



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, November 12, 2020



PRESENT: Mayor Trowbridge M. Littleton
Vice Mayor Philip M. Miller
Councilmember Chris W. Bernard
Councilmember Morris “Bud” Jacobs
Councilmember Darlene Kirk
Councilmember Peter Leonard-Morgan
Councilmember Cindy C. Pearson

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Jamie Gaucher, Economic Development Director
Estee LaClare, Planning & Project Associate
Julie Rivard, Finance Director/Town Treasurer
A.J. Panebianco, Chief of Police

ABSENT: Councilmember J. Kevin Daly

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, November 12, 2020. Due to Governor Northam’s executive orders requiring that people social distance, the Council meeting was held as a hybrid meeting, with some of the Council and staff participating in-person and others participating remotely.

Mayor Littleton explained for the viewing audience that it was the Council’s responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council’s resolution declaring a local emergency and its ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Council would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Littleton advised the viewing audience that copies of the agendas were available on the Town’s website and that the meetings would be livestreamed and recorded for viewing on the website. He reviewed the process that would be utilized for the remote meetings.

Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll call was called at 6:01 p.m.

Special Recognition by Mayor & Council

Resolution of Appreciation – Bill Turnure

Mayor Littleton recognized and thanked Bill Turnure for his thirty years of service on the Historic District Review Committee, including serving as its Chair. He noted that Mr. Turnure was a cherished member of the community. Mr. Littleton read the Resolution of Appreciation aloud.

The members of Council also thanked Mr. Turnure for his service. They wished him and his wife, Liz, the best of luck.

Deputy Town Manager Moore advised that based on his twenty years' experience working for local governments, it was unheard of to have someone volunteer to serve in the same capacity for thirty uninterrupted years. He noted that Mr. Turnure did so in a professional manner and advised that it was a true pleasure to work with him.

Mr. Turnure advised Council that it was a pleasure, privilege, and honor to have served the community and noted that he received more than he gave. He opined that it was the people who made Middleburg and advised that it had been a joy to practice architecture here. Mr. Turnure advised that the current Council, staff, Planning Commission and HDRC were the strongest groups he worked with during his tenure. He wished the members the best of luck.

Mayor Littleton presented a signed copy of the resolution, a Middleburg paper weight, and a painting of Chinn's Crossing to Mr. Turnure as a symbol of the Town's appreciation for his many years of service.

Councilmember Pearson moved, seconded by Councilmember Kirk, that Council adopt a resolution extending its appreciation to Bill Turnure for his service on the Historic District Review Committee from July 11, 1990 through October 31, 2020.

Vote: Yes – Councilmembers Miller, Bernard, Jacobs, Kirk, Leonard-Morgan and Pearson
No – N/A
Abstain: N/A
Absent: Councilmember Daly
(Mayor Littleton only votes in the case of a tie.) (by roll call vote)

Staff Reports

October 2020

Town Manager Davis noted that Stuart Will, of IES, was available to answer any questions the Council may have. He reported that IES developed an inflow and infiltration analysis report, which would be distributed with the next agenda.

Town Clerk North reported that the Town Hall Review Committee identified its top ranked architecture/engineering firm for the Town Hall Project and was in negotiations with them on a contract. She further reported that the Committee identified four construction management firms to bring in for interviews next week. Ms. North advised that she anticipated presenting these contracts to the Council during their December meeting for their consideration.

Town Clerk North announced that the Town would hold residential holiday decorating contests. She advised that the categories included: best traditional decoration; best front door; best front porch; best light display; and judges' choice, with the winners being awarded gift certificates from area businesses. Ms. North noted that a driving tour map would be developed to identify the participants' locations so people could enjoy the decorating talents in the community.

Economic Development Director Gaucher reported that the Town entered into agreements with two businesses to use the Town's marketing logos on products they would sell. He further reported that seventy-five businesses received grant awards from the Loudoun County Business Interruption Fund. Mr. Gaucher advised Council that the Town received applications from six restaurants thus far who wished to participate in the tent/heater program. He noted that he anticipated a total of ten participants in the program.

In response to inquiries from the Council, Economic Development Director Gaucher reported that the new skin care business was located at 111 East Washington Street. He advised that he was working with the Middleburg Business & Professional Association and Museum Foundation on the annual Christmas Tree Lighting Ceremony. Mr. Gaucher noted that he would share the details on it as soon as they were available. He reported that he anticipated at least four proposals would be received for the RFP on the Asbury Church.

Councilmember Jacobs noted that one of his neighbors on Jay Street was accosted by an individual over the weekend. He commended the Police Department on their response.

Chief Panebianco announced the Town hired Shaun Jones to replace Lieutenant Hollins upon his retirement in January. He advised that he had a great deal of small-town experience and would be a good fit for Middleburg. Chief Panebianco noted that he would appear before Council during their December meeting for his badge pinning ceremony.

Town Manager Davis noted that the Town had received reports of vultures roosting in Middleburg again this year. He reviewed the history of this nuisance and advised that the Town was going to reach out to the USDA to hang a vulture in effigy to deter them from roosting on the water tower. Mr. Davis encouraged the public to contact the Police Department with any concerns they may have. He also encouraged them to keep any food sources away as they encouraged the vultures to stay in the area. Mr. Davis noted that vultures were federally protected birds; therefore, it was illegal to shoot them.

In response to inquiries from the Council regarding changes to the Town's water towers to deter the vultures from roosting there, Town Manager Davis advised that the staff was investigating any opportunities that may be available.

In response to an inquiry from the Council, Town Attorney Crim reported that the legislation on the police qualified immunity bill failed to pass during the past session of the General Assembly; however, he expected it would return again in January. He advised that the rumor was the next bill would abolish all qualified immunity in all circumstances for all local government employees, which would make them more cautious in terms of advancing Council goals because of the risk of liability and would cause the Town's insurance premiums to increase. In response to an inquiry from the Council, Mr. Crim confirmed he expected the bill would include provisions making localities liable for constitutional violation actions of off-duty police officers.

Town Manager Davis reminded Council of the issue involving trash and recycling at the restaurant at the intersection of Washington and Madison Streets. He reported that the staff was looking at alternative methods for helping them remove the recycling quickly since the Town's contractor did not collect it until later in the afternoon. Mr. Davis advised that the staff was meeting with the restaurant's owner to discuss possible options, including placing a dumpster at the Town Shop for their use or having the Town's Facilities Supervisor remove it.

The Council noted that this was not the only area where this was an issue; however, it was a critical one on Washington Street. They questioned whether this was addressed in the Town's ordinance. The Council noted that one location was placing six trash containers out for collection and questioned how the staff was managing this.

Deputy Town Manager Moore confirmed the contract with the trash collector limited the number of trash containers that would be collected to three. He advised, however, that there was no limit on the amount of recycling that could be placed out for collection.

Town Manager Davis noted that the Town Code stated that if an owner had more trash, they must develop their own service contract with a trash company. He confirmed there was an issue with how much trash was being set out by the restaurant versus what the Town would collect. Mr. Davis advised, however, that the restaurant's recycling was a bigger issue in that it was unsightly. He advised that the staff planned to encourage the use of totes. Mr. Davis noted that the Town Code language on limits on the amount of recycling was not clear, as it was written to encourage recycling.

The Council expressed concern about food products being set out for collection and noted that there was still a lingering odor once it was gone.

Town Manager Davis noted that he spoke with the owner about the food waste and explained that the use of the totes was important to keep food from spilling on the ground. He opined that addressing the recycling was the most important step the Town could take at this moment.

It was noted that the restaurant used a service for additional trash collections and suggested they may need to contract for additional recycling collections. The Council advised that they did not want the Town staff to be used for collection purposes on a long-term basis, as this was not fair to the other businesses that handled their trash properly. They suggested the restaurant may have to hire their own contractor. The Council recognized that the building had unique issues; however, they noted that all buildings in the downtown area had unique issues. They confirmed they did not have an issue with the placement of a dumpster at the Town Shop.

In response to inquiries from the Council, Town Manager Davis reported that the Town had a recycling dumpster at Well 4 that it could relocate to the Town Shop for business' use. He opined that this would be something to help the business community and suggested it was a small investment in the downtown corridor.

The Council expressed concern that the dumpster could be abused and suggested the need to fine anyone who abused it. They questioned what was appropriate for Washington Street and opined that the staff needed a mechanism to handle the issues. The Council opined that the businesses must figure out their own trash/recycling removal. They noted that when the staff previously surveyed the businesses, most of them said they did not have an issue. The Council suggested the need to address this issue holistically and noted that it should not be limited to Washington Street, but rather should be for the commercial district in general.

Town Manager Davis announced that Middleburg received the Champion Award from the Virginia Municipal League for its COVID-19 assistance efforts.

Town Treasurer's Report & FY '21 Budget Revised Outlook

Town Treasurer Rivard advised Council that the charts she provided compared the General Fund's main sources of revenue with what was budgeted and identified the month-to-date revenues, what was expected, and the year-to-date revenues. She noted that she developed a formula for each source based on the past three years' history and used a weighted average to identify what the Town should expect to receive thus far this year. Ms. Rivard reported that she did not expect reductions in the real estate, personal property or vehicle license revenues.

Town Manager Davis noted that the Town Treasurer identified the percent of revenues the Town expected to receive by October 31st. He reported that the Town should have received twenty-seven percent of its meals tax revenues; however, it had received only twenty percent.

Town Treasurer Rivard noted that the second quarter was when the Town typically received the bulk of its meals and lodging tax revenues. She reported that she was watching these closely.

Town Treasurer Rivard noted that she also included the COVID budget summary in her report. She advised that she added a Tier 0 for expenditures that would not occur because the items were cancelled, such as the special events.

Town Treasurer Rivard reported that overall, she anticipated the Town's revenues would be down by eighteen percent. She advised that this fell within the most probable scenario she previously calculated. In response to inquiries from the Council, Ms. Rivard advised that a twenty-five percent revenue reduction was sustainable by the Town.

The Council requested that Chart 9 identify actual revenues in terms of dollar amounts, as opposed to percentages.

COVID-19 Status Report

Town Manager Davis reported that based upon Loudoun County's recent Finance Committee meeting, he believed the Town's personal property tax revenue would be in line with expectations. He further reported that based on a report from the Windy Hill Foundation, it appeared that five households would qualify for the Town's Housing Assistance Program. Mr. Davis advised that he would return in December with a recommendation to redirect any remaining CARES Act funds to other uses. He advised the viewing audience that if anyone in the community was in need, the State and County had money available to help people whose income was affected by COVID pay their bills.

Consent Agenda

A. Minutes – October 22, 2020 Regular Council Meeting

Vice Mayor Miller moved, seconded by Councilmember Bernard, that Council accept the consent agenda.

Vote: Yes – Councilmembers Miller, Bernard, Jacobs, Kirk, Leonard-Morgan and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Daly

(Mayor Littleton only votes in the case of a tie.) (by roll call vote)

Discussion Items (continued)

Zoning Text Amendment 20-01: Penalties & Remedies for Violations

Deputy Town Manager Moore noted that the Planning Commission worked on this and the following agenda item last year and into this year; however, their work was stalled by the COVID pandemic. He further noted that once they learned they could get public input on items, they re-introduced them.

Deputy Town Manager Moore reminded Council that the Town Code did not provide for the maximum penalties allowed under the State Code for zoning violations and noted that there were also gaps in some areas. He reported that this zoning text amendment would give the Town all the tools the State Code allowed. Mr. Moore reminded Council that the staff tried to work with individuals first to gain their cooperation before issuing a notice of violation.

The Council agreed to move this item to a public hearing during their December meeting.

Zoning Text Amendment 20-02: Signs

Deputy Town Manager Moore reported that this was a complete re-write of the sign ordinance that was required due to a U.S. Supreme Court decision that no longer allowed localities to treat signs differently based upon content. He noted that the Planning Commission used the Local Government Attorneys Association’s model ordinance, which the Town Attorney helped to draft. Mr. Moore explained that the draft ordinance was intended to be tailored to localities and reported that the Planning Commission spent months tailoring it to Middleburg and ensuring it met the requirements of the Supreme Court decision. He advised that they also tried to ensure the amendments would not result in a reduction in the amount of allowable square footage for signs. In response to an inquiry from the Council, Mr. Moore reiterated that signs could not be regulated based on content; however, they could still be regulated based on items such as materials and color. He confirmed the HDRC’s role in the sign review would not be impacted by the changes.

Town Attorney Crim reported that the ordinance should not create any non-conforming signs in Middleburg.

The Council agreed to move this item to a public hearing during their December meeting.

Status of Strategic Initiatives related to Planning Commission

Councilmember Jacobs reported that during its October meeting, the Planning Commission discussed how to proceed with Council's two strategic initiatives that were related to them – the Federal Street charrette and the evaluation of the Town's zoning ordinance to bring it in line with the new Comprehensive Plan. He reported that they agreed there was no way to do the charrette given the current COVID environment since it required in-person participation by the community. Mr. Jacobs advised that he wanted to make sure the Council agreed with postponing this item.

Councilmember Jacobs reported that the Commission did not believe it made sense to look at the zoning ordinance without first holding the charrette, as there would be zoning ordinance amendments that would come out of it; therefore, they agreed to postpone that as well. He advised that after discussing it with the Mayor, Planning Commission Chair, Town Manager and Deputy Town Manager, they believe it could move forward. Mr. Jacobs advised that he wanted to make sure the Council wanted the Planning Commission to identify issues that should be addressed and move forward with them.

Mayor Littleton noted that he served on the County's Zoning Ordinance Committee. He agreed the charrette needed to be done right and could not be held at this time. Mr. Littleton advised that as to the zoning ordinance updates, the new homes in the Ridgeview area were the catalyst for them. He suggested the Commission could look at that independent of the charrette.

Information Items

Mayor Littleton reported that the County Zoning Ordinance Committee met for the first time earlier in the day. He advised that he would keep the Council informed as their work progressed.

Mayor Littleton reported that the Coalition of Loudoun Towns (COLT) sent a letter to the County regarding a proposed comprehensive plan amendment that would provide access to water and sewer services to seventy acres of land located in the rural policy area that was being acquired for the construction of a school. He explained that the concern was with the precedent this would set. Mr. Littleton advised that while neither available option was a good one, in the long-term, setting the precedent of providing water/sewer in the rural policy area would be more damaging. He reported that COLT's letter encouraged the County to achieve their goal by moving the parcel to the adjoining transition policy area, Mr. Littleton noted that Dave Simpson planned to attend the Board of Supervisor's meeting this evening to represent their position.

Closed Session – Legal Advice of Counsel; Appointments to Town Boards & Commissions

Vice Mayor Miller moved, seconded by Councilmember Kirk, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for (1) the discussion, consideration or interviews of prospective candidates for the appointment of specific public officers, appointees and employees of the public body, as allowed under Subsection (A)(1), related to appointments to the Town's boards, committees and commissions and (2) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, as allowed under Subsection (A)(8), related to a request for a boundary line adjustment. Vice Mayor Miller further moved, seconded by Councilmember Kirk, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Miller, Bernard, Jacobs, Kirk, Leonard-Morgan and Pearson
No – N/A
Abstain: N/A
Absent: Councilmember Daly
(Mayor Littleton only votes in the case of a tie.) (by roll call vote)

Mayor Littleton 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. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Council Appointments – Town Boards, Commissions & Committees

Councilmember Pearson moved, seconded by Councilmember Kirk, that Council re-appoint Ed Fleischman to the Middleburg Planning Commission for a four-year term, said term to expire December 31, 2024. Councilmember Pearson further moved, seconded by Councilmember Kirk, that Council reappoint Beth Erickson, Chris Burns, and Suzi Molak to two-year terms on the Cultural & Community Events Committee, said terms to expire December 31, 2022. Councilmember Pearson further moved, seconded by Councilmember Kirk, that Council reappoint Joe Boling, Bob Dale, and Childs Burden to two-year terms on the Middleburg Strategic Finance Committee, said terms to expire December 31, 2022. Councilmember Pearson further moved, seconded by Councilmember Kirk, that Council reappoint Prem Devadas, Sean Martin, Vicki Bendure, Duane Ellis, David Greenhill, Lauren Peterson, Cathy McGehee, and DeeDee Hubbard to the Economic Development Advisory Committee for one-year terms, said terms to expire December 31, 2021. Councilmember Pearson further moved, seconded by Councilmember Kirk, that Council recommend to the Judge of the Loudoun County Circuit Court the re-appointment of Kathy Fisher to the Board of Zoning Appeals for a five-year term, said term to expire December 31, 2025. Councilmember Pearson further moved, seconded by Councilmember Kirk, that Council appoint Anne Marie Chirieleison to the Middleburg Arts Council to fill an unexpired term, said term to expire June 14, 2024.

Vote: Yes – Councilmembers Miller, Bernard, Jacobs, Kirk, Leonard-Morgan and Pearson
No – N/A
Abstain: N/A
Absent: Councilmember Daly
(Mayor Littleton only votes in the case of a tie.) (by roll call vote)

There being no further business, Mayor Littleton declared the meeting adjourned at 8:00 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

November 12, 2020 Middleburg Town Council Meeting

(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video of the meeting that is on the Town's website – www.middleburgva.gov)

Bridge Littleton: [Off mic] All right, it's six o'clock. I'll call the meeting to order. First item, I've got to read the remote announcement. It is the Middleburg Town Council's responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognizes the need to do so safely for not only its membership but also for the town staff and members of the public. To that end, in accordance with the resolution, confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effectuate temporary changes to address continuity of governmental operations during COVID-19, the town council will hold its meetings via remote access until such time as the Governor rescinds emergency order mandating social distancing. Copies of the previously referenced document are available on the town's website for those who wish to view them. Anyone wishing to participate during the public comment periods may do so by calling the number listed [off mic]. All right. The next item is the Pledge of Allegiance.

Everyone: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Bridge Littleton: All right. Next item will be the roll call. We'll start with Darlene.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Philip.

Philip Miller: Philip Miller.

Bridge Littleton: Bridge Littleton. Bud.

Bud Jacobs: Bud Jacobs.

Bridge Littleton: Cindy.

Cindy Pearson: Cindy Pearson.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Bridge Littleton: Chris.

Chris Bernard: Chris Bernard.

Bridge Littleton: Rhonda.

Rhonda North: Rhonda North, Town Clerk.

Bridge Littleton: Danny.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: Martin.

Martin Crim: Martin Crim, Town Attorney.

Bridge Littleton: Okay, we've got the roll call. Next is the public comment session. We will open the public comment session for anybody who would like to address the town council. Rhonda, do we have anybody on the phone?

Rhonda North: We do not, Mr. Mayor.

Bridge Littleton: Okay, we will now close the public comment session. We have no public hearings. For the first action item is special recognition by mayor and town council. And I've been waiting for this for years. [Laughter] Mr. Bill Turnure, this is your life. No, no, in fairness, in all seriousness, so we're here to recognize and thank somebody for not just 30 years of service to the town as the chair of the HDRC, but as someone who has been an integral and cherished member of our town, our lives, us as citizens, and our community as a whole. There is nobody that you could find who embodies what is special about this community than in somebody like Bill and his wife Liz. Even though they never lived in Middleburg, it might as well have been as though they did. [Laughter] They probably spent more time here than they did at their home. So I know you guys had a little thing when you were at your last HDRC meeting, but this is from the town council as a whole and from the community as a whole. So we have a couple of things we want to do for you, Bill. And if anybody would like to say something, by all means, raise your hand. But the first thing we want to do is we have a resolution of appreciation that we want to read so. Now we can do social distancing. I was going to say, if you want to come up here and stand and we can embarrass you while we read it. But no, no, we want to be safe. So, okay, resolution of appreciation for William Turnure. Whereas William Bill Turnure came to Middleburg in 1978 as an apprentice architect under Billy Dew. And whereas Mr. Turnure was appointed to the Historic District Review Committee on July 11th, 1990, and whereas Mr. Turnure was elected as chairman of the HDRC on September 3rd, 1992, a position he held until his resignation on October 31st, 2020. And whereas during his tenure on the HDRC, Mr. Turnure achieved many accomplishments, including developing a checklist of requirements to assist applicants in completing their applications, taking the lead in developing the town's first set of historic district guidelines, leading the HDRC in its review of large project applications such as Chinn's Crossing Project, the Courtyard at Marriott. [Laughter] The Courtyard at Middleburg, project, the Salamander Resort and Spa Project, and the expansion of the National Sporting Library and Museum, as well as serving on numerous advisory boards such as the Middleburg Streetscape Improvement Projects Steering Committee. And whereas in addition to his service on the HDRC, Mr. Turnure supported the community for decades as an architect, leading many projects such as Federal Village, Federal Towers, the Virginia Lane Project, the expansion of the Middleburg Library, the expansion of the Middleburg Museum and the renovation of multiple buildings on Washington Street, as well as having served as president of the Middleburg Business and Professional Association. And whereas Mr. Turnure is the longest serving individual of a town board or committee, Wow. Having served more than 30 years in this capacity. And whereas Mr. Turnure resigned his seat effective October 31st, 2020, as he and his wife are retiring and moving from the area. Whereas the town council deems it appropriate to express its gratitude to Mr. Turnure for his personal dedication, exceptional service to our community over these past 40 plus years. Now, therefore, be it resolved that the mayor and members of the Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the exemplary service of William Turnure as the Chairman and Member of the Historic District Review Committee from July 11th, 1990 through October 31st, 2020, and for his dedication, support to the Middleburg community and express our profound thanks to him and hope for his continued success in life. So would anybody like to add anything? Cindy.

Cindy Pearson: [Multiple Speakers] Just want to say thank you, Bill. I did have the pleasure of just joining HDRC and sitting with you all, but I do remember you when you were in Billy Dew's building way back when. Hope you.

Bridge Littleton: If walls could talk. [Laughter]

Cindy Pearson: I actually worked next door at Middleburg Real Estate back at some point of that so you know, things go around in this town. I just want to wish you and Liz the world of luck. And please, if you get tired of it down there, you want to come back, come back. But make sure you live in Middleburg this time. [laughter] We'd love to have you. Thank you, Bill.

Bill Turnure: Thank you.

Bridge Littleton: Yeah. And HDRC will always have a warm seat ready for you.

Bill Turnure: It'll be warm for a while. [Laughter]

Bridge Littleton: Will or Danny anything you guys like to say or Chris? I'm sorry.

Chris Bernard: Yeah. So I have had the pleasure of knowing Bill since I was what four years old, maybe not even. So I'm glad that we were able to kind of intersect over these past few years and I hope you and Liz have a great time with all the kids and grandkids.

Bill Turnure: Thank you.

Chris Bernard: Thanks, man.

Bill Turnure: Thank you.

Will Moore: Yeah, I would just say that in my nearly 20 years of local government experience, I've seen many dedicated individuals who have given time, families who have given time, but to have someone dedicate 30 years of uninterrupted service is nearly unheard of. To do so in such a professional manner, to have helped shape and preserve Middleburg's character, it's an incredible accomplishment. So well done. And not only his technical expertise, but his ability to chair a meeting and lead a meeting and work with applicants. It's been a true pleasure the last six years working with Bill.

Bill Turnure: Thank you, Will.

Will Moore: Yes sir.

Bridge Littleton: And I will say, as an individual who not only works in a Bill Turnure design building, but lives in a Bill Turnure design building, I'm still looking for a the straight angle, a straight corner on any wall. [Laughter] But I guess that would be the fault of the builder.

Bill Turnure: Exactly.

Bridge Littleton: Because it was the builder. It was same builder in both cases.

Bill Turnure: We won't mention his name.

Bridge Littleton: But no Bill again, you know, we wish you guys all the best and the door's always open here. We'd love to see you come back as much as possible and, you know, just have a great life down there.

Bill Turnure: Thank you.

Bridge Littleton: Now, we got a couple of things for you.

Bill Turnure: Before you do that can I say something. [Multiple Speakers]

Bridge Littleton: No, go ahead.

Chris Bernard: You've had 30 years. [Laughter].

Bill Turnure: I'll never pass up a chance to say something. First of all, on that list of things, it just wore me out even thinking about all that. [laughter]

Bridge Littleton: You notice she forgot on there President of the Federal Court.

Bill Turnure: Oh, that's exactly right. I was president of the Lions Club too.

Bridge Littleton: Oh, yeah. Yeah.

Rhonda North: She didn't know wow.

Philip Miller: Most patient man in Middleburg.

Bill Turnure: My wife would argue that one right there. Somebody told me once that if you find yourself in a situation where you have to speak in front of a group of people, the easiest way to do it is just be honest and speak from the heart. And that's what I'm hoping to do here. As I mentioned at the HDRC meeting in October. It's been truly a pleasure and a privilege and an honor to serve on this Middleburg HDRC. Any amount of giving back that I have given to the town I've gotten; it pales in comparison what I've gotten back from this town. And, you know, if there's something that I've learned is since being here 40 years, is that the beautiful estate homes and the horses and the fancy cars and the famous people, that's not what makes Middleburg what it is. It's the people. And for me, it's been people like Mrs. [inaudible] Jackson, Billy Leach, Mrs. Edwards at the BNA, Billy Dew, your dad, those are the people who really made a huge impact in this town and made it really what it is. And for the town to recognize me from my tiny contribution is a testament to the real nature of the people in this town. I truly appreciate it. I treasure and cherish all the time I spent here. It was a pure joy to practice architecture here in Middleburg. And Liz and I truly will miss every bit of it. I want to leave you with one thing. This town staff and this council and planning commission and HDRC, for that matter, and all the numerous committees of volunteers that work in this town, it is the strongest group that I've ever been associated with since I've been in Middleburg. I mean, it is just a joy to see. And my one regret is that I'm not going to be able to assist with the construction of the new town hall. But I'm confident that it'll be just as spectacular as the town that it will serve. Again, I'll be coming back and forth for a few months. Hopefully we will run into each other at the Safeway or the post office or maybe if you're over at the Safeway later. [Laughter] [inaudible]. Thank you all very much. This is very much appreciated and best of luck to you all in your endeavors as you move forward. Thank you.

Bridge Littleton: Well, Bill, don't worry you will get an invite to the ribbon cutting.

Bill Turnure: I will be here.

Bridge Littleton: Yeah.

Bill Turnure: I will be here [Multiple Speakers].

Bridge Littleton: We got a couple of things for you. First of all, there's your already framed resolution. Most people Rhonda just puts in a cheap envelope, but we care about you so much.

Bill Turnure: I will hang that proudly in our new home for sure.

Bridge Littleton: [Off mic] Step over this step over this.

Bill Turnure: This is the good part.

Bridge Littleton: It wouldn't be the Town of Middleburg without a glass paperweight with the Town Seal on it.

Bill Turnure: Very nice. Very nice.

Bridge Littleton: If see it on eBay I know what happened. [Laughter]

Bill Turnure: Or your Christmas present this year. [Laughter]

Bridge Littleton: Oh, yeah. And then if you can come up here? Bill we got one [Multiple Speakers].

Rhonda North: So walk around this way would be the easiest.

Bridge Littleton: So our lovely town artist Deb Cadenas has painted something for you at our request. So this will be in either over your mantelpiece or over your bed, whichever you feel is appropriate, but [inaudible] you can always use to remember Middleburg.

Bill Turnure: Oh wow.

Bridge Littleton: You want to stand on the other side [Off mic] get a picture?

Bill Turnure: That project [Laughter] [Multiple Speakers] tell that started off it was a disaster. And Jack [off mic] was the owner and he had, I think, three architects [Off mic] come in. And, you know, how it ended up and where it was at the beginning it was like night and day. We worked tirelessly to make that. And I think it really fit into the fabric of the town, really.

Bridge Littleton: Yeah.

Bill Turnure: It feels like it's been there forever.

Bridge Littleton: Yeah.

Bill Turnure: So anyway, that is very special. Thank you.

Bridge Littleton: You're welcome. And then so the other thing, too, is I know you're headed to [Off mic] later, but we didn't want [Off mic] without some local cheer.

Bill Turnure: Okay.

Bridge Littleton: You know, you make sure you can. So it's Old Ox okay like that. [Multiple Speakers] There's this thing called [Off mic] cocktails.

Bill Turnure: All right. [Multiple Speakers]

Bridge Littleton: That's Philip's [inaudible] bag for you there. [Off mic] [Laughter].[Off mic]

Bill Turnure: Thank you all very much.

Everyone: Thank you.

Bill Turnure: Good to see you again. [Applause]

Rhonda North: And Mr. Mayor, we do need to vote on that resolution.

Bridge Littleton: Oh, yeah.

Bill Turnure: [Multiple Speakers] I better wait to make sure it passes. [Laughter] [Off mic]

Bridge Littleton: Well, Bill, the good thing is I don't get to vote, so if it doesn't it's not my fault.

Bill Turnure: It might be unanimous now.

Bridge Littleton: Right. Okay, is there a, yeah, Cindy.

Cindy Pearson: I move the council adopt a resolution extending its appreciation to Bill Turnure for his service of the Historic District Review Committee from July 11th, 1990 through October 31st, 2020.

Darlene Kirk: Second.

Bridge Littleton: Okay. All those in favor say aye.

Everyone: Aye.

Bridge Littleton: All opposed. Motion passes. Bill thank you so much.

Bill Turnure: Thank you. Good luck tonight.

Bridge Littleton: [Multiple Speakers] Take care.

Bill Turnure: Thanks again.

Unknown: All the best we miss you already. [Off mic]

Bridge Littleton: Ok, next item is staff reports. Utility, is Stuart on?

Danny Davis: Stuart is on let's unmute him real quickly.

Rhonda North: I just did.

Danny Davis: And yeah, he's here.

Bridge Littleton: All right. Anybody have any questions? Stuart any update?

Stuart Will: No, do you guys have any questions?

Bridge Littleton: Yeah. Any questions for Stuart? Peter.

Peter Leonard-Morgan: Negative.

Bridge Littleton: Okay, Stuart, we're good, thanks a lot.

Stuart Will: Very good. Did you guys have any questions regarding the inflow and infiltration analysis report? It was my understanding that specifically you might ask me to speak regarding that.

Danny Davis: Stuart, I regrettably, the revisions got to us too late to get in the packet, so we actually did not distribute that out. But we will send that out in the December agenda. And so we'll add you back on at that time.

Stuart Will: Very good Danny. Thank you, sir.

Danny Davis: Thank you.

Bridge Littleton: Take care, Stuart. Thanks.

Darlene Kirk: Bye Stuart.

Stuart Will: I miss you guys.

Bridge Littleton: All right, Rhonda.

Rhonda North: So, Mr. Mayor, I just wanted to let you know that we are moving along on the town hall project. We're in the process of working on a contract with the number one ranked firm for architect. And the committee met this afternoon, identified four construction management firms that we're going to interview next week. So we are still on track to bring contracts for both the architect and the construction manager to the council in December. So that's moving along well. Also, just wanted to let you know that in addition to all of the activities that the Middleburg Business and Professional Association are doing in December, the town is going to have a residential holiday decorating contest. We're asking folks to sign up by November the 30th we're going to have prizes for things like best porch, best door, best lights, judges choice. So we're hoping lots of folks will participate. And what we're going to do is develop a driving tour map of those who participated; give folks the opportunity to drive around town and just see the talents that lie in our community.

Bridge Littleton: Very cool. And Rhonda, I will say it's not all the way in bullet form, but it's getting much closer. [Laughter] Does anybody have any questions for Rhonda?

Peter Leonard-Morgan: Rhonda, this is Peter. Quick question, can you remind me who's on the committee for the Town Hall RFP?

Rhonda North: That would be Council Member's Daly and Bernard.

Peter Leonard-Morgan: Thank you very much.

Bridge Littleton: And I just will note real quickly, Peter and Martin are not wearing their masks, so. [Laughter] [inaudible]. Okay, next up is Jamie.

Rhonda North: Is Jamie here?

Jamie Gaucher: Thank you, Mr. Mayor. I just want to take a second and highlight several bullet points that are in my report. We currently have two marketing agreements with local businesses that have expressed an interest in utilizing the town's new logo for the creation of goods that they are going to sell during the holiday season here in Middleburg. That's exciting. Secondly, I want to bring to your attention that there were 75 businesses in Middleburg that received funding from the Loudoun County Business Interruption Fund. That's a relatively high percentage and that's worth noting. Each of those grants and that includes all five rounds of Business Interruption Fund. And with regard to the tent and heater program, as of I believe it was five o'clock this afternoon, we have received completed applications with certificates of insurance and the appropriate zoning requirements for six individual businesses at this point in time. Again, we are expecting somewhere in the neighborhood of 10, maybe a little bit more than 10. But as of this evening, our zoning administrator has approved six. Outside of that, I'll be happy to answer any questions that you might have.

Bridge Littleton: Does anybody have any questions for Jamie?

Bud Jacobs: Just a quick one, I think in your report, the number of businesses potentially taking part in the tent program is up to 13. Do I read that right?

Jamie Gaucher: Potentially, yes. We have six. [Multiple Speakers]

Bud Jacobs: Six, so we're almost halfway to that number. [Multiple speakers] That's great. Thank you. And I want to commend you for coordinating your tie and your mask.

Jamie Gaucher: Thank you.

Bud Jacobs: I think it's a good look.

Jamie Gaucher: It's a special effort. Yes.

Bridge Littleton: Any other questions for Jamie? Peter.

Peter Leonard-Morgan: Yes. Thanks. Jamie, quick question on the Middleburg Tree Lighting. What are we doing with regard to making it safe for COVID? And also, where is the skincare boutique? Whereabouts in town?

Jamie Gaucher: The new boutique is going to be at 111 East Washington Street in the building, most notably where the Backsmith currently is and with regard to the tree lighting, that is still a work in progress, coordinating with the MBPA and the pink box to figure that out. I don't have specific details for you at this time, but as soon as I do, I'll be happy to share them.

Peter Leonard-Morgan: Appreciate it. Thanks very much.

Bridge Littleton: Anybody else? Jamie, only question I had is so with the Asbury Church, do we think we're definitely going to get four?

Jamie Gaucher: I think we're going to get at least four. I'm hosting two people or two individual groups. They're going to take tours tomorrow.

Bridge Littleton: Ok, great.

Jamie Gaucher: And I've been told that we're going to get at least four, if not more.

Bridge Littleton: Okay. Has any come in yet?

Jamie Gaucher: No.

Bridge Littleton: Okay, I know they still got another month, but I'm just curious. Okay, all right. Any other questions for Jamie? All right, Jamie, thank you.

Jamie Gaucher: Thank you.

Bridge Littleton: Mr. Moore come on down.

Darlene Kirk: You're the next contestant. [Laughter]

Bridge Littleton: That's exactly what I was thinking.

Philip Miller: I think he bolted.

Danny Davis: He might be upstairs [Multiple Speakers] If you want to go to Chief he's on four.

Bridge Littleton: All right, A.J., you're up.

A.J. Panebianco: Yeah, I'm here. Just I think Danny was going to give us a little bit of an update on the buzzard situation. Other than that, is there anything you guys had a question about?

Bridge Littleton: A.J., don't talk about us that way. [Laughter] Okay, any questions for A.J.?

Bud Jacobs: I don't have a question, but I got a comment. A.J., on Saturday night on North J Street, about nine o'clock, one of our residents was I don't know how to describe it. He wasn't attacked, but he was accosted by a person who may have some psychological issues. In any case, the resident contacted your folks. They were very responsive and quick and I want to thank you guys and commend you for the response. Thanks a lot.

A.J. Panebianco: Okay, and Danny would now be a good. I'll pass that on to them thank you. Would now be a good time to talk about our new hire?

Danny Davis: Yes, sir. That's a yes.

A.J. Panebianco: Actually, I'd like to announce that we have offered and it has been accepted to Shaun Jones to replace Lieutenant Hollins when he retires at the end of December. And Shaun comes to us from Spotsylvania. He has some small town experience in Colonial Beach. He has more small unit experience as he worked in a college campus and then has been assigned to recently the administrative division, where he handles a lot of public relations and public outreach campaigns for the sheriff's department. And the sheriff assures me that, that puts him in a lot of small communities within Spotsylvania. And Shaun is going to be an excellent fit for our staff and an excellent fit for our community. So we're really looking forward to him starting, which will be on December 3rd. And we will have him at the December meeting to have his swearing in before council and the badge pinning.

Danny Davis: And if I may, Mr. Mayor, just add briefly? We were extremely impressed with both his experience, but also his passion and his energy and his desire to come and be engaged in the community, get to know the community, get to know the staff and the officers, and to really just come in and bring great ideas he can to help the police department continue to move forward in a positive way [inaudible]. We're very excited.

Bridge Littleton: That's great. So excited to see that. Does anybody have any questions for A.J.?

Danny Davis: Would you like me to address the vultures briefly?

Bridge Littleton: Sure. [Off mic]

Danny Davis: So and I know some of you have received comments from members of the public and have passed that along. And I've spoken with one of them this morning as well. As, you know, last year around this time, we had vultures in the area. We tried scaring them off for a while and it was unsuccessful. So in January, we worked with USDA and they did about a week's worth of banging and screamers and all that and then hung effigies off the towers. And that eventually is really the most effective way to get the vultures to leave. This year when they began roosting early on, we tried to take as soon as they started roosting, they call them, you know, bangers and screamers. It might be a shot sound, it might be a swirly firecracker kind of sound. And initially it seemed like it was being effective. And so we thought they were going to move on. Regrettably, it seems like that has not been as effective as we thought. And I know that the sound has been impactful to some of the residents. At this point our intention is that we will likely cease all those activities and we are ready to work with USDA again at the time that we have water tank crews out that are able to climb the ladder and hang effigies again. So it's a careful balance of the noise that trying to scare them off and and the other side of it, which is the impact of having up to 40 vultures hanging around the area. So we're going to continue doing what we need to. If the public has concerns or immediate issues, they can always call the police department and they can respond if they're any urgent concerns. But at this point, our goal is going to be to try to take, again, this approach of hanging an effigy off the tower that would ward them off. So we're also exploring what other alternatives there might be. There aren't really any good ones, to be honest. This is just something that kind of happens annually, cyclically. So I would also encourage, for your purposes, sharing with members of the public and also any public who are listening. Do everything possible to keep any kind of food, animal food or anything like that away from the vultures, because any food source they find they will flock towards. So I'm happy to answer questions, if there are any, about this current [off mic].

Bridge Littleton: I recommend Daisy Red Ryder, but that's just me.

Danny Davis: Well, they are federally protected, unfortunately.

Bridge Littleton: Sounds like a lobbying efforts needed. Philip.

Philip Miller: There are no like long term structural changes that we can make that would make it more difficult for them to roost there.

Danny Davis: I'm not aware of any immediately. That is a conversation we'll have with our tank maintenance contractor to see if there are any ideas. I know some places have talked about maybe there are.

Bridge Littleton: Clear spikes. [Multiple Speakers]

Danny Davis: Clear spikes and there may be opportunities for that. But there are potential other constraints with the current equipment up there. So we will investigate that as opportunities.

Bridge Littleton: Any other questions for A.J. or Danny on the vultures?

Darlene Kirk: I was just going to say that before [Off mic] this has been a back number of years. It was a lot more noise and banging. Cindy probably knows. They didn't just do it one or two times and then kind of leave because and [Off mic] Yeah, and then we did put spikes on it up there. So they were a certain distance apart so that they couldn't roost.

Danny Davis: So someone informed me today that one of the problems used to actually be the starling's, which were even worse than the vultures.

Cindy Pearson: Yeah and bats too. [Multiple Speakers] The bats were the I don't think we put the spikes on the tower. We did that at the [inaudible].

Darlene Kirk: And we did that too yeah.

Bridge Littleton: Okay, thanks. Martin.

Darlene Kirk: [Off mic].

Martin Crim: [inaudible] Yes, you have my report. I stand ready to answer any questions.

Bridge Littleton: Anybody have any questions for Martin? All right, I have one question for Martin. Martin, what was the latest on that police?

Danny Davis: Qualified immunity? Yes, bill.

Martin Crim: It did not pass this year, but we expect it to come back in the January session.

Bridge Littleton: And when it comes back in January, will it be the same, you know, town you're liable for everything?

Martin Crim: The rumor is that it's just going to abolish qualified immunity in all circumstances for all public employees and not just police of course it affects me, it affects Danny, it affects everybody that works for a locality because anybody can file suit at any time for a constitutional claim. And it's going to make it necessarily much more cautious in terms of moving forward and advancing the town's goal because the risk of liability will accrue.

Bridge Littleton: And I got to imagine going to change risk profiles for insurance too.

Martin Crim: I imagine your insurance premiums will go up.

Bridge Littleton: One last question, I remember one of the parts of the bill for at the beginning of it was basically even if one of your officers did something that was a constitutional violation while he was off duty, you would still be liable. Is that still there?

Martin Crim: [inaudible] I haven't seen the draft proposal for the January session, but I expect that's going to be in there. That was one of the most widely criticized portions of that, because if somebody is off duty, we're really not supervising them. But the problem is as police officers are off duty they are often called back on to duty. And, in fact, some [inaudible] take the position that if they're making an arrest, then for those, you know, 5 minutes, 10 minutes, 20 minutes, whatever it is, they are back as a member of the force and not employed by a third party contractor that's the point. And so, you know, it's not as crazy as it sounds at first blush because the level of control that police departments have for people doing off duty work, police officer's `doing off duty work does mean that we do have some level of control over them.

Bridge Littleton: Okay, that is appreciated. All right, who is next? [off mic] Right, we have to go back to Will. [off mic] Because he was out at Safeway with Bill. [Multiple speakers]

Will Moore: I had nothing to highlight in my report. But I'm available to answer any question you may have.

Bridge Littleton: Any questions for Will? Okay.

Danny Davis: Mayor.

Bridge Littleton: Yeah.

Danny Davis: Is this where you would like to just briefly talk through the trash issue at the corner of Madison and Washington, or do you know want to?

Bridge Littleton: Well I was going to do it at the end, but that's fine. We can introduce it here.

Danny Davis: Yeah. And I think you're all aware that, you know, there's a growing amount of particularly recycling that is set out at one of our restaurants. And we have been looking at alternatives for both potentially trash dumpsters and other items and ways to help remove that trash off the sidewalk more quickly. The real talk, they are concerned right now really is the recycling, because there's so many boxes and they're piled up and our contractor for pickup doesn't come till later in the afternoon and stays. We have a meeting set with the members from this restaurant tomorrow morning to talk through opportunities. That one option is that we set a recycling dumpster down at the maintenance shop that is open for business or a restaurant to use so that they can have a place to take it, not just one time, but throughout the week. Another alternative is that we look at the weather. Our maintenance supervisor could help offload some of that during the week because of the impact that it has on the street. So there are various options on the table that we're looking at. But right now, we know it's an issue and we want to try to address it as soon as we can.

Bridge Littleton: Ok, so, I mean, I think we all wanted to have a broader discussion about this from my email. So, you know, at the outset I would say I appreciate all that, that's very helpful and good. But this is actually this one instance is not the only incidents it's happened in Middleburg's history. We've had a problem like this with other businesses in the past. And I really do throw on the table, especially on Washington Street. I mean, that's the critical part, right? Is there the need to look at some type of ordinance in terms of how much and how long it could be out there? Because right now it's unlimited, right? If somebody wanted to have 30 toters, they could have 30 toters.

Danny Davis: It's not.

Bridge Littleton: Is it not? OK, what's the limit?

Will Moore: We do have a limit on the number of containers of trash we will collect and we have no limit on the amount of recyclables we collect.

Bridge Littleton: What's the limit on toters? [Multiple speakers]

Will Moore: I believe it's three in our contract and that's driven by contract, not necessarily by ordinance. So that's within our contract with the waste provider.

Bridge Littleton: Okay, so this this one from the photo earlier this week, there were six toters out front.

Danny Davis: Yeah, not in our ordinance, nonresidential is limited to no more than four containers, but again, this is only for trash, not recycling.

Bridge Littleton: Well, yeah, OK, I get that. But this one was six non-recyclable trash bins. So how do we manage that? How is that managed?

Philip Miller: But you said that was for was it residential or nonresidential?

Bridge Littleton: I said nonresidential.

Darlene Kirk: Nonresidential.

Danny Davis: So the code goes on to say whenever there is additional trash, they have to develop their own trash service. And so part of that is conversations between us and the contractor about how much they will pick up and also conversations between us and the restaurant about how much they can set out and it will be picked up. And so that is one issue. The separate issue gets into the recycling, which is uncontained and really I think presents an even bigger problem because of the unsightliness of just a mound of even if they're broken down a mound of boxes. People come to expect toters to a degree. And they I mean, I want to encourage the use of toters because it keeps food, stuff, and other waste off the street. So they're very important in that manner. But to Mr. Moore's point, the language regarding recycling is not as specific or clear because we're encouraging recycling. And so there's a competing balance going on here.

Bridge Littleton: Okay Darlene. [Multiple Speakers]. Hold on, Darlene.

Darlene Kirk: Isn't there a requirement that they can't put out until like after 3:00 p.m.. So it can't be before 3:00 p.m. the day before?

Danny Davis: That's correct. And they do not. They do not they they set it out the evening before. [Multiple speakers]

Darlene Kirk: So I mentioned this also couple of weeks ago, the same thing, because it was a beautiful day and there was a huge pile out there at like 3:30 in the afternoon, and people were having to walk around it.

Chris Bernard: Well and even after it's gone, it's still there, especially in the summer.

Danny Davis: Well we've had conversations with them as well. And I think they're doing a better job about not taking food waste and putting it in the boxes. That was one of the challenges, is that there was a lot of food waste that then when they lift the box, it crumbles all over the ground.

Chris Bernard: [Multiple Speakers] All that brick is gross.

Danny Davis: So, yes. So the use of the toters actually, I think has improved, I'll be honest with you. And so I want to be careful that we don't create a worse problem in the trash side. But again, I think addressing the recycling side will be the most important step that we can take at this moment.

Bridge Littleton: Cindy, yeah.

Cindy Pearson: Is it true that they use another pickup during the week?

Martin Crim: Yeah, two more.

Danny Davis: Two additional ones.

Darlene Kirk: But I believe the people that they use, they don't pick up recycling. So my suggestion to them because they don't would be maybe to contract with someone that does do recycling. I don't know how easy that is or how expensive that is or if it is even possible. But people get a lot of money for recycling if they do it, if that's all they do.

Danny Davis: So, yeah, that would be one of the recommendations that we discussed with them. Yeah.

Bridge Littleton: So, all right. Out of the gate, I have a real problem with using our town staff to move their trash. So if you're going to do it for him why don't you do it for everybody else.

Philip Miller: I completely agree with that.

Bridge Littleton: We're not doing that. We're not doing that. We're not having town staff move their recycling trash. That's just not fair. He works for everybody, not for one business. I mean, one day they need help picking up. So that's fine. Right. But that's not the long term solution. That's not even the short term solution.

Darlene Kirk: Well could be a short term solution couldn't it?

Bridge Littleton: No, because it won't end. [Multiple Speakers] Because this issue has been here for three years.

Darlene Kirk: I'm was just thinking because it's hurting all the businesses down the street, that's out there. So if we're picking it up we're really picking it up to help everybody.

Bridge Littleton: No like I said, if Tim needs to help once or twice until they get something arranged, that's fine.

Darlene Kirk: Okay.

Bridge Littleton: But a fix is not Tim doing it.

Chris Bernard: We need someone from their staff doing it.

Bridge Littleton: If they need to hire a contractor and get a piece of land and get workers to take it down every day, then that's what they've got to do. Every other business does it. Every other business does not leave this amount of trash out on the sidewalk to the the length and degree that it happens. They get a dumpster. And I get it. This land has a unique problem to it. But, you know, every building is unique. And, you know, every building in Middleburg has its own unique thing that the occupants got to deal with. So I just because I mean, I've told you guys I'm getting several times a week now complaints from people, residents and business owners that it's getting really, it's it used to be every now and then. Now it's once or twice a week that there's this big pileup.

Cindy Pearson: And I think the reason you're getting those complaints is because this trash company, like the other day, they were late on trash pickup, not only, but then I think the trash and the recycling went together. I'm not sure it just went quickly. Quickly, you know, it wasn't that the recycling sat out for another, however.

Chris Bernard: So if it's gone by 8:00 in the morning it's not a problem.

Bridge Littleton: But that's just because we're lucky right now. [Multiple Speakers] They don't have to pick up till 4:00.

Cindy Pearson: Right.

Bridge Littleton: If they change their routes and we're in the afternoon.

Cindy Pearson: Right.

Bridge Littleton: It sits there all day.

Cindy Pearson: So that's why some of this conversation might be helpful with them to, you know, because they have to get used to the new pickup, too. But it is unsightly. I mean.

Philip Miller: But so does anybody have a problem with us using the town shop land to let them put a dumpster?
[Multiple Speakers]

Chris Bernard: Yeah, I don't mind that.

Darlene Kirk: [Multiple Speakers] that's why we put a recycling dumpster down there.

Chris Bernard: As long as there's no liability if they're taking stuff down and dumping it in, then that's fine.

Bridge Littleton: But we I mean, to Phil's point, we have to let everybody use it for recycling.

Chris Bernard: That's okay.

Darlene Kirk: And that's fine.

Bridge Littleton: Okay, I mean, if everybody can use it to dump their recycling, okay, no problem. That's open to everybody.

Cindy Pearson: Well, if that goes out to the world, you know, you'll get recyclers from [Multiple Speakers]

Bridge Littleton: Everybody [Multiple Speakers] one way or the other.

Cindy Pearson: [Multiple Speakers] to St. Louis.

Danny Davis: I think the message can be for the businesses. Right.

Bridge Littleton: Sure. For restaurant recycling. That's fine.

Chris Bernard: [Multiple Speakers] say it's for town, it's town businesses only or whatever, because there's community recycling places close by. [Off mic]

Bridge Littleton: Darlene, you had something else, go ahead.

Darlene Kirk: That's what I was going to say. I was going to suggest we set to big recycling containers down [off mic] empty every week. We had the problem two people literally bringing in trash too that is sort of a problem. It might have to be watched for a little bit and kind of looked after to make sure we're not getting a lot of weird stuff.

Philip Miller: So, I mean, just putting on if I'm in the restaurant and you say that I can put a recycling bin down there, but everybody else can use it, who's paying for it?

Danny Davis: So it's a conversation and it's a decision of council, but I would and could make the argument that, first of all, we have an existing recycling dumpster at [inaudible] that we could we could upsize it and relocate. So we're already paying for a small dumpster. We can upsize it, relocated to the maintenance shop. And I would argue that the additional cost is part of what we're doing to help the businesses in downtown. And it is an overall business.

Chris Bernard: [Multiple Speakers] even the argument to the recycling company is like look we're making your job easier, we're aggregating it into the one dumpster. [Off mic]

Darlene Kirk: And we're helping the whole town.

Danny Davis: It's a small investment in the overall beauty of the downtown corridor.

Bridge Littleton: That's fine. Bud is that good with you?

Bud Jacobs: I'm just concerned that the business we're talking about take the trouble to take advantage of the opportunity we're offering. I have some skepticism somewhere in my soul.

Chris Bernard: Well then it's a different conversation right.

Peter Leonard-Morgan: [Multiple Speakers] been there before with that whole proposal.

Darlene Kirk: Well, we can also [Off mic] if we find that people [Off mic] using it [Off mic] using it.

Danny Davis: We will find the appropriate mechanisms we have to make sure that they are abiding by the ordinance and the regulations. And I think we're [Multiple Speakers].

Bud Jacobs: I'm sorry.

Danny Davis: Please go ahead.

Bud Jacobs: I mean, I worry more about them not using it.

Darlene Kirk: Yeah that's something that we can fine them [Multiple Speakers].

Bridge Littleton: Or behaviors changing in six months. [Multiple Speakers] Hang on one second. Darlene is speaking.

Darlene Kirk: That's what I'm saying fine, because I want to be able to fine them if they don't use it and fine people if they abuse it, such as, you know, you have one person in town who was bringing in stuff from other residences and putting in his business, including torn up equipment, fridges, beds, and stuff like that. So we don't want to be abused for that either.

Bridge Littleton: Philip.

Philip Miller: So that's a zoning issue, right? We would need to do something about our recycling zoning in order to have some sort of penalty for them not using it or for [Multiple Speakers].

Bridge Littleton: I think it'd be just an ordinance. [Multiple speakers].

Danny Davis: Yeah, we do have a violation section in this ordinance that we can do our best to use.

Bridge Littleton: Or we can tighten it up.

Danny Davis: Or tighten it up if we find that we need to tighten it up. That is correct. But I think we can take this as the next step and not to speak for Council Member Leonard-Morgan. But if I heard him correctly, what I think was, you know, the challenges, we brought this up potentially before and there was no interest in carrying trash down to the town shop.

Peter Leonard-Morgan: Correct.

Danny Davis: And yeah, I do think the benefit of this solution is that we're talking about recyclables, which again if someone, again, takes effort on their part. But it's not the same as throwing 18 bags of raw seafood in your car. You know, recyclables is a different ballgame to take down the street and throw it away. So we will deliver the message loud and clear tomorrow and take the steps we can to make sure that this is moving forward.

Bridge Littleton: Cindy.

Cindy Pearson: Yeah, I'd say in their defense that the majority of the people there don't have the vehicle to take it. So you could suggest there are people in town that I believe would help them for a nominal fee to do that if they put that out there. There's some really kind people around here right now that like to help and most people will really appreciate that business. So they might be able to get someone to help them do that once or twice a week if they put it out there right. [Off mic]

Bridge Littleton: So the last thing I would say is this, so I know, there's one example of this is bringing this to the forefront. But it is you know, it's not about picking on one business. Right. There is a hole in our street ordinance that allows this to happen in the first place. And it's you know, it's one business today. But there was other businesses in the past, as you mentioned, you know, when Julian's was there, it was an issue. And even before that when it was a little deli, there was an issue, you know, way back when. And then there was another retail business in town who used to not have a dumpster and put all their boxes out front, you know, and I mean, you couldn't even get by. That's a long time ago. So I guess what I'm saying is I think it is absolutely worthy. And this is not trying to write regulation to be punitive or whatever on one business. But in a grand scheme, especially Washington Street, what is appropriate, irrespective of the business, what's appropriate. If three toters is appropriate, great, it's 3 toters. If it's four, great, it's four and it's about the street. And then, you know, X amount of recyclables. Fine. And then after that, you guys need a mechanism for any business to be able to handle issues as they come up. And I think the bigger thing is, you know at the end of the day, they are a private business who everybody is a private business who has to comply with the regulations and they've got to figure it out. You know, Jamie went and did that survey right. Like 80 percent of the businesses said, no, I don't need toters or extra pickups because I get a dumpster and I take care of it myself. So everybody's got to find a solution that works for them. But I do think you got we do need to look at this holistically, not just because of this one, but, we don't want it to happen three years later at another part of town with a new business that comes in. So let's get it right, right now since it's on the top everybody's list. Chris you got something?

Chris Bernard: Just like [inaudible]. So I want to make sure that we don't lose sight of the comp plan and the whole federal [off mic], and maybe we don't just limit it to Washington. I get that Washington is the focal point.

Bridge Littleton: Or the main commerce district or whatever. [Multiple Speakers].

Chris Bernard: [Multiple Speakers] Here's the deal, the town is so small [off min] the business district is not big enough that we need to limit it. I'd say commercial in general.

Bridge Littleton: No thanks. And, you know, I appreciate everybody's, you know, let me bring this around. Peter, did you have anything else?

Peter Leonard-Morgan: It was all I wanted to mention.

Bridge Littleton: What's that.

Peter Leonard-Morgan: No [inaudible] thanks so much.

Bridge Littleton: Okay. All right, next item, where are we?

Danny Davis: Mr. Mayor may I mentioned just one final thing on staff reports? The town of Middleburg received a champion award from VML for its efforts during COVID-19 for the restaurant [Multiple Speakers] program. And so I have a digital copy of that certificate, but a hard copy is being mailed to the town. But we submitted an application and kudos to the council, to our staff, and really to our community for, and to Martin for bringing this all together. And so receiving a champion award in this economic climate, but for this great program was a great recognition for the town.

Bridge Littleton: Could you email that out to everybody?

Danny Davis: Yeah, we'll do it.

Bridge Littleton: Okay cool, all right. That's good to know. Thanks. All right. Treasurer's report.

Julie Rivard: Hello, everybody.

Everyone: Hello.

Julie Rivard: So I'm going to jump right in. I'm going to skip over the memo itself and the financial statements and the one typical bar graph that I always provide, that information is there. If you have questions about it, I'm happy to answer them. I'm going to skip right to the expected revenues chart. It's a black and white chart. And you'll see there in the general fund the main sources of revenue, the real property tax, personal property, utility tax, meals, occupancy, cigarettes' sales and motor vehicle license fee. So I took a look at what we had budgeted, compared to month to date and what was expected as of the 31st of October this year, also the year to date, the FY twenty one year to date as of. So we developed or I developed a formula by looking at the past three years revenue as of October 31st. And then for each revenue source, I calculated what the revenues were at, at ten thirty one and then compiled that information and then used a weighted average computation to arrive at what we should have expected as of this date this year. I gave more emphasis to the most recent year and a lesser emphasis in the weighted average formula to the the two older years. You can see there I've calculated what the variance is from the expected, what that variance looks like as a percentage, and that if this variance were to persist for the remainder of the fiscal year, what sort of reduction we could expect in our revenues. Right now, we are not expecting any portion of our real property tax or personal property tax or our motor vehicle license fee. We can expect to see half the first half of the personal property tax, hopefully arriving from the county late this month. If you look at the chart behind or the bar graph excuse me, behind that chart, it is a visual comparison of the numbers in that chart. So you can see the blue lines are what was budgeted. The gray lines are what was expected as of 10/31/2020. And the yellow lines are the year to date figures. If you take a look at the bar chart behind it, there is the FY 18, 19 and 20 figures as of ten thirty one for each revenue source and then our twenty one revenue figure. The yellow dot with the bar going through it is the weighted average. So you can see how the weighted average fell on top of each of the figures for each year and where we are at today as compared to that weighted average.

Danny Davis: And if I can interject real quickly, this chart specifically is using percentages. The prior chart was dollars, real dollars. This one is what percentage of that revenue would we expect to have received by October 31st. So, for instance, if you look at the meals tax, the weighted average is somewhere around 26, 27 percent. We would expect to receive twenty seven percent, give or take of our meals tax revenue by this time period. And we are just about 20 percent. So that shows you some of the discrepancies that we're seeing.

Chris Bernard: The line is where we should be and the blue bar is, where we're at.

Danny Davis: Yeah, is where we currently are again, on a percentage basis, not a real dollar basis.

Julie Rivard: Moving right along there are two additional bar charts. One is for meals tax and one is for occupancy tax. And what they are is a graphical representation of the rolling quarters over a three year period. So you can see which

quarters are typically most profitable year over year for each of those types of tax. You can kind of see by looking at both of them that the second quarter of the year is a really important quarter. It's where we typically receive the bulk of our meals and occupancy tax for the fiscal year.

Danny Davis: And again, reminder, that's fiscal year. So that would be October, November, December, which we know is traditionally heavy in events and then heavy in the holidays. And so that is a concern point for us not having events and also not having holiday as one large event for the parades. And yet we're waiting to see because we continue to hear positive news from many about the activity in town. So it's something we're waiting to watch and see how that plays out for us.

Julie Rivard: It's something that I'll be keeping an eye on closely and bringing information back to you as it happens. Moving past the bar charts, you'll notice that the the COVID plan summary has been included. Again. And right behind the summary page is a list or a breakdown, if you will, of all of the tiers. You'll note this time that's different from last time is tier zero, basically. So we had talked about what are the monies associated with all of the things that are low hanging fruit because they've been canceled or because, you know, we're not going to do it at this time. And so those dollars have been identified and moved into their own tier, separate from the other tier one reductions. So I'll let you take a look at those. But I highlighted them on the front summary sheet, showing how it all came together. And then the supporting document or the supporting budget pages are behind it still, in case you wanted to see the detail of that. You'll note if you take a look at the expected revenues chart, which was the first chart that we had spoke about, the percentage variance, we come to about an 18 percent decrease overall to date where we are right now. And that keeps us within that most probable scenario that we were discussing about the last time. That's a lot of information. Does anybody have any questions for me or any thoughts?

Chris Bernard: No, you answered all my questions.

Julie Rivard: Thank you.

Bridge Littleton: Look around the room, Darlene anything?

Darlene Kirk: [Off mic]

Bridge Littleton: Philip.

Philip Miller: Just trying to digest it. [Laughter]

Bridge Littleton: Bud.

Bud Jacobs: A quick top level summary were about 25 percent below where we might be if we were not in the middle of this pandemic.

Julie Rivard: Not quite 25 percent, based on what I'm seeing right here. Right now, we're in the neighborhood of about 18 to 20 percent.

Bud Jacobs: That's even better, yeah.

Julie Rivard: We're not quite a full 25 percent. Now we'll see how things go as we progress through this you know, the October, November, December quarter.

Chris Bernard: You know what would be helpful? If you take that so that 18 percent number off that one chart, is there a way to just have it show up somewhere in this the COVID thing just as like a maybe a footnote?

Julie Rivard: Like a memo, kind of like a little highlight? [Multiple Speakers].

Chris Bernard: Yeah, just so it shows the [Multiple Speakers] 18 here's where the tiers are and then this is where we currently are. [Multiple Speakers]

Julie Rivard: Sure.

Bud Jacobs: And I think I recall from previous discussions that, that number 18, 20, perhaps even 25 percent, that's sustainable? We can get out of this mess with that kind of number.

Julie Rivard: Yes.

Bud Jacobs: Great. Thank you very helpful charts, by the way.

Julie Rivard: Sure. Thank you.

Bridge Littleton: So, Julie on. Oh, sorry. Cindy, go ahead.

Cindy Pearson: No, thank you.

Julie Rivard: Thank you.

Bridge Littleton: Chris.

Chris Bernard: No.

Bridge Littleton: You're good? Peter.

Peter Leonard-Morgan: No, just appreciate the charts, it visualizes it very easily. Appreciate that.

Julie Rivard: Thank you.

Bridge Littleton: So I want to make sure I understand this. I'm reading this the right way. So I'm looking at chart nine. Is it nine? Yeah, with the three colors, two blues, the orange, and the gray.

Julie Rivard: Hold on let me get to that. Okay got it.

Bridge Littleton: All right. Here's my question. So it says your Y-axis says percent of fiscal year budget at. Right. Okay. So is that saying that, that so like the FY 21, it's saying that in, all right. So FY 20 it's saying that. All right, let me do it this way.

Chris Bernard: I got this.

Bridge Littleton: Hold on, hold on, hold on. It's saying that meals tax was 27 percent of our revenue by this point?

Julie Rivard: Yes.

Bridge Littleton: And it's saying for fiscal year 21, meals tax is 20 percent of our budget?

Chris Bernard: [inaudible] Wait, no, no. It's saying that as of October 31st, correct me if I'm wrong on this, but as of October 31st and let's see for the utility tax in 18, we were thirty two percent of the way to the full year budget. Does that make sense? And then in 2020, the orange one, we were right about the same and then the gray is 20 or FY 20. At this time that year we were only 22 percent to the full year's budget. [inaudible] So it shows what the pace was.

Bridge Littleton: Okay, that was a year ago. So why that?

Danny Davis: So sometimes and I'm going to be honest, utility tax and sales tax [Multiple Speakers]

Bridge Littleton: Let's not worry about that. Let's not use utilities, let's use meals, because that's real every month.

Danny Davis: Okay. Yep meals is a good one.

Bridge Littleton: Alright.

Danny Davis: But you're correct. This is percent of the budgeted revenues that we received as of October 31st.

Bridge Littleton: Okay, so the Y axis description does not say that. It says percentage of fiscal year budgeted October. What it says to me is this is the percentage of the budget that's being filled by this, not the percentage of [Multiple Speakers] because there's a percent sign on the left. So that's the confusing part.[Multiple Speakers] When I was reading it I'm like, I don't care what percent of the budget it is, I want to know how much dollars it is versus dollars or whatever. [Multiple Speakers].So your chart's fine. It's just the Y axis is it's confusing.

Julie Rivard: I'm sorry.

Danny Davis: We'll clarify that.

Bridge Littleton: Okay. That was where I was getting confused. I was like, well, of course it's a lower percentage of our total taxes because there's some that aren't changing like property and this is going down. So of course it's going to be lower.

Chris Bernard: But at the end of the day all it's saying is at this point in the year, if it was last year [Multiple Speakers] we should just be at that line.

Bridge Littleton: I get it now. But with the flip side is the way I was reading it, it was like, okay yeah, we may be down 20 percent, but it might be net cash, up 10 percent. Because the percentage of the budget, other things might be moving. So that's why. Okay, I get it now. All right.

Julie Rivard: I'm sorry all.

Bridge Littleton: That's okay. No, no, it's fine. No, the graphs are right. It was just the description which is a little confusing. All right. Okay, does anyone have any other questions for Julie on the budget stuff? Okay, we will move on then. Danny, your bullet list. [Off mic]

Danny Davis: Yes, my COVID bullet list. I will say it's taking on a little bit to the budget side. The county had their finance committee meeting two nights ago where they give monthly updates on their status. And October 5th was the personal property tax due date. And according to their initial November 5, I'm sorry, but whichever day it was that their revenues came in pretty much in line with expectation. So that's a good news from the personal property side. Now, that's not a huge amount of our revenue, but it definitely is a bellwether for how things are going with current revenue streams for the county. And that that plays a role in how we see some aspects in the economy and some aspects of our revenue streams as well. So I want to just give you that brief update. We'll have probably similar information in December for you, even if we have not received it directly from the county yet because they they passed on the dollars to us. We may have some initial intel on the information they provide to their finance committee, the housing assistance program. Just to highlight, as in this program, according to Windy Hill, they have five households that they believe they'll be able to get through the program with all the documentation, which is a great program from the council. And so if that's all the applicants that we're able to help at this point, we'll come back to you at your next meeting to have council approve redirecting the remainder of those CARES dollars to other appropriate uses under the CARES fund. We'll also obviously continue watching any potential federal legislation that may come about after that. And now that the election's over, if there is any other relaxation of the rules or extension of the deadline. So we'll keep you informed as much as we know

about that. And with that, it is important to continue sharing with the community if there are members of the community that have needs as it relates to utility bills, obviously housing assistance or other type programs, the county and the Commonwealth have established significant sums of money to help people pay their bills if they can demonstrate they have an economic impact due to COVID and they have a financial constraint. So please reach out. You know, we want to get that message out as much as we can because we know people are challenged during this time. And there are a lot of funds and programs out there to help people at home. Happy to answer any questions if there are any.

Bridge Littleton: Questions for Danny. Peter, you good?

Peter Leonard-Morgan: No questions. Thank you.

Bridge Littleton: Well, that's for certain. OK, moving on to the consent agenda. Would anybody like to have anything removed from the consent agenda? [laughter] [multiple speakers] All right. Is there a motion?

Philip Miller: I move we adopt the consent agenda as proposed.

Chris Bernard: Second.

Bridge Littleton: All right. We'll do the vote. Darlene.

Darlene Kirk: Yes.

Bridge Littleton: Philip.

Philip Miller: Yes,

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Yes.

Bridge Littleton: Chris.

Chris Bernard: Aye.

Bridge Littleton: And Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Thank God we got Peter's vote. Abstentions. OK, motion passes. Next item, discussion item, zoning text amendment 20-01. Deputy Manager Will Moore come on down. [multiple speakers] Well, I guess he doesn't want that zoning text amendment. See Danny. He knew you were up on your memo. He thought he was going to have a lot more time. [laughter]

Danny Davis: I didn't talk long enough. Sorry Will. [off mic]

Will Moore: You would think I would have learned by now.

Bridge Littleton: Well, we were about to add this all to consent agenda, but we realized they were discussion items.

Will Moore: They are. And thank you, Mr. Mayor. And members of council of these two text amendments are ones that the commission spent some time late in 2019 and early this calendar year working on. They had actually scheduled hearings for both of these amendments that were to take place in March before Covid hit. We agreed that they were not of such high priority that we needed to try to deal with those right at the outset of Covid. But now there were a number of months in and we realize we can function somewhat. We realize we can get meaningful public input. Certainly when the public interest is shown and we learned that most directly with the Banbury subdivision. So we decided that it would be time to reintroduce this to the commission and then move them on to council. So the first one has to do with penalties and remedies for violations that are contained in the zoning ordinance. We saw some opportunities in the enabling legislation where we didn't have maybe the maximum penalties available to us, even though we rarely, if ever, use those. And we also saw a couple of areas where we had gaps, where we didn't have any sort of penalty to address certain situations. So basically what this amendment would do would be to give us all these tools that are enabled in the state code. Again, we always prefer to work in cooperative manner to address these type of violations, but it now ensures that we have these tools available and that they are the maximum that are available to us in the enabling legislation. So that's text number 20-01. This is just for discussion this evening. If you were satisfied that it would be appropriate to move it ahead, we could schedule a public hearing for you December meeting, at which time you could choose to act on it if you wish to do so.

Bridge Littleton: Yeah, let's take this one at a time. These are all different. Any questions for Will on the penalties amendment. Anybody, Peter, any questions for Will on the on the penalties amendment?

Peter Leonard-Morgan: No questions.

Bridge Littleton: Ok, does everybody feel comfortable moving this forward to a for a hearing on this on in December? We're good. OK. Yeah, Will, good job. I mean, there's no sense you guys not having every tool available. We know you'll use them wisely and judiciously. OK, next one.

Will Moore: Ok, so slightly more complex of 20-02. This is a complete rewrite of our sign ordinance. So we had some discussion. There was a landmark Supreme Court hearing a few years ago that forces us to reexamine forces, not just us, forces localities to reexamine their sign regulations. As I stated my memo, it's very complex, very nuanced. But the the gist of it is that we can no longer treat signs differently based on content. So we can't say, well, if you're a business of one type, you can have 10 square feet of signage. But if you were a nonprofit organization, you can have 15, even though your building is the same size. That's very basic. But so what we did was we utilized a model ordinance that the local government association had developed and town attorney Martin Crim was a member of the ad hoc committee of the LGA that drafted the model ordinance. And that model ordinance was meant to be tailored to individual localities, not meant to be just adopted as is. So the commission spent many months laboring over this in excruciating detail in making sure that where was allowable and appropriate, we did, you know, you know, adopt certain changes to this that could tailor to the community while still maintaining the goal within, which was to bring us in compliance with the Supreme Court decision. So, again, the commission spent several months and the fourth draft got it right, which I was happy with that. So what we have given you here is as much background information as you care to read into. But the main thing is the draft for would be our new sign regulations. The current sign regulations, Article 14 is also contained here so that you if you wish to compare them side by side, you can see where those changes are being made. I will say that and for the benefit of the business community, we set out to try to ensure that we were not going to reduce the amount of signage that would be available to them in general. So basically, if you can have a 20 square foot sign based on the size of your building today, you can still have a 20 square foot sign. It just took those discrepancies in treating by contract, which we had in the ordinance, and smoothed over those discrepancies.

Bridge Littleton: So Will, is it fair to say that what basically happened and maybe it's a question for Martin, you can still say your sign can't be bigger than the X for the size of your building, but it's the same for every building everywhere.

Will Moore: Not everywhere necessarily.

Bridge Littleton: You know what I'm saying.

Will Moore: But in general, yes, you can treat differently, maybe based on a speed limit. So it's OK to have maybe a larger side based on whatever that standard for allocating signage. But it is taking away that aspect of treating it like, [inaudible].

Bridge Littleton: And you can still regulate materials and color.

Will Moore: Absolutely. Nothing here supersedes the historic District Review Committee's role. That still is [inaudible].

Bridge Littleton: Any questions for Will on this one? Peter, any questions?

Peter Leonard-Morgan: No, I just appreciate Will giving us a summary, because it's such a complex matter and it helps a lot to put it into layman's terms. Thank you.

Bridge Littleton: Martin. Any other thoughts?

Martin Crim: No, I'm happy with this product. It looks like it's going to fit really well and and that Will stressed the fact that we're not going to be trying to create any nonconforming signs. We're going to try to work with the existing signs so that we don't have the problem of signs not being in compliance and figuring out what to do about that. So it is a new universe that we're dealing with and we're still getting some lingering aftershocks from the decision. But for the most part, it seems to be pretty well working itself out.

Bridge Littleton: Ok, good. And that's it, right, Will, for the two zoning text amendment items? [inaudible]. OK, is everybody comfortable moving this one forward as well for December? Ok, OK, good. Yes, great. Ok, next item is tell the strategic initiatives related to the Planning Commission. Oh boy. Council Member Jacobs. We're excited. Oh, wow.

Bud Jacobs: You know, I just got a text message from my wife. My cow fell in a hole and I'm going to have to leave the meeting. [laughter].

Bridge Littleton: But wait, you didn't get your homework.

Bud Jacobs: The commission last met on October 26. And one of our items for discussion was how we proceed with our two strategic initiatives that came out of our off site in whenever that was January, February and those two, it seems like seven years ago doesn't it. And those two initiatives were, of course, the to move forward with the charrette for the Federal Street development and also to evaluate zoning ordinances to bring them in line with the vision and goals of the comprehensive plan. We had a discussion, but I think we may have dropped a little bit of the context as we thought about these two priorities. Basically, we agreed, and I think everyone will agree that the charrette exercise is going to require personal participation from the community and there's not a good way to do that when we are bound by the strictures of it caused by or imposed by covid-19. Obviously, no one knows when we're going to be able to move ahead with that. Our best guess was probably not any sooner than perhaps the end of next summer. And if there's a vaccine and if things get mitigated a little bit, perhaps it could be sooner. But we agreed that we wanted to inform council of that fact and make sure that you're OK with that with that schedule. Well, it's not really a schedule with that postponement. The second item, I think, is where we may be lost a bit of our our way. We had a discussion about whether it made sense to proceeding to proceed excuse me, with the review of the zoning ordinance if we had not done the charrette and therefore had not identified what things might be required in terms of changes to the ordinance as a result of whatever the recommendations might come out of the charrette. In subsequent meeting. And we agreed, therefore, that we wanted to do it holistically and we would not be proceeding with very many attempts to evaluate the zoning ordinance. In subsequent discussion with the mayor, with Danny, with Chairman Moore, we realize that in fact, it is possible to move ahead to begin evaluating relevant portions of the zoning ordinance with a view toward bringing the ordinance more in compliance with the comprehensive plan. And the purpose of having this discussion is to make certain that that is what you want the planning commission to do and also to call for any specific issues or concerns or problems that you want the commission to identify as it begins to undertake that that work. And if I left anything out Will, jump in.

Will Moore: I think you're right on. Right on the money.

Bridge Littleton: Any questions or inputs or thoughts?

Cindy Pearson: I'm glad you're cow's safe and you did a good job there. [laughter] And thank you for all your work on this. I know that's crazy.

Bud Jacobs: Well, since you mention it, it occurred to me when I was looking yesterday, hopefully for the last time ever in my life, the fines and signs zoning text amendments.

Bridge Littleton: No, no next meeting.

Bud Jacobs: Well, I know, but I'm not going to read it again. The point one could miss and certainly the public could miss is how much very tedious work goes into accomplishing the product that you guys were presented with today. And I have to commend the Planning Commission, but I specifically have to commend our deputy manager for helping shepherd us and Martin. Oh, my God. For helping, shepherd us. Shepherding us through that that process.

Bridge Littleton: That is why they get the big dollars. You know, it's an honor to serve. The pay is extra. So the one thing I just want to say in budget conversation, we did meet earlier this week to talk about the zoning rewrites. And it's kind of funny, you know, now being on the zoning ordinance committee for the county as we start doing that for their comprehensive plan. It is. And you guys are lucky that one's got 18 people. Or seven. I don't know what it is. It's more than I can count on a zoom screen. But it's kind of funny, actually, when you get that many faces on a zoom screen. Right. It's like looking at an ant farm and it just it is the whole thing just keeps moving. I think one of the things that in the discussion with Terry and Bud and everybody else was, you know, the charrette is important and Bud, you're absolutely right. We can't get that done while the Covid is in place because you need people to help, whatever. But the other thing was. And I think one of the things that's sort of a catalyst is that new big home going up where Yvonne Miller's was. You know, we want to make sure we maintain a certain level of size and continuity of town and Ridgeview is a major residential area. And so having a relook at all that, you know, and making sure it fits with the comp plan is really important and it can be done. It's important to be done with the charrette in mind, but it can be done independent. So I think, you know, it's really appreciated that, you know, Bud and Will and the commission will go back and start looking at that. So any other questions, Peter, any questions? He's just sitting there drinking.

Peter Leonard-Morgan: I'm shaking my head. I couldn't find the button.

Bridge Littleton: Oh, goodness. OK, I'm trying to see if there's anything else on here. Was that it? I think it's it. Ok, two things I want to mention real quickly. I already mentioned the [inaudible]. We had our first meeting this morning. That was very interesting. Yeah, that's going to be really interesting. It's the deep dive for the next 12 to 18 months on all the zoning rewrites in the county as it relates to the comp plan and all that stuff. And like I said, there's like either 17 or 18 people on it. So, as you know, managed by committee, that's going to be I don't envy the staff's work on that one. Well, you think you got it bad with a committee of seven, but yeah, I'll keep everybody updated as that goes on. And the second thing was COLT earlier today, sent a letter to the county about a [inaudible] that was had a public hearing tonight. Basically what it is, is the county is has initiated a comprehensive plan amendment so there's a parcel that's under contract of about 70 or 80 acres where they want to put a school on. And that school is in the rural policy area. And it's adjacent to the transition policy area. And so with the CPAM says is we want to allow public water and sewer to go into the rural policy area for the school. And they wanted to tailor it narrowly to say only for schools or only for this school. And so on one level, you've got to be, you know, practical, right, Loudoun is always going to evolve. There's going to be the need for schools and whatever. And every now and then there might be a public building that has to go on and on the border. So our concern was, you know, we're not going to get into a fighting match with the county or the school board when they buy a piece of land where they need to put a school, but it's how we go about doing it what kind of precedence do we set. So the concern from COLT was so the other way to do it is just to take that parcel and move it into the transition area. Neither option is it's, you know, which is less bad. Right. So they're going to have the school it's under contract. They're about to close on it. And so COLT looked at this really, really deeply and try to understand what was more, what could be potentially more damaging long term, because the school is going to get water and sewer that's a fact what policy path do we use and we basically landed on it and said, well, you know what in the comp plan, the county already set the precedent

that they can move parcels from the rural policy area to the transition policy area when they move parcel P1 and P2 up by Leesburg. So the precedent of moving a parcel here, a parcel there to the TPA, it's already there. What we didn't like was setting the precedent that we can now change the rules and change the definition of the rural policy area, not willy nilly, but whenever we want, we felt that was a more long term dangerous precedent. And, you know, I spoke to a couple of supervisors like we have it's only about the school and it's not about, it's not about the school. It's about that changing the rules of the RPA are now fair game. That's the problem, right? It's bigger than just, oh, water for schools. No, it's the door is open. It's like changing the index to a book, you know? So we sent a letter and saying, if you're going to go and build a school, this is the preferred policy path to get the water and sewer that you need. [off mic] asking them to move it. What's that? You're asking them just to move that parcel and it's adjoining. I mean, it has a common border. So it's right there. It's on the border of the TPA and the RPA. Again, the argument I mean, that's still a bad precedent, but that precedent already been set. They've already done it, so moving a parcel for a government use, it's already been established. So anyway, we sent that letter in and Dave Simpson went and spoke to the board tonight on our behalf. So hopefully, you know, and like I said, you know, the point I made to Mike Turner was you still get what you want. You get the school gets water and sewer. You know, this is the least objectionable part. And PC was on board with this approach. And so so we'll see. But that was there. Unless anybody has any questions? Anybody have anything else for council? Peter, how's your cow? Did it fall in the hole?

Peter Leonard-Morgan: My cow is still grazing in the back yard.

Bridge Littleton: Perfect. Ok, I think we now have a closed session if there's nothing else.

Philip Miller: I move that council, go into closed session as authorized under Section 2.2-3711 of the Code of Virginia. For one, the discussion, consideration or interviews of prospective candidates for the appointment of specific public officers, appointees and employees of the public body as allowed under subsection A1, related to appointments to the town's board committees and commissions. And two, for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice such as by such counsel as such as allowed under subsection A8 related to a request for a boundary line adjustment, I further move that the council thereafter reconvene in open session as appropriate.

Darlene Kirk: Second.

Bridge Littleton: All those in favor. Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: We are in closed session. Oh, Chris, yeah.

Chris Bernard: Yes.

Bridge Littleton: You're blocked by the glass. [off mic]. I know Rhonda. Action as appropriate and I was like wait. All right. I ask that council certified to the best of each member's knowledge, one only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and two only such public matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting. I would like to remind those present for the closed session that any discussion occurred within it should be treated as confidential. Darlene.

Darlene Kirk: Yes.

Bridge Littleton: Philip.

Philip Miller: Yes.

Bridge Littleton: Bud.

Bud Jacobs: Yes.

Bridge Littleton: Cindy.

Cindy Pearson: Yes.

Bridge Littleton: Chris.

Chris Bernard: Yes.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Yes.

Bridge Littleton: And yes. Was there any other items we had to cover. Cindy.

Cindy Pearson: [off mic]. I further move that council recommend to the judge of the Loudoun County Circuit Court the reappointment of Cathy Fischer to the Board of Zoning Appeals for five year term, said terms to expire December 31st, 2025, a further move that council appoint Ann Marie I do not know how to say her last name, Chirieleisom to the Middleburg Arts Council to fill any unexpired term said term to expire June 14th, 2024.

Darlene Kirk: Second.

Bridge Littleton: Ok. All those in favor say aye. Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy

Cindy Pearson: Aye.

Bridge Littleton: Chris.

Chris Bernard: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: All right. Motion carries any other business from anybody. Speak now or forever hold your peace.
Meeting adjourned.