino noted that the location of the signs could get approved through VDOT. He advised Council that this has been his recommendation for a long time; and, noted that the Fire Department was aware of it. Mr. Beniamino expressed his opinion that if the Department was located outside of the town limits, this condition would have been included in the County’s requirements. He noted that since the project was located in Middleburg, the Council was responsible for making the decision. Mr. Beniamino advised that working on private fund raising was a good thing; however, he noted that this was not something the Town could enforce. He explained that in order to enforce any conditions, they must be in the special use permit. Mr. Beniamino reminded Council that this may be the only chance they would have in thirty years to “hold the County’s feet to the fire”. He suggested the need to make the safety center as safe as possible.

Town Attorney Whiting noted that the Council could include a time trigger that would allow the Fire Department to get started with the project, but that would require them to have the signage installed no later than xxxx. She advised that this would give the Department time for fund raising, while still being a legally enforceable condition. Ms. Whiting suggested that the condition could be staged so it would apply within five years of the building’s expansion. She reminded Council that the Middleburg Meandering Trail grant was a hazard abatement grant; and, suggested this was a higher hazard abatement priority. Town Planner Beniamino reminded Council that the trail grant was given to the Town; and, was not something it applied for.

Councilmember Murdock noted that Middleburg was not the “rich” County; and, noted that it was a little town with a small volunteer fire department that did not have much funding. She advised that she did not want to mandate the signage even with a time frame, as she did not know whether the Department could raise \$75,000.

Councilmember Hazard advised Council that the cost would not be \$75,000. Councilmember Littleton suggested the problem was that the numbers were “wrong”. Councilmember Hazard suggested the Department come back with a “real” number; and, expressed his opinion that \$75,000 was not a “real” number. He noted that this was a safety issue; and, suggested that the Council should not remove this condition during this meeting. Mr. Hazard noted that the Council had a couple of weeks before it had to make a decision; and, suggested the Department should do some research during that time.

Mr. Draisey advised Council that the newest fire station in the County did not have a signal or warning device. He noted that they did have an opticon system to allow them to change the lights at the intersection. Mr. Draisey expressed his opinion that everyone wanted a light for safety reasons. He noted that two firefighters died a couple of weeks ago in Rocky Mount going through an intersection; and, noted that people did not pay attention to the lights and sirens. Mr. Draisey expressed his opinion that Councilmember Hazard had a good idea.

Mayor Davis asked whether the County would fund a flashing signal. Town Planner Beniamino reminded Council that this was a County funded project; and, noted that they have been saying they did not have the money to pay for it. He advised that he did not know how the County would react if the Town made a strong statement and required it as a part of the special use permit. Mr. Beniamino reminded Council that the County used its special use permit process on other towns to enforce regulations that addressed their concerns; and, cited the example of the Hamilton well. He suggested that the Council could require the signal with a time frame for its installation and see how the County reacted. Councilmember Hazard expressed his opinion that if the Town did not get the signal funded up front, it would not happen.

Mayor Davis asked whether Supervisor Burton was aware of this situation. Councilmember Murdock expressed her opinion that, based upon what the Fire Department said about the grants, a signal would be put in Sterling, not Middleburg. Town Planner Beniamino reminded Council that the current fire station was in need of repair; and, that it was a County-funded project. He further reminded them that they had a responsibility to determine the safety measures that were needed to protect the Town’s residents.

Councilmember Littleton inquired as to the proposed build out schedule. Mr. Draisey advised that, under the best case scenario, the County hoped to solicit bids during the fourth quarter of this year and award the contract in the spring of next year. He further advised that construction would start in July; and, would take fifteen to eighteen months to complete. Councilmember Littleton suggested the Council make the installation of the sign a condition of the opening; and, noted that this would give the Department three years to raise the money. He expressed his opinion that there were less expensive signs that flashed. Mr. Littleton reiterated that the Council should make the opening of the new facility conditioned upon the installation of new signs with appropriate warning devices. He suggested the Council not tie the Department down too hard, but that it require a sign with flashers. Town Planner Beniamino agreed; however, he noted that this would impact the Department’s budget. He reminded Council that this would be a \$3 million facility; and, suggested the County could come up with \$20,000 to address a safety concern. Councilmember Littleton asked whether the County would stop the project due to the signage requirement. Town Planner Beniamino expressed his opinion that they would not.

Mayor Davis suggested the Department get better, more accurate prices for the signs. She advised that she would be happy to talk with Supervisor Burton and the members of the Board of Supervisors about funding. Mr. Draisey confirmed that he would have a number by the public hearing. Councilmember Murdock asked for the information in advance of the hearing. Mr. Draisey noted that the Department wanted the entrance/exit to be safe; and, expressed hope that the funding could be found. Councilmember Snyder asked that the pricing information be provided to the Town in time for insertion in the agenda packet.

Councilmember Hazard expressed his opinion that money could be found in a \$3 million budget. Mr. Draisey reminded Council that the County bond was for \$10 million, with \$3 million allocated to Middleburg and the rest to Sterling and Luckettsville fire/rescue projects. He noted that when the bond was discussed, it was never identified as to how much each station would get. Mr. Draisey advised that of the three projects, Middleburg's was the farthest along. Mayor Davis expressed her opinion that everyone was on the same page, it was just a matter of trying to figure out how to make it work.

Councilmember Hazard noted, with regard to the condition related to the emergency generator's cycling, that it was only intended that the cycling occur between 12:00 noon and 3:00 p.m.; and, not that it occur for three hours.

Council Discussion – Request to allow professional offices on first floor – 2 West Washington Street – Middleburg Property Management

Town Planner Beniamino reminded Council that this was a special use permit application from Charles Carroll, owner of the Noble House, to allow professional offices on the first floor. He reported that the Planning Commission recommended denial of the request based on the fact that they felt that a better use of the space would be some form of retail or restaurant use due to the central location of the building in the downtown district. Mr. Beniamino further reported that the Commission felt the location was paramount to the downtown's success; and, they did not want to give up on the ordinance that helped to clear out office uses on the first floors in the core commercial district. He advised that it was his recommendation to approve the special use permit with a time limit that would allow the applicant to deal with the current economic conditions. Mr. Beniamino suggested that if retail picked up in two to five years, the Town could re-examine the special use permit and whether it wanted to allow this space to continue to be used for offices. He reiterated that the Planning Commission's recommendation was denial.

Councilmember Hazard explained that it was the consensus of the Commission that once office use was allowed, the Town would not get the space back for retail uses. Councilmember Snyder agreed the Town would not kick a business out of the space once it was established. Councilmember Hazard reiterated that once this use was allowed, this space would remain offices forever. Councilmember Snyder noted that he could agree with cutting the property owner some slack on certain things as long as he was aware that on a certain date he must give the Town something back in return. He suggested that, in that case, if the business did not like the conditions at the end, they could walk away. Mr. Snyder noted, however, that under this scenario, the Town would have to kick out an occupant. Councilmember Littleton noted that he could see a law firm locating in this space and doing well, with the Town then having to tell them to leave.

Councilmember Hazard advised that he knew someone who was trying to lease a building on the back street; and, noted that the rent has changed by one-third to one-half. He expressed his opinion that during tough economic times, property owners cut the rent and took a loss. Mr. Hazard asked where this would stop if the Council allowed it to start on this corner. He expressed his opinion that it had already started on Madison Street.

Councilmember Shea reported that she had a strong reaction to the idea of making this office space. She agreed, based on the Planning Commission's discussion, that there may be some ambiguity in the zoning ordinance as to what constituted a first floor; however, she noted that there was no ambiguity in the Council's Vision or the Comprehensive Plan recommendation that retail should be on the main street. Ms. Shea suggested the Council may need to re-evaluate what happened in town; however, she suggested they do so as a community and not just slap a business in place because the town may be in economic hard straights. She advised that it scared her to make decisions without looking at the comprehensive effect on the town. Councilmember Hazard agreed; and, noted that this was the consensus of the Planning Commission.

Councilmember Murdock asked how the Commission's discussion on the issue of first floors went. Mayor Davis expressed her opinion that this space was clearly the first floor. Councilmember Hazard advised that the Planning Commission pointed out that the space occupied by Julien's Restaurant had six steps; and, the space occupied by Artragous had four or five. Councilmember Snyder concurred that the space in question was located on the main floor of the building. Town Planner Beniamino advised Council that he has held extensive discussions with the Town Attorney regarding this matter. He noted Councilmember Hazard's previous reference to the Graham property; and, reminded them that this involved a site plan waiver. Mr. Beniamino noted that the decision to allow this space to be used for personal services was his as the Zoning Administrator; and, noted that he had heard good and bad things about his call.

Mayor Davis asked why the applicant was saying this was not a first floor. Town Planner Beniamino advised Council that Autumn McCullough, who represented the owner, questioned whether this space fell under the requirements because the zoning ordinance did not define a "first floor". He reminded Council that the ordinance stated that offices were excluded from first floors; however, he reiterated that a first floor was not defined. Mr. Beniamino advised that he did not disagree with Councilmember Hazard that there were other locations that had steps; however, he advised that he had not yet had to make a decision that this was a first floor. He explained that Ms. McCullough told him that if her client did not get the special use permit, she would ask for a determination in writing, which she would then appeal to the BZA and possibly the courts. Mr. Beniamino noted that the Planning Commission has said there was no way this space could not be considered to be a first floor. He advised Council that what they thought a term meant may not necessarily be what was in the ordinance. Mr. Beniamino reminded them that when the BZA or Zoning Administrator looked at what was written, they had to make a determination based on what was on paper. He expressed his opinion that it would be difficult to make a determination that a structure like this was on the first floor when there was no definition.

Town Attorney Whiting reminded Council that, according to the minutes of the Planning Commission meeting, the operative term was "street level". She advised that there were a lot of standard zoning definitions for a basement versus a first floor; however, she suggested the term "street level" was one of a kind. Ms. Whiting advised that she would be happy to see if it showed up in a standard guide. Councilmember Murdock noted that Middleburg was an historic town. Town Attorney Whiting advised that she would be happy to see if there was a historic town standard. Town Planner Beniamino suggested that if the Council changed the ordinance wording from "street level" to "first floor", the issue would be cut and dry. He advised that when one looked at the steps and how the property was located, they would not say it was on the street level. Mr. Beniamino noted that the side of the building was on street level. He advised that after making his initial recommendation, he learned that the space contained a store front on Madison Street before it was a bank. Mr. Beniamino noted that the entrance used by the store front was covered over with bank equipment. He expressed his opinion that the building's history may make it easy to argue that the space was on street level; however, he reiterated that this argument would not be cut and dry.

Councilmember Murdock suggested the decision be based upon footage. She expressed her opinion that the building contained more footage at street level than it did upstairs. Mayor Davis expressed her opinion that the Council knew what was meant by the term "street level". She suggested that what was being proposed was a stretch.

Councilmember Shea noted that when the Council made the decision to let the Middleburg Plaza hallway be turned into office space, they made it clear that the spaces that fronted the street would not be included for this reason. She expressed her opinion that there was precedent, the Comprehensive Plan recommendation and the Town Council's Vision that all backed up that the Council would consider this to be street level space.

Town Attorney Whiting reminded Council that there was an appeal process to the BZA. She noted that it was the BZA's mission to adjudicate disputes such as this. Ms. Whiting further noted that the Town could present its case, including that there was a usage that made sense in the way the Town defined the term. She advised that there would be presumptions of correctness in decision making where there was a consistent record. Ms. Whiting further advised that there was a presumption that officials charged with the application of specialized areas of knowledge have been consistent. She noted that she would love to have a perfect ordinance; however, the Town did not in this case. Ms. Whiting suggested that this item be placed on the "fix-it list"; and, noted that the sign ordinance was another one that needed fixing. She reiterated that there was a mechanism in place to challenge whether the Town's position was defensible. Town Planner Beniamino reminded Council that they could have challenged his decision on the Graham item.

Councilmember Snyder noted that the Town Attorney indicated that she had a "fix-it list". He asked whether it was related to the Town Code or the Zoning Ordinance. Town Attorney Whiting confirmed it was for the Zoning Ordinance. She explained that they were similar to the amendments brought before Council by the Town Clerk related to the trash ordinance; and, noted that there were bits and pieces in some chapters. Ms. Whiting explained that while she was helping Hillsboro through their zoning ordinance revisions, she spotted some "real difficulties" with the language in Middleburg's sign ordinance; and, advised that technically landscaping was defined as a sign in Middleburg. She expressed her opinion that Middleburg's ordinances had some unreasonably broad definitions that needed to be fixed. Ms. Whiting advised that there were also problems with the standards in fencing height. She suggested that sometimes in drafting ordinances, one got so result-oriented that gaps were created, which was not unusual. Ms. Whiting advised that she did not remember playing a role in drafting the retail ordinance, other than discussing the defensibility of the concept. She noted that she could not recall if she participated in the drafting of the ordinance.

Town Planner Beniamino advised Council that he received about fifty calls in the past three days regarding the wording on the Market Salamander awning. He noted that they recently installed a "giant" awning with "huge" letters. Mr. Beniamino explained that because they were located on a corner lot, the restaurant was allowed to have a lot of signage. He noted that signage in the Historic District was regulated by the HDRC; and, suggested that they may have missed this one. Mr. Beniamino advised that the dimensions were listed on the application; however, he noted that sometimes when the board members looked at plans, they generally did not see "what's up there" when they saw eighteen-inches on paper. He suggested the need to revise the zoning ordinance to allow for less sign area. Councilmember Hazard suggested the need to take the fix-it file and make it a basis for discussion during the joint meeting. Councilmember Shea confirmed that it was on the agenda. Town Planner Beniamino expressed his opinion that the Town could not fix each section individually, but rather must do the revisions comprehensively. Councilmember Snyder noted that once the comprehensive revision was drafted, the staff could compare it to the fix-it list, but should not allow the list to drive the revisions. Town Attorney Whiting agreed it was more of a "don't forget" check list.

Town Planner Beniamino advised Council that the public hearing for this application has been scheduled for their September 23rd work session. He asked that the members contact him if they had any questions on the application. Councilmember Hazard asked that the staff research whether there were any standard guides for the definition of "street level" prior to the meeting. Town Planner Beniamino suggested this discussion wait until after the Council made a decision on the request before them.

Town Planner Beniamino reported that the Go Green Committee has drafted a lighting plan, which he was putting into traditional ordinance form. He advised that he would like to give this information to the Council and Planning Commission prior to their joint meeting.

Information Items

Mayor Davis noted that Dominion Power participated in an environmental project every year. She further noted that this year, Jamie Pearson sent a request to Dominion for a \$1,000 grant to help with projects at the Community Center; and, as a result, Dominion selected the Center as its project for the year. Ms. Davis reported that sixteen people from Dominion Power were at the Community Center painting and cleaning. She noted that they worked on the trees and fencing, as well as spreading mulch. Ms. Davis expressed her opinion that the Center looked beautiful as a result of their work. She noted that she was invited to attend their luncheon, at which time she thanked them for their work. Ms. Davis advised that she was very impressed with their dedication; and, noted that they had employees present from every level of Dominion Power. She expressed her opinion that they took great pride in what they did. Councilmember Murdock suggested the Mayor send a letter of appreciation to Dominion. Mayor Davis confirmed that she planned to do so. Councilmember Snyder noted that Dominion had many people participating in this project.

Closed Session – Personnel

Councilmember Murdock moved, seconded by Councilmember Shea , that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body. Councilmember Murdock further moved, seconded by Councilmember Shea, that this discussion be limited to the hiring of a Town Administrator. Councilmember Murdock further moved, seconded by Councilmember Shea, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Hazard, Littleton, Murdock, Shea and Snyder
No – N/A
Abstain: N/A
Absent: Councilmembers Kirk and Stewart
(Mayor Davis did not vote as there was no tie to require her vote)

Mayor Davis asked that the 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.

There being no further business, a motion was made to adjourn the meeting at 8:15 p.m.

APPROVED:

Betsy A. Davis, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk