



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, January 28, 2021**



**PRESENT:** Mayor Trowbridge M. Littleton  
Vice Mayor Philip M. Miller  
Councilmember Chris W. Bernard  
Councilmember J. Kevin Daly  
Councilmember Morris "Bud" Jacobs  
Councilmember Darlene Kirk  
Councilmember Peter Leonard-Morgan  
Councilmember Cindy C. Pearson

**STAFF:** Danny Davis, Town Manager  
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

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, January 28, 2021. Due to Governor Northam's executive orders requiring that people social distance and limiting gatherings to no more than ten individuals, the Council meeting was held as a hybrid meeting, with some of the Council and staff participating in-person and others participating remotely.

Town Clerk North reminded the members of the need to speak loudly, to turn on their microphones when speaking and to announce their names before speaking for the benefit of the viewing audience. She noted that it was difficult for people to know who was speaking as most members were wearing masks.

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of governmental operations, the Council would hold its meetings via remote access until such time as the Governor rescinded his executive orders.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 6:00 p.m.

**Public Comment**

Tim Clites announced that he was the new Chair of the Historic District Review Committee (HDRC). He advised Council that he and the members of the Committee were available to talk with them at any time about any concerns they may have. Mr. Clites reminded the members that the HDRC was in the process of updating the Historic District Guidelines.

## **Public Presentation**

### **Report on December 2020 Holiday Activities**

Punkin Lee, Chair of the Middleburg Business & Professional Association (MBPA), thanked the Council for their support of the December 2020 holiday activities. She advised that the MBPA made them as nice as possible given the timeframe they had for organizing them. Ms. Lee noted that their Board of Directors reviewed the events following their conclusion and that the Council had their report. She advised that the MBPA was ready to join with the Town to repeat the activities next year if the Council desired. In response to an inquiry regarding the lights on the Christmas trees, Ms. Lee confirmed the solar lights did not work as well as intended due to the location of the solar collectors. She opined that the MBPA would do better next year as they would have more time to plan. Ms. Lee suggested the trees be grouped together, as opposed to being spread throughout Washington Street.

Chair Lee noted that she asked for feedback from the store owners and found that most indicated it was nice to have events spread out over the month as they could deal with the customers on a pleasant basis, as opposed to having to do crowd control. She suggested the Hunt Parade continue as that was the reason most people came to Middleburg; however, she noted that many left once it was over. Ms. Lee opined that people would stay longer if there was just the one Hunt Parade. She advised that most of the store owners indicated their revenues were up and that they were happy with the holiday season. Ms. Lee opined that visitors felt safe and welcomed. She noted that the store windows were beautifully decorated.

The Council commended the MBPA, Town staff and businesses for doing an outstanding job. They suggested the MBPA expand the carriage rides in the future and opined that they epitomized the feel of Middleburg.

## **Staff Reports**

### **COVID Status Report**

Town Manager Davis reported that there was a great deal of interest in the COVID vaccinations and suggested residents go to Loudoun County's website, or their physician if they offered it, to schedule theirs. He noted that the County was frustrated by the limited supply of vaccine from the State. Mr. Davis reminded Council of the new directives from President Biden related to travelers, as well as Dr. Fauci's suggestion that individuals double mask. He noted that Governor Northam extended the deadline for his executive orders regarding masking, social distancing, and the gathering of individuals to the end of February. Mr. Davis reminded Council of the business support programs that were available and encouraged anyone in need to contact the Economic Development Director regarding them.

The Council noted that Loudoun County's teachers were currently getting their vaccinations and opined that the County was doing the best it could. They noted that they were dependent on others to get the vaccine. The Council encouraged the public to continue to use a mask, social distance and use common sense.

Mayor Littleton reported that he spoke earlier in the day with Loudoun County Health Director Goodfriend about the lack of coordination surrounding the scheduling of the second shots. He acknowledged that the issue was the lack of vaccine and noted that Virginia was ranked forty-ninth out of the fifty states in terms of the percentage of their population that had been vaccinated. Mr. Littleton advised that he told Dr. Goodfriend that rural Loudoun needed to have locations where the vaccine was administered and noted that Middleburg's residents were not wealthy, many were older, and some had no transportation to Sterling where the vaccines were currently being administered. He reported that Dr. Goodfriend indicated they had recently reached an agreement with a pharmacy in Purcellville to administer the vaccines and asked that the Town Manager share Safeway's pharmacy contact information with Dr. Goodfriend, so he could make arrangements with them to give it there as well.

Mayor Littleton opined that the lack of responsiveness was stressing the residents and reiterated that he shared these concerns with Dr. Goodfriend. He explained that the issues associated with the development of vaccination PODS were (1) the need for a large amount of space so people could social distance; and (2) that under the State Health Department's regulations, the shots could only be administered at non-Health Department locations if a certified VDH person was present. Mr. Littleton reported that there were only three such individuals in Loudoun County.

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

Town Treasurer Rivard reported that the Town received the revenues from the first half of the real estate tax billing and advised that the total was more than half. She opined that people were paying their taxes early. Ms. Rivard noted that while the water and sewer revenues looked alarming, this was because the bills just went out and payments were not due until February 15<sup>th</sup>. She advised that those revenues were only down by \$25,000 for the first half of the year. Ms. Rivard reported that lodging tax revenues were where they should be and were slightly higher than for this same quarter last year.

Town Treasurer Rivard noted that she provided a comparison of budget-versus-actuals for the major sources of revenue and advised that some of the information was based on revenues that had been received and some was based on projections through the end of the year. She reported that revenues were where the staff expected them to be and noted that they were consistently down. Ms. Rivard advised Council that the business license renewal applications had been sent and reminded them that this was a significant source of revenue that was now on par with the real estate taxes. She advised that she expected those revenues to be down due to the pandemic.

Town Treasurer Rivard advised Council that overall, the revenue losses were better than she expected and noted that she was still projecting the Town would end the year in the most probable scenario situation.

The Council held some discussion regarding the charts and what they represented. They noted that only one percent of the contingency reserve had been spent and questioned whether this line item was overbudgeted.

Town Manager Davis reminded Council that any anticipated revenues that were not budgeted for expenditure were placed in the contingency reserve so the budget would be balanced. He advised that thus far, only a small amount had been spent for COVID support programs. Mr. Davis reminded the members that at the conclusion of the fiscal year, they would decide whether to spend any remaining amount on capital items or send it to fund reserves for future use.

The Council noted that the Police line-item for fleet acquisition remained untouched. They questioned where the fleet stood and whether it was okay to hold off on the purchase of the replacement vehicles.

Town Treasurer Rivard reminded Council that these expenditures were frozen as a part of the COVID budget. Town Manager Davis reported that the money would be put into a capital fund and would roll over until needed. He opined that the Town would purchase one new vehicle this year; however, the staff was waiting to see what happened with the COVID pandemic.

#### Consent Agenda

##### A. Minutes – January 14, 2021 Regular Council Meeting

*Councilmember Leonard-Morgan moved, seconded by Councilmember Bernard, that Council accept the consent agenda as outlined in the agenda.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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**Discussion Items**

**Discussion of BPOL Ordinance Related to New Businesses**

Town Treasurer Rivard advised Council that the staff was requesting an amendment to the business license ordinance to close a loophole related to new businesses. She opined that when the Council approved the minimum charge for a business' first year license, it was with the intention that it would apply to brand new businesses. Ms. Rivard advised that the State Tax Commissioner identified new businesses as those having a new federal tax identification number (FEIN); therefore, if someone acquired an existing business and obtained a new FEIN, they were considered a new business. She suggested the ordinance be amended to include a definition for a "qualifying business" that would not be eligible for the minimum business license fee. Ms. Rivard reviewed the changes to the ordinance that would be needed to accomplish this.

The Council thanked Town Treasurer Rivard for catching this issue.

*Councilmember Leonard-Morgan moved, seconded by Councilmember Kirk, that Council adopt an Ordinance to Amend Portions of Article I of Town Code Chapter 97 Pertaining to Business License Taxes.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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Mayor Littleton noted that he previously indicated that Virginia was forty-ninth of the fifty states regarding percentage of population that had received the COVID vaccination. He reported that this statistic had just been updated and Virginia was now fiftieth out of fifty states. Mr. Littleton noted that this was a state issue, not a federal one.

**Review of Town Holiday Schedule**

Town Manager Davis reminded Council that it was the Town's policy to follow Loudoun County's holiday schedule. He reported that recently, the County added Election Day and Juneteenth to their list of approved holidays. Mr. Davis questioned whether the Council wished to continue to follow the County's schedule.

After some discussion, the Council agreed it did. It was noted that they could always revisit this issue in the future if needed.

*Councilmember Pearson moved, seconded by Councilmember Daly, that Council affirm the policy of following the County holiday schedule and amend the Employee Handbook to formally add Juneteenth and a half day for Christmas Eve as shown in the County's personnel policies.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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## Proposed Solid Waste Ordinance Amendments

Deputy Town Manager Moore advised Council that the previous issue regarding a business in the downtown area was successfully addressed. He further advised that the staff then looked at the broader commercial core and prepared some proposed ordinance revisions based on their findings. Mr. Moore expressed concern about cardboard scattering and noted that the draft ordinance addressed this issue. He advised that the amendments also included provisions allowing the Town Manager to direct that the Town would no longer collect trash/recycling from a business on Washington Street if there was a recurring issue that could not be resolved. Mr. Moore noted the need for trash/recycling to be properly contained. He advised that he was introducing civil penalties for violations of the solid waste ordinance if a customer did not cooperate and noted that currently, the ordinance only provided for criminal prosecution. Mr. Moore reported that other minor revisions were proposed to mirror the Town's new solid waste contract. He advised that he was proposing to change the time in which an individual could place their trash out for collection from 3:00 p.m. to 6:00 p.m. the day before. Mr. Moore noted that his memo recommended the Council authorize proceeding to a public hearing if they had no issues with the proposed changes; however, the Town Attorney recommended the civil penalty language be tweaked so he was not recommending they do so yet.

The Council held some discussion regarding the proposal to change the time that customers could place their trash out for collection from 3:00 p.m. to 6:00 p.m. the day before. They agreed this was acceptable for commercial customers as they did not want the trash/recycling to block the sidewalks; however, this would be an issue for residential customers, who could find it to be dangerous to move their cans that late at night when it was dark. They suggested the provisions be severed to continue the 3:00 p.m. time for residents and change the time to 5:00 p.m. for commercial businesses. They asked that once adopted, the staff clearly communicate the changes to the public and remind them they should not place their containers in the roadways. Council noted that a town that had a business that would move a customer's container out for collection and then retrieved it and suggested this was a business opportunity for someone in Middleburg.

In response to an inquiry from the Council, Deputy Town Manager Moore reported that the Town Code required individuals to remove their containers the same day as collection. He advised that he would look at any areas of concern.

Mayor Littleton directed the staff to advertise the amendments for public hearing once the ordinance was ready.

## 2021 Strategic Initiatives Review Schedule

Town Manager Davis reminded Council that they held a visioning retreat a year ago, which resulted in the identification of strategic initiatives they wished the Town to pursue. He noted that the Mayor and Vice Mayor expressed a desire for the Council to review and update this list and suggested a special meeting be held in February for this purpose. Mr. Davis noted that the staff provided a summary of the status of each of the twelve initiatives and advised that a detailed description of each could be found by viewing the Monday software the staff used for project tracking purposes. He explained how the Council could view this information, which was available as links on the Town's website.

The Council agreed to hold a one- to two- hour work session mid-February to review and update the list of strategic initiatives. They asked the staff to schedule the session during a weeknight. The Council suggested the session be held in a location that would be large enough for the entire membership to be present. They asked that they be sent the strategic initiatives list, including who was responsible for each item.

## Information Items

### Review of 2021 General Assembly Legislative Session

Town Manager Davis reported that there were several key initiatives before the General Assembly, which the staff was working on behind the scenes. He advised that they included: (1) legislation that was proposed to move all town elections from May to November, which the Town did not believe was a good idea; (2) legislation requiring municipal buildings to meet certain sustainability standards, and noted that while the Town planned to be proactive in this regard on the Town Hall Project, it could be costly for small jurisdictions and not necessarily bring positive returns; (3) legislation

regarding qualified immunity for police officers and their employers, which could make it difficult for municipalities to get police officers; and (4) legislation requiring the placement of zebra patterns on crosswalks, which could negatively affect crosswalks located in historic districts, such as those in Middleburg. Mr. Davis noted that the Virginia Municipal League was helping to fight the qualified immunity legislation, which would be bad for localities and law enforcement.

The Council opined that legislators tended to lose sight of the impacts of bills on small jurisdictions. Town Manager Davis opined that they lacked awareness of what localities did on a daily basis. Council expressed concern that the qualified immunity legislation could lead to smaller jurisdictions giving up their police departments.

The Council questioned why the State was trying to inject federal and state politics into local municipal elections by moving them to the same date as theirs. They noted that sixty percent of town elections were held in May in Virginia and that towns could move them to November if they wanted. The Council further noted that citizens could ask their councils to move their elections to November if desired. They opined that localities should make this decision. The Council suggested this was about politics, not what is best for the citizenry. Mayor Littleton reported that the Coalition of Loudoun Towns (COLT) planned to send all the State legislators a letter opposing this legislation and asking that localities be allowed to retain this as an option. He noted that some legislators' arguments in support of it was that it would increase the number of voters in a town election; however, he advised that some of the turnouts were higher for local elections than for the state and national ones.

Mayor Littleton reported that a bill had been introduced that would accept the proposed opioid settlement in Virginia. He noted that no one from the State had reached out to the localities to determine their costs for managing this crisis. Mr. Littleton opined that if the settlement were accepted, the State would get the money and localities would get nothing. He noted that Middleburg spent money training its officers and for Narcan. It was suggested that the staff calculate the costs for Middleburg and send them to its representatives.

Mayor Littleton noted that some businesses have become sloppy with the placement of their sandwich board signs on the sidewalks, which were impeding pedestrian movements. He advised that one business had three such signs out recently.

Town Manager Davis noted that he would ask Deputy Town Manager Moore to address this issue.

**Closed Session** – Personnel; Appointments to Go Green; Property Acquisition; Disposition of Publicly Held Property

*Councilmember Bernard moved, seconded by Councilmember Leonard-Morgan, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of (1) a personnel matter related to the salaries of certain Town employees and (2) an appointment to Go Green as allowed under Subsection (A)(1); and (3) the discussion or consideration of the acquisition of property for the Town Hall Project as allowed under Subsection (A)(3). Councilmember Bernard further moved, seconded by Councilmember Leonard-Morgan, that the Council thereafter reconvene in open session for action as appropriate.*

*Mayor Littleton moved to amend the motion to add a closed session item to discuss the disposition of publicly held property related to the Asbury Church as allowed under Section (A)(3). Councilmembers Bernard and Leonard-Morgan agreed to the friendly amendment.*

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

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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.

**Appointment to Go Green**

*Councilmember Leonard-Morgan moved, seconded by Councilmember Bernard, that Council appoint Lin Watts to fill a vacancy on Go Green, said term to expire May 12, 2022.*

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

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There being no further business, Mayor Littleton declared the meeting adjourned at 8:36 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

## January 28, 2021 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](http://www.middleburgva.gov))

**Bridge Littleton:** [Off mic] All right, we will call the second January meeting to order, first item is 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. [Off mic]

**Bridge Littleton:** And before we get started, Rhonda has an announcement to chastise everybody.

**Rhonda North:** Thank you, Mr. Mayor. Just wanted to remind folks that when you are speaking during the meeting, could you please speak loudly, make sure your microphone is turned on, and announce your names. With everyone wearing masks it's difficult for folks to know who is speaking, but in particular, we need to make sure we speak loudly and have the mikes on so those in the viewing audience can hear us.

**Bridge Littleton:** Okay, next item is I'm going to read the special remote meeting 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, not only for 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 local emergency and the ordinance to implement emergency procedures and effectuate temporary changes to address continuity of government operations during COVID-19, the town council will hold its meetings via remote access until such time as the Governor rescinds his emergency orders, prohibiting gatherings of greater than 10 individuals and mandating social distancing. Copies of the previously referenced documents are available on the town's website. All right. And as we do every time, we will hold two public comment sessions at the beginning. At the end, for any member who is calling in, next item will be the roll call. Chris.

**Chris Bernard:** Chris Bernard.

**Bridge Littleton:** Bridge Littleton.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Darlene Kirk.

**Cindy Pearson:** Cindy Pearson.

**Peter Leonard-Morgan:** Peter Leonard-Morgan.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Bud Jacobs.

**Bridge Littleton:** Philip.

**Philip Miller:** Philip Miller.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** John Kevin Daly.



**Bridge Littleton:** Rhonda.

**Rhonda North:** Rhonda North, Town Clerk.

**Bridge Littleton:** Danny.

**Danny Davis:** Danny Davis, Town Manager.

**Bridge Littleton:** Okay, next item is the public comments section. We will now open the public comment session for anybody from the public who'd like to address the town council they may do so. [Off mic] Public comment. [inaudible] Tim.

**Tim Clites:** Tim Clites. I think most of you know me. I got the privilege of being asked to be the Chairman of the Historic District, I just wanted to stop by tonight and let you all know that if any of you have any concerns, I want to make sure I'm both personally available and available as a committee. We're really excited for the work that's in front of the committee for the next couple of months as we update the standards. And if anybody town council or the mayor has any concerns, just let us know.

**Bridge Littleton:** Great. Tim, thanks a lot. Really appreciate it. And thanks for all your service.

**Darlene Kirk:** Thank you [Multiple speakers]

**Cindy Pearson:** Thanks Tim.

**Bridge Littleton:** And we know that chairmanship pays very well.

**Tim Clites:** Stress. [laughter].

**Bridge Littleton:** Take care. Anybody else wish to address the town council? Rhonda do we have anybody online?

**Rhonda North:** We do not, Mr. Mayor.

**Bridge Littleton:** Okay, we will close the public comment session and move right on to public presentations. MBPA Holiday Activities Report.

**Punkin Lee:** Good evening.

**Bridge Littleton:** Ms. Lee.

**Punkin Lee:** Punkin Lee. Thank you for having us. I just came primarily this evening to thank the council for your support and working together to make the Christmas festivities as nice as we did I think in a short period of time of preparation. I think in your packets you had the recap. We had a board meeting the week after, I guess the first week of January. We went just item by item and these comments are what the MBPA Board came up with moving forward. And we are ready to move forward if you would like us to join with you for 2021 [inaudible]. It's going to be here before we know it. [Multiple speakers] So if that works out, you know, we would like to start planning earlier and have a regular flow chart and plan things and hopefully schools will be back in order. Which will be much nicer to some of the items we did and didn't get as much support as we thought because there was no way to reach out to people. But do you all have any questions or were you happy, disappointed? You want to weigh in on your own or? [Multiple speakers]

**Bridge Littleton:** Cindy, do you want to go first?

**Cindy Pearson:** Yeah, it's Cindy Pearson. Yeah, Punkin, I thought I liked the whatever they were called around town, banners per say. The only thing I didn't get is when people say the trees were lit, I never saw them lit. I don't know if there's a way to I mean, that's a lot of money for those type of lights. I don't know if there's another or better option if you put lights on them again or just don't use those because they don't tend to work as well.

**Punkin Lee:** A lot of the problem was on when they were put on, they were not put in people paying attention to how the sun traveled.

**Cindy Pearson:** I understand that.

**Punkin Lee:** And they were.

**Bridge Littleton:** The solar didn't.

**Cindy Pearson:** Right, and the solar, it's hard to do that on Main Street anyway, [Multiple speakers].

**Punkin Lee:** Especially on the south side of Main Street, because the sun never really gets there fully.

**Cindy Pearson:** Correct.

**Punkin Lee:** But that is an issue we had. All the lights are packed individually, wrapped in bubble wrap, and Tim has them in the garage because I just didn't want to dump them in a box.

**Cindy Pearson:** That's good.

**Punkin Lee:** I think they're all safe and wrapped again, but I think with a little more time to do it, we can do a better job. And we're also thinking instead of one right after the other down the street, because some of the lighting, even if it came on, it was lost if the back behind it was really lit store maybe to group them going down a block. So you get more light for the solar part because few things like that I think you only learn by doing it. And we hadn't done that.

**Cindy Pearson:** Right. Right. Thank you.

**Punkin Lee:** But we had a lot of nice compliments on things from people.

**Bridge Littleton:** Did anybody have any other input or comments for Punkin? Darlene? Chris? Yeah, go ahead, Chris.

**Chris Bernard:** Yeah, I just think it was a tough year for everybody. Right. And so I think it was amazing how the town responded. Just in general. We obviously lost out on the parade. But I think anecdotally, I think the businesses in town are really happy with how December went. So good job.

**Punkin Lee:** I spent a lot of time going in and out of stores for various reasons and asking people, how is your business? What do you think about the parade? Did you miss it? Was that like a big hunk gone? But the majority of that feedback that I got was, yes, they all missed it. But in looking back, it was really nice to have stuff over the whole month where you could welcome people and deal with them on a much more pleasant basis than crowd control. They thought it would be nice if next year, I mean, this December, everybody is able to be out and about that if we have the Hunt Parade, that's what we're about. That's totally Middleburg. And that brings a huge crowd. And if they don't feel there is a switch-over, because you worked the bus thing before. And it's like Exodus, they want to see the hounds come through and then they want to leave before the next group of people get here. So you've got the log jam. So maybe they would stay longer into the day with just one kind of [inaudible] group of people coming. That was what I got from quite a few of the merchants. But there dollars seemed to be up and they were happy. So it didn't really make it even on this year where people were not spending as much I think they were happy with the holiday season.

**Bridge Littleton:** Awesome. Does anybody on the phone have any input? Kevin, Bud, Philip?

**J. Kevin Daly:** Kevin Daly here, I think it was an outstanding effort and I think it paid dividends. It's been a hard year. Yeah. I'm hoping optimistic that toward the end of this year, things will be better. But, thank you very much, Punkin, for all the work you and your committee did. I really think it was a great effort. Thank you.

**Punkin Lee:** No, thank you. There were a lot of smiles on people's faces, you know, the free hot chocolate. And I mean, I think the whole town was very calm and peaceful. And for a lot of people that made the whole thing. You know, it felt safe and everybody was wearing their masks and stores were welcoming and the windows were pretty drop dead, the merchants really stepped up for the window accommodation. [multiple speakers]

**Bridge Littleton:** Well they set a new standard for every year going forward.

**Punkin Lee:** Well, that's what we figured.

**Bridge Littleton:** Yeah.

**Punkin Lee:** Especially the Middleburg Bride. I mean, she was that looked like Saks Fifth Avenue, but.

**Bridge Littleton:** Yeah.

**Punkin Lee:** It's pretty sweet.

**Bridge Littleton:** Well, the only thing I would say is, I mean, thanks to all the town staff for the ideas and hard work, but really thanks to MBPA and all the town businesses for working so hard to do the best we could, you know, for everybody in such a challenging environment. And I thought, you know, for how difficult it was, it's probably the best that could have happened. And we got a great result from it. So really, you know, pass the thanks along to everybody for all the hard work. [off mic] Yes, sir. Peter.

**Peter Leonard-Morgan:** I did take advantage of the carriage rides and it was wonderful, luckily I booked [Multiple speakers]

**Bridge Littleton:** That's why I couldn't get one.

**Peter Leonard-Morgan:** I think what you said here is great. I think it should be depending on how we sit. This coming Christmas season would be great to extend it to Sunday as well.

**Punkin Lee:** But we have time to work on sponsors, too. I mean, if we need if this is what we're going to do then [multiple speakers].

**Peter Leonard-Morgan:** Really epitomize the whole [multiple speakers] Middleburg I think.

**Punkin Lee:** Exactly.

**Peter Leonard-Morgan:** And it was quite quick it was probably ten minutes, which is plenty [Off mic].

**Punkin Lee:** Right.

**Peter Leonard-Morgan:** [Off mic] Want to take a photo.

**Punkin Lee:** The Photo Ops, I think Instagram was jamming pretty steadily. [Multiple speakers] Right. And it's us.

**Peter Leonard-Morgan:** It is us. Yeah. So I just reinforce the other Council Members. Thank you so much for all you did.

**Punkin Lee:** Thank you. Thank you.

**Bridge Littleton:** Punkin thanks.

**Punkin Lee:** Thank you. Always a pleasure. Thank you.

**Bridge Littleton:** Okay, next item is COVID update. Hold on.

**Danny Davis:** Mr. Mayor thank you. We've received obviously a lot of interest about the vaccine. And I'll continue to say I strongly encourage you to reach out to the county's website that we've linked to here, as well as linked multiple times on our Web page as it relates to the general public reaching out. If you fall into one of these categories or talk to your physician, whoever it might be, some folks have had success getting vaccines directly from their doctor or other ways. So, employer, things like that. As I'm trying to share here, and I hope you all know the county feels the frustration. They're limited by the supply they get from the state. And so it's a trickle-down effect and they're continuing to do everything possible to get as many vaccines as they can and get them out to the public. As mentioned, there's some new actions that have taken effect specifically for people coming in from foreign countries. You've probably also seen the recommendation to double mask wear two masks. It's not a requirement, but a suggestion. And so that is another thing. The governor extended his executive order. There were no significant changes to it, but simply extended it through the end of February. And this relates to the number of people in social gatherings, all the other business restrictions, the 12 a.m. the midnight curfew and any other changes have come out of that or that may change we will let you know. And then again, a continued reminder about support programs, the PPP through the SBA, as well as county programs. Any questions on that? People can reach out to Jamie.

**Bridge Littleton:** Anybody have any questions for Danny? Chris?

**Chris Bernard:** No.

**Bridge Littleton:** Darlene?

**Darlene Kirk:** No.

**Bridge Littleton:** Cindy?

**Cindy Pearson:** No.

**Bridge Littleton:** Peter?

**Peter Leonard-Morgan:** No. Thank you.

**Bridge Littleton:** Bud any questions for Danny?

**Bud Jacobs:** Not a question, just a quick comment. Even with all the sturm und drang about vaccination delays, Loudoun County is getting it done. Candace got her first dose this morning through the Loudoun County public school system where she's a teacher. And the teachers, by the way, are getting the Pfizer vaccine, not the Moderna vaccine. And they seem to be doing a pretty solid job of getting as many people vaccinated as desired to get a vaccine. I imagine in the hope that schools are going to be open, if not as soon as the governor would like, at least in the near future.

**Bridge Littleton:** Philip?

**Philip Miller:** I'm all good.

**Bridge Littleton:** Kevin?

**J. Kevin Daly:** [inaudible] I wish to make a comment, Loudoun County is doing the best they can. They're dependent on other resources from the national and state level. And we all need to be patient and be actively using a mask, maintaining social distancing and just using common sense while we all wait for the opportunity to get the vaccine.

**Bridge Littleton:** So the only kind of things I would add is I had a conversation with Dr. Goodfriend this morning, who's the County Health Director. So the couple comments I'm going to make are sort of general in nature. Loudoun County is the wealthiest county per capita in the nation, and I'm very concerned that there is a lack of coordination and organization on the county's part in terms of getting back to people, keeping people up to date who have gotten their first shot and getting no feedback or information or follow up on their second shot. I've had a couple of people who have gotten their first shot by the first week, and it has been they have called back to the county multiple times asking when can I get scheduled? What do I do? No response to emails, no response to phone calls. This is what I brought up with Dr. Goodfriend this morning. He said it's a couple of things. It is the lack of supply of the vaccine, which is out of their control that can be put squarely on the governor and the state legislature. We are rated forty ninth out of 50 in states in terms of getting people vaccinated. We are second to last in the nation.

**Chris Bernard:** What's that [Off mic] the metric?

**Bridge Littleton:** The metric is effectively getting percentage of population, you know, vaccinated. So it don't get me wrong, it absolutely has to do with how much vaccine you have, but it also has to do with how you're getting it out there and how you're coordinating people. It was in CNN yesterday. So and that's going to change over time, right. I mean, whoever is one now probably will end up being number thirty because it'll change so fast. [multiple speakers] But we're playing catch up. The other issue that I brought up with Dr. Goodfriend was rural Loudoun needs to have some place here that the vaccine can get administered. Because, you know, I mean, in Middleburg, we are not a wealthy town. Right. And we have a lot of people who are older and don't have a mode of transportation. And it is really difficult to get all the way over to Sterling, you know, to get your vaccine.

**Cindy Pearson:** And then to wait.

**Bridge Littleton:** And then to wait. Right. And then and, you know, I mean, there's folks in, you know, the Windy Hill community who don't have transportation. They have to rely on somebody else. There's no county transportation. So it's really, really difficult. And it's not just Middleburg it's a lot of rural Loudoun. And he acknowledged that. He said they're trying to work on it. And so this will be an action for Danny. They've reached an agreement with one of the pharmacies in Purcellville to get them some vaccine. So, okay, that's good. That's closer, you know, but still twenty five minutes away. He asked if we had if we had anybody here who'd be willing to do it. And I said, yes, you know, yes, Safeway Pharmacy is capable of doing it. So I think we've already provided this information once. But let's provide it again. The contact info for the folks at Safeway so at least they can get if it's one hundred vials every couple of days, that's fine. At least, you know, we can help those folks prioritize. So I know this is a new, new for everybody, but I think one of the things that is really stressing, especially older folks out, it's just you can't it's the lack of responsiveness. And it's going to the website. It's here's how we're going to do it. Okay, but where am I in that process is the hard part. So, you know, and Dr. Goodfriend's, a great guy. I think he's trying really, really hard. They did open up a second vaccination place, but it's at the Dulles Town Center Mall. Oh, that's four miles from Sterling. So it's not like it really headed west. It's just greater capacity. So anyway. So I expressed the concerns of the community. He understood he's going to work really hard and I know they're all working really hard, but I do think we need to be doing better. If nothing else, just communicating.

**Peter Leonard-Morgan:** How are they monitoring who does number one? And is that where [Multiple speakers]

**Bridge Littleton:** They got it all on lists. So you go there, you check in, you know, whatever. And so, I mean, I had another person who called me who said, you know, I called the phone number. It says go into the website. They went in through website and they said that they would get a response within one week. It's been 17 days and they haven't gotten a response. You know, it's like fill it out and we'll let you know within a week when you'll be scheduled and stuff like that. And if the answer is we don't know yet, that's fine. Communicate. We don't know yet. So, yeah.

**Cindy Pearson:** I got a robocall from it and then I did get an email that said, you're just in the general, you know, don't call, don't re-email.

**Bridge Littleton:** You're in the queue.

**Cindy Pearson:** You're in the queue. I did re-email because you could only sign up for one option, like you're over 65. You couldn't put then and I am government.

**Bridge Littleton:** Yeah.

**Cindy Pearson:** So I did email. They won't answer those kind of emails. They have no desire, but that's it.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Darlene Kirk, I got two email responses when I sent mine in, just saying, you know, you're in the queue and we'll get back to you and don't bother us. Yeah, basically.

**Bridge Littleton:** Yeah. No, like I said, I understand. I think that the big challenge when someone's got their first one and now they're counting days that they're supposed to get the second one by and it's you know, it freaks you out. If I miss my window, do I have to go do it again, you know? So anyway, so and the other thing that Dr. Goodfriend said is if we have doctors in Middleburg who are willing to do injections, so let's reach out to all of our certified doctors and ask them if they're willing to, you know, be an arm sticker as well. Probably not. I mean, probably won't be. I mean, I can only think of Dr. Falkenstein, and Dr. Griffith. [Off mic] What's that.

**Darlene Kirk:** Bonnie. Dr. Bonnie.

**Bridge Littleton:** Oh, yeah. So but anyway.

**Chris Bernard:** I have a question.

**Bridge Littleton:** Yes.

**Chris Bernard:** This is Chris, so like if we had doctors in the area who are willing to do it, is there a situation where we could set up a place like in town, the community center, for example, and I mean something?

**Bridge Littleton:** [Multiple Speakers] I've asked about that and at COLT we had a call last week with Chair Randall and with Dr. Goodfriend about that exact thing. It's a big challenge because, you know, you need a lot of space because everything's going to be ten feet away from everybody else. And the other issue is, if you're going to do a non-health facility kind of thing, you have to have a Virginia Department of Health Certified Person to be at the facility. And there's only three in Loudoun County. Exactly, and so the state's.

**Danny Davis:** So it's easier to do it in a doctor's office.

**Bridge Littleton:** So a doctor doesn't need that because he's got an office he can administer or whatever, but if you want their calling them pods. Right, places of dispense or whatever. If you want to set up a pod, you got to have one of these three VDH people that we have. And it's like I mean, like here's one of my frustrations with the state. It has to be this VDH person, you know, by the state of VDH. They knew that this was coming. Why weren't they getting more people trained and certified to do the monitoring.

**Chris Bernard:** Don't start talking [off mic].

**Bridge Littleton:** So, yeah, I mean, so anyway. So, you know, that's not a Loudoun Challenge. That's a state, you know. So, okay, apologize for all that. But it was an interesting call this morning. All right. Next item is Budget. [Off mic] I know she's out of here.

**Julie Rivard:** Hello, everybody. [multiple speakers] I'm going to real briefly go over the Treasurer's Report and six month financials. I'm just going to hit some of the high points and then let you ask questions if you have any after I kind of go through. In the memo and I just kind of like to quickly point out our real estate tax revenue. Of course, we receive half now and then half later after June. We did not expect to receive those moneys until late January and we received more than half of what we expected to pull in actually in the month of December. We received them a little bit early, and that's because people paid their real estate tax to the county and in a little earlier. They paid it in November, which we appreciate. That's helpful. I would also like to point out our water and sewer bill revenues. It looks a little alarming because as you see, there it's at a negative 30 percent, but that is on moneys that we have received, not based on what has been billed. So also, I put a little note underneath on the comparison of budgeted revenues worksheet. And you see down there at the bottom that it looks like we have one hundred and ninety eight thousand dollar variance, but one hundred and seventy four of that is actually has been billed and we are waiting to receive it. It's not actually due until February 15th. So we are in the process of collecting that. That puts us our true number that we are negative there is more like twenty five thousand for the six month period, just to give you some idea. Also, I would like to point out, if you take a quick look at the comparison of budgeted revenue bar chart, you'll see that occupancy tax we received our occupancy tax in January and we are right where we should be, if not just a smidge better. We're doing very well. It came in just a tiny little bit higher than this quarter last year. So that's helpful. And you can kind of tell it's a little bit easier to see on the color coded bar chart that has the yellow dots with the horizontal lines, because you can kind of see how it hits on that horizontal line where it has the weighted averages. I'll also point out, if you take a look at our major revenues and then against our budgeted versus our actual and then the line graph that goes with it, of course, the green line is our budgeted. The red line is what we have actually received thus far. January is the gray dashed piece of that line. Some of our revenues we have received as of the time that I did this report, some we are projecting, we know roughly what the amount is and when we expect to receive it. So it is projected in this report. And then of course, the blue dashed or blue dotted line is a projection of where I think we'll be as we go through the rest of the end of this year. We are still right within where we expected to be. One thing I'll say is we've been very consistently down. It's not been up, down all over the place. So it's been a little bit easier to try and pinpoint where we'll be throughout the rest of the year. I will say that we have sent out the renewal notices for business licenses. They went out at the end of last week and we told everyone to expect them no later than February 1st. And we know people are receiving them because we've gotten a few phone calls, which is great, you know, so we'll see how our business license revenue comes in. It is a significant source for us, I would say. I know Danny has mentioned it before. It's pretty much equal to our real estate revenues. So it is impactful, we do expect it to be a little less than it was last year because of the effects of the pandemic during 2020, and all those businesses will be filing their calendar year 2020 gross receipts. So we're expecting that is due and payable by March 1st. So we'll know more here shortly. You can kind of tell I included, you know, just to make it easier for you guys. I did include the COVID plan budget and we still our percent that we are down as a whole is a little bit better than it was the last Treasurer's report if you take a look and compare. I'm still going to say that we are in that most probable scenario. I'm very hesitant to say that we are in the best case scenario, especially having not received the business license tax revenue yet. But we are right where we thought we'd be. So that's good. Do you guys have any questions for me?

**Bridge Littleton:** So I have a quick question.

**Julie Rivard:** Sure.

**Bridge Littleton:** I'm looking at so you were saying our occupancy tax was a little bit ahead of where we were last year.

**Julie Rivard:** Just a smidge.

**Danny Davis:** The gray line [Off mic]. Yeah.

**Bridge Littleton:** The gray line is way over the blue.

**Danny Davis:** So the gray line's high artificially for fiscal 20 because the fourth quarter of fiscal 20 we received basically zero dollars [inaudible]. So if you recall these lines, here are percentages of when we expect to receive revenues or did receive revenues. They're not actual dollar numbers. So in fiscal year 20, we received a greater portion of our total year's revenues in quarters one and two because quarter four was basically zero. So relatively.

**Bridge Littleton:** So this is just a relative. So this graph I'm looking at right here is just a relative comparison of percentage of the total revenue.

**Danny Davis:** That we receive.

**Bridge Littleton:** That we receive has nothing to do with the actual amounts we received.

**Danny Davis:** Correct. We wanted to show it in multiple [Multiple Speakers].

**Bridge Littleton:** So if every [Multiple Speakers]

**Chris Bernard:** Pages.

**Bridge Littleton:** No, I got you I just want to make sure I understand what I'm reading. So if every single thing was down 25 percent, this chart would be exactly the same? If every revenue source lost 25 percent of its dollar value, right? So if we had a million dollars in one revenue that became 750 and then two million dollars of another revenue source, that became one point five million, this chart would be the same.

**Julie Rivard:** No, this is a weighted average chart.

**Chris Bernard:** It's percentage of the year.

**Bridge Littleton:** That's what I'm saying. Yeah, exactly, this is not tied to dollar. This is percentage of the revenue of the size of the pie.

**Chris Bernard:** I think it's not. No.

**Danny Davis:** It's also based [Multiple Speakers].

**Chris Bernard:** It's tracking through the year. So it's a percentage of the year. So it's saying that we've collected so much through the end of January compared to the same period last year.

**Danny Davis:** Because meals tax, we have a greater percentage coming in, in quarter one and quarter two than we would sales tax because sales taxes are generally the same every single quarter. Meals tax, we have a higher summer and fall. So it's naturally going to be at its, what, 57? Fifty five. Fifty seven percent is typically where we are. So a 25 percent drop in meals tax is going to look different than a twenty five percent drop in sales tax, theoretically. Again, we're simply comparing a theoretical based on what we would have expected to have received at this point in time for this fiscal year, and that varies by revenue source. Part of this came because real property tax, as Julie mentioned, doesn't come to us until December and January. So this is not fair to say we're behind in real property tax in October because we would have received zero at that point anyway. So this chart will look completely different in October than it does today.

**Bridge Littleton:** No, I understand, I guess. Okay, I mean, we can talk about [Off mic] because it's like, you know, but this is percentage to your budget too. Right.

**Danny Davis:** Only four current year, for last year, it's a percentage to actuals not percentage to budget. That threw us off because we had done. [Multiple Speakers].

**Bridge Littleton:** Sure.



**Danny Davis:** Meals percentage to budgeted but meals came in at the end of the year, 20 percent higher than budgeted. So we had to actually adjust to percentage to actuals received for that full calendar per fiscal year.

**Bridge Littleton:** Yeah I got it.

**Julie Rivard:** Hey Bridge if you also just to add this sheet here, the table of weighted averages [Multiple Speakers] this is what goes with that bar chart that you're looking at.

**Bridge Littleton:** I got you. Okay. All right, I'm sorry, anybody else have any questions? Chris, Darlene, Cindy, Peter?

**Peter Leonard-Morgan:** Two short quick questions and make sure I understand.

**Julie Rivard:** Sure.

**Peter Leonard-Morgan:** The contingency fund we're at 1 percent spent. Does that mean we over-budgeted continuously or does that carrier over into the next year?

**Julie Rivard:** Can you just tell me where you're looking at, Peter?

**Peter Leonard-Morgan:** Expenses, it's page the second or the [Off mic] page.

**Julie Rivard:** Okay.

**Peter Leonard-Morgan:** Line 10 General Fund. So it says. [Multiple Speakers] Contingency [Multiple Speakers].

**Julie Rivard:** Oh, I see.

**Peter Leonard-Morgan:** Budget and year to date only two thousand four hundred. So I was just curious again, is that, you know, something that we just put in there so we can, you know.

**Danny Davis:** So the contingency for fiscal [inaudible] current fiscal year, maybe not into the future, depending on how it looks. That's basically any anticipated revenue that was not budgeted as an expenditure. So essentially, it's a buffer, if you will. The expenditures we did spend out of that I believe these numbers are COVID related, small expenditures that we had that were unanticipated and we pulled it from the contingency line. So that being said, it doesn't mean we're short three hundred and twenty five thousand. It means we have not.

**Julie Rivard:** We've only spent one percent of what we thought. [Multiple Speakers]

**Peter Leonard-Morgan:** Our earlier conversation [off mic] you know, are we putting too high a number in there for contingency or is contingency it's important to have it in case.

**Danny Davis:** And sure, it's actually it ends up the way we've done the budget, at least for fiscal 21 current year it's more of a balancing number. So we have an expected revenue stream and we only asked for expenditures at this level. They didn't match the actual total revenues we had coming in. So the rest was to make the two numbers match. Those dollars anticipated would either go to capital projects or just into fund balance for future use, as capital or other one-time dollars. So we don't necessarily budget and say it must be one hundred thousand dollars in contingency or it must be in any type number we build that into our expectations of the revenues may vary and also expenditures may or may not be spent fully.

**Peter Leonard-Morgan:** Right. I know I don't want to get too in the weeds.

**Julie Rivard:** Sure.

**Peter Leonard-Morgan:** I'm just curious. It says on the police department fleet 80,000 budget zero spent in six months. I mean, I feel they've been maintaining them. So, I'm just curious if that's something you just put in later on.

**Julie Rivard:** That was actually for the purchase of two cars, but that was one of the expenditures that was frozen during the COVID plan. [Multiple Speakers]. Yep.

**Peter Leonard-Morgan:** Thanks Julie.

**Julie Rivard:** Absolutely.

**Bridge Littleton:** Bud, Kevin, or Philip, do you guys have any questions?

**Bud Jacobs:** [inaudible] I've got a quick question since Julie just mentioned it I was looking at the expenditure reduction list. If my math is correct, we've reduced expenditures by about a million, one hundred and thirty five thousand. And among them, one jumps out at me and it was just discussed. And that's the police car replacement. I've lost the bubble on where the fleet stands and I'm assuming that we're all okay not replacing one of the two police cars that had been programmed.

**Danny Davis:** So I'm not sure if Council Member Jacobs, if that was a question for me, but I'll give you a brief comment on that. I stay closely in touch with Chief A.J. related to the quality and the longevity of those vehicles. One aspect of taking these dollars in the fleet and putting them into a capital fund is that we're essentially designating them. But that fund rolls from year to year so that if for some reason we need two cars next year, we're not having to take operating cash and throw eighty thousand dollars into it. It's already sitting in the capital fund from prior fiscal years. So short answer is we stay on top of this. I do think we'll probably need to look at replacing at least one this year, but we still wanted to see how we're turning out with our budget.

**Bud Jacobs:** That's great. Thank you, Danny.

**Bridge Littleton:** Any other questions for Julie? Okay, Julie, thank you very much.

**Julie Rivard:** Thank you.

**Danny Davis:** You can stay.

**Bridge Littleton:** Okay, consent agenda, is there a motion for the consent agenda or wait would anybody like the one item removed? [laughter]

**Peter Leonard-Morgan:** I'll make a move to motion.

**Bridge Littleton:** You make a movement? [laughter] Yes, we heard that. [Multiple Speakers].

**Cindy Pearson:** You're excused.

**Peter Leonard-Morgan:** I move that we accept the consent agenda as outlined in the agenda.

**Chris Bernard:** Second.

**Bridge Littleton:** Any discussion? Okay. All those in favor say Aye. Chris.

**Chris Bernard:** Aye.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** Not yet. Darlene.

**Darlene Kirk:** Aye.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Aye.

**Bridge Littleton:** Philip.

**Philip Miller:** Aye.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Aye.

**Bridge Littleton:** That's enough. [laughter] Kevin.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** All right. Next item is the discussion of BPOL reduced fee for new businesses. Danny.

**Danny Davis:** I am going to turn it over to Julie again.

**Julie Rivard:** So there is a memo and then an ordinance change proposal in your packet. And I'll real briefly, rundown through what we're doing and why. So we're asking for you to amend the BPOL ordinance. We have a little loophole in our business license tax ordinance. So I've come to understand that when town council approved the thirty dollar first year license fee for businesses, that that was really meant or intended to be for brand new businesses that have never operated in the town of Middleburg before. One of the things that you may or may not know is the state tax commissioner defines a new business as having a new federal employer identification number. And so that can come in a number of different ways. Someone could purchase a business, acquire a merger, stock purchase. I mean, you name it, you think of it, it can happen. All with, you know, ultimate ownership changes. But it does, you know, that business may still be, it may be someone who was already here prior who still it's a business that's operating under the same name, but it has new ownership. And so in order to be able to limit that thirty dollar first year fee to truly brand new businesses, we're asking to be able to make these amendments. So what this would do is it would define what a qualifying business is. And we're saying a qualifying business is someone who has never been located in the town of Middleburg before. And if you you know, if you are considered a new business simply because of a merger and acquisition or something of the like that while you are yes, you are a new business. You are not a qualifying business and therefore would not be eligible for the partial exemption of the thirty dollar first year license fee we're saying you would be required to estimate your first year gross receipts and pay the business license tax on that estimate and then of which would be followed up on and reviewed after your first year in business. And so those changes, you can see those changes that we're recommending here. There are we're cleaning up the definition of base year. We're pulling the definition of new business and putting it into the section of code that talks about mobile food units, because that definition is very specific to mobile food units. We're adding the definition of qualifying business. We are you can see there we are putting in the definition of new business into the mobile food unit section and then the very last change down there at the bottom. You can see where we are explaining how a qualifying business meets, you know, what you have to be in order to meet to get the thirty dollars license fee. And then what is expected if you are not a qualifying business.

**Bridge Littleton:** Danny any other input?

**Danny Davis:** No, sir. She covered it very well.

**Bridge Littleton:** Okay [off mic] any questions? Chris any questions?

**Chris Bernard:** No, thank you.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** I think it's really good that you're kind of going through these and finding and updating definitions and making our ordinances more accurate. And I appreciate that. And I hope you keep doing it.

**Julie Rivard:** Thank you.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** No questions thanks.

**Bridge Littleton:** Peter?

**Peter Leonard-Morgan:** I just agree with Darlene and [off mic] to be a new business is a brand new business. But I certainly understand what [off mic] trying to do. Thank you.

**Bridge Littleton:** Philip.

**Philip Miller:** I think this is great and we needed to clean this up. It was a huge liability for obvious reasons. Thank you.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** Good catch. I like the definition of qualifying business.

**Bridge Littleton:** Bud.

**Bud Jacobs:** I'm good, thank you.

**Bridge Littleton:** Yep. Julie, I agree it's really good work, definitely makes a lot of sense, although I am going to make a quick comment. We're already violating the rule of bullet point memos. A lot of dense text there. A lot of dense text. [laughter] So clearly the leadership of driving us towards bullet point memos is lacking. So council will have to address that.

**Julie Rivard:** Okay.

**Danny Davis:** I could make the statement though there were no questions from council.

**Bridge Littleton:** But you won't.

**Danny Davis:** Because it was such a thorough and informative report.

**Julie Rivard:** And it is one page.

**Bridge Littleton:** Well, anybody can make it eight point font and get it on one page. [laughter]

**Bridge Littleton:** We all know how to mess with the margins.

**Philip Miller:** Speaking of which, let's move on to the next one, which was written by the illustrious Danny Davis. [Multiple Speakers] holidays. [laughter]

**Bridge Littleton:** Let's check that bullet point out. So, hey, so by the way, I know somebody was asking while we were going through this, I did find the reference to Virginia in the COVID. We are absolutely actually now dead last in percentage of vaccination administered. So we are last and that is not a federal government. That is we are the worst when we get the vaccination, getting it into people's arms. Now, of course, that's statewide, right, but we are ranked as percentage. [Multiple Speakers]

**Chris Bernard:** Backwards.

**Bridge Littleton:** What's that?

**Chris Bernard:** Maybe the governor had the list order backwards.

**Bridge Littleton:** Well, you know, it's easy with Excel. You know, you can. [Multiple Speakers] So anyway, so, yeah, I just wanted to reference where I found that. [Multiple Speakers] What's that? [Multiple Speakers].

**Cindy Pearson:** A motion. I'll motion.

**Bridge Littleton:** Does anybody want to make a motion?

**J. Kevin Daly:** We need a motion.

**Peter Leonard-Morgan:** I move that the Town Council adopt an ordinance to amend portions of Article one of Town Code Chapter 97 pertaining to business license taxes.

**Darlene Kirk:** Second.

**Bridge Littleton:** Any discussion? All right, all those in favor, say Aye. Chris.

**Chris Bernard:** Aye.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Aye.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Aye.

**Bridge Littleton:** Philip.

**Philip Miller:** Aye.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Aye.

**Bridge Littleton:** That's enough. Kevin.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** All right, motion passes, next item here, review of Town Holiday schedule. Thanks, Julie.

**Julie Rivard:** Thank you.

**Bridge Littleton:** Now, wait a minute. This is a full page of text. [off mic] Don't see one bullet anywhere. Not even on the chart. Okay, go ahead, Danny.

**Danny Davis:** They're dashes. Mr. Mayor, the policy of the town has been to follow the county's holiday schedule, including any additional days that are given throughout the year. They recently added Election Day. Which council did add in July 1st of this past year, and then the county just added Juneteenth a couple of weeks ago. [Off mic] question is simply to reaffirm if council wants to continue the policy of following the county's holiday schedule or to consider alternatives. And I'm happy to answer questions or help with any discussion you might have.

**Bridge Littleton:** So the broader question is not picking or choosing winners and losers of any individual specific holiday for any specific reason. But my question is, do we always want to make sure that we stay within a certain number of days, you know, in the UK they call it a bank holiday. Right. So we're not talking, you know, is there a set number of days or is it every holiday the state always adds, we'll go ahead and add it too. [Multiple Speakers]

**Cindy Pearson:** Not the state the county. [Multiple Speakers]

**Bridge Littleton:** [Multiple Speakers] the county always follows. Do we always want to follow somebody else or do we want to look at this ourselves and be like, you know what, it is really important to recognize that holiday, but we want to stay net 12. So let's look at removing something else. Yeah Darlene.

**Darlene Kirk:** I don't think we need to be concerned about the number of days because our staff works really hard and I think they deserve it, but I don't know what the heck they consider Juneteenth. I mean, is that just a replacement for Lee Jackson? So they got to give you another day off? [Multiple Speakers]

**Bridge Littleton:** No, no, that's so it's a holiday. It was a date in 1865. Yeah. It's a date in 1865, which was the date in which I guess officially slavery was ended.

**Danny Davis:** The final slaves were informed of the Emancipation Proclamation.

**Bridge Littleton:** Right. [Multiple Speakers] After the war was over it was the date in which everybody was informed that slavery has ended. And it's been recognized in a lot of states for a long I mean, decades. I think 45 states, something like that, recognize it. Virginia just did last year.

**Danny Davis:** Yeah. Just started last year. They made it official in the state.

**Bridge Littleton:** Right. Yeah, so that's what that is. And I don't think Lee Jackson Day was ever an official holiday, was it?

**Danny Davis:** It was a state holiday. But as of probably 8 to 10 years ago, the county stopped recognizing it and instead gave the floating holiday.

**Bridge Littleton:** Right. Right. Yeah.

**Chris Bernard:** What do we do with the floating holiday?

**Danny Davis:** So essentially, the floating holiday is a day to be used in the calendar year at your own discretion, but it doesn't carry over. So it is essentially an extra day.

**Bridge Littleton:** Right. It's like an extra day off that year. Yeah, Darlene.

**Darlene Kirk:** Well, okay, so most do you have a day off in most months anyway? I mean because January they got rid of the one we still have Martin Luther King Day. So most months is there a day off for employees?

**Danny Davis:** Yes. So the number of days granted are very generous. So yes, most [Off mic] have at least one holiday except for a couple of months.

**Bridge Littleton:** Okay.

**Cindy Pearson:** I'll make a motion if we're ready.

**Bridge Littleton:** Yeah, no, does anybody have any other questions?

**Peter Leonard-Morgan:** I do.

**Bridge Littleton:** Yes.

**Peter Leonard-Morgan:** [Off mic]. I mean, [Off mic] we've got colleagues who [Off mic] until 9:00 at night and [Off mic] and then they drive home a long way. And I think it's I would [Off mic] by state. Now [Off mic] the state isn't quite the same as Loudoun is it?

**Danny Davis:** So the way it's the way it differs is [Multiple Speakers] in the formal policy, if you will. I know it's really nuanced here, but I didn't want to give any incorrect information. The state doesn't technically get Christmas Eve in their state code. However, traditionally in the last three or four years, the governor has always given it as a full day, which is actually more than what the county has in their policy. That's why, again, there are a bunch of asterisks here. But that being said, effectively, the county always amends its holiday schedule to follow whatever the state has released for its holiday schedule. We mimic it as well.

**Peter Leonard-Morgan:** So I think in my view, if we feel that Loudoun County's schedule is fair, it makes over complicated to make our own [Off mic]. If we don't have an issue with the Loudoun one then I think maybe [Off mic] So I'm for following the Loudoun County.

**Bridge Littleton:** Yeah, right the thing you look at look at Prince William. Right. There's a lot of days they don't agree with from a state perspective, but they give four floating holidays. So everybody gets the same amount of days. They just choose not to make some of them fixed on a specific date for whatever reason. And like Washington's birthday, they go to work. Right. But then their people get an extra floating holiday to use whenever they want. So, I mean, if I was an employee, I would rather have a floating holiday and go whenever I want, but. [Multiple Speakers]

**Chris Bernard:** I was going to say there's two components to that. So one is you get a floating holiday and you can use whenever you want. That means the entire office isn't shut down for a whole day, that other people might be off and want to come in and pay their bill. So, I mean, maybe it [Multiple Speakers] what does the staff think, you know. Yeah.

**Peter Leonard-Morgan:** Conversely, if everyone knows when the office is closed [Off mic] have to be short staffed. [Multiple Speakers]

**Bridge Littleton:** Yes, Cindy. [Multiple Speakers] Sorry.

**Cindy Pearson:** I think the reason maybe Darlene will probably know this better, the reason we chose that all along is to keep it so it doesn't switch with different council members because everybody has, you know, a different thought on a holiday. So if you just follow Loudoun County, you know what you're following. There's no questions.

**Darlene Kirk:** Right.

**Bridge Littleton:** Okay. So any input from the.

**Peter Leonard-Morgan:** The gallery.

**Bridge Littleton:** Yeah. Peanut gallery. Philip.

**Philip Miller:** I mean, I'm fine with following the county. I think it's simple. But, you know, if anybody wants to look at giving a floating holiday and removing one of the ones from Loudoun, I'd be fine with that too.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** The thing I find, keep in mind that our police officers it's tough for them to take a floating holiday when they have scheduling between night and day shifts and having the number of officers you don't simply come in and say, hey, I'm taking tomorrow as my floating holiday. I think it's a little bit easier for them to accommodate the Loudoun County schedule.

**Cindy Pearson:** And also accounting too it's easier. [off mic]

**J. Kevin Daly:** Yeah.

**Bridge Littleton:** Bud.

**Bud Jacobs:** I'm all for following the Loudoun County schedule.

**Bridge Littleton:** Okay, I think we okay. So I think I mean, do I read everybody right that following the county's good for now, but [Off mic] if need be down the road if they want to give, you know, whatever, off it and it conflicts with something, we can do what we want in the future. Okay. All right. Next item.

**Cindy Pearson:** We need a motion.

**J. Kevin Daly:** Do we have a draft, motion for this?

**Bridge Littleton:** Is there a motion for that?

**Cindy Pearson:** No.

**Bridge Littleton:** Okay.

**Cindy Pearson:** I'll make it. I move that the town council affirm the policy of following the county holiday schedule and amend the employee handbook to formally add Juneteenth and a half day for Christmas Eve as shown in the county's personal policies. This is Cindy.

**J. Kevin Daly:** Second.

**Bridge Littleton:** Any discussion? All right, Chris.

**Chris Bernard:** Aye.



**Bridge Littleton:** Darlene.

**Darlene Kirk:** Aye.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Aye.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Aye.

**Bridge Littleton:** Philip.

**Philip Miller:** Aye.

**Bridge Littleton:** Okay, next item solid. Oh the exciting topic. Solid waste.

**Will Moore:** Mr. Deputy Town Manager. Mr. Mayor. Members of the council. Thank you. I would first point you to my staff memo and the bullets within. [laughter].

**Peter Leonard-Morgan:** [off mic] dashes.

**Will Moore:** They are dashes.

**Bridge Littleton:** At least someone's learning, [laughter] trying new techniques. We really appreciate the forward thinking.

**Will Moore:** Thank you. So we know we had one issue that was kind of a high profile issue that we have successfully addressed. And the solution, I say successfully to this point, the solution seems to be working out very well. Staff then took your direction to kind of look broader at the the commercial core and see if there were any changes to our ordinance that might prevent a situation like that from occurring and would give us appropriate enforcement mechanisms, if necessary, to employ. So I prepared a first draft for you here. It does a number of those things. One of the big concerns was on the potential for cardboard recycling to scatter, to be set out improperly, get caught by wind, things like that. So we've clarified the manner in which cardboard would be properly contained or bundled. One of the big things we also put in here was a provision that would allow the town manager or his designee if we had a situation that was just recurring and was not being successfully addressed, that if it were in our commercial district along Washington Street and he determined that it was creating a nuisance, that he could direct, that it would no longer be collected from Washington Street. And that business would have to find another place in which to place the items for collection. And we certainly could work with a business if that were the case. There are some opportunities for rear alley collections or side street collections. Those kind of things. Still would not relieve them of the need to properly contain and bundle, but say it was just such an amount that it was blocking sidewalk for passage, those kinds of things. And then one of the big things that we're introducing and this one is the ability to impose civil penalties if it were to ever get to that point where we were unable to get voluntary cooperation to address the issues. Currently our code only provides for criminal prosecution of

these kind of violations. And that certainly I think council would agree that's not a path we would want to go. So a few other things that I won't go through line by line unless anyone wants to talk about a few other minor revisions, mainly to get our code in conformance with our contract provisions. So, for example, the code currently says we will collect up to four containers of trash from businesses where our contract only allows for up to three. We have been telling businesses for a number of years, three even prior to the new contract. So I just think it's important to clear that up. One change that might merit some consideration on your part. Currently, our code says that you can set out your trash and recycling for collection as early as 3:00 p.m. the day prior to collection. We don't see a lot of that, but it does pose the potential to create an issue with trash being out for basically longer than it would need to be out for. So, you know, if businesses closed really early for whatever reason on Tuesday, and were going ahead and putting out trash at three p.m. that might be an issue. So I'm proposing maybe changing that to 6:00 p.m. the day prior so you could put it out essentially the end of the daylight hours. But something certainly worth considering if you want to talk about that provision as well. The last thing I will note is in my recommendation section, I did note that if you didn't have any major changes to propose that you might consider going ahead and authorizing the public hearing on this. A public hearing would be necessary because it would potentially impose civil penalties that don't exist today. So we would have to have that public hearing. I'll ask you not to direct that public hearing at this point. I did have some brief back and forth with Martin this morning, and I may have to tweak a couple points within the proposed revisions as it applies to the civil penalties. Just to make sure it's with to his satisfaction that it is enabled properly by the state code. So just a couple of minor revisions. I don't expect anything major to come out of that.

**Bridge Littleton:** Okay, thanks Will. [off mic] Darlene.

**Darlene Kirk:** Okay, first of all, the three p.m. cutoff was meant for residential because we were having a big problem with people I mean, literally putting their garbage out and just leaving it out all week. And so that's why Council added the three p.m.. And I don't think you want to get rid of totally of the three p.m. because you don't want I mean, that works well for the neighborhoods.

**Bridge Littleton:** I think he's saying you can't put it out before 6:00 p.m. pushing it back further. [Off mic]

**Darlene Kirk:** I know what I'm saying is so if somebody puts theirs out earlier they could get in trouble.

**Bridge Littleton:** Correct.

**Darlene Kirk:** At a house.

**Bridge Littleton:** Correct.

**Darlene Kirk:** No, you don't want to do that. I mean, you see that all the way up through at least through the area I live through. And they're out there and they're really religious about putting it out there at 3. I see all my neighbors. And it's just, I guess, the elderly mindset. They go out, they take the trash down at three o'clock exactly. You could just look up and down the streets and see them. So I don't think we want to change that. Maybe if we can split it change it for the downtown area.

**Bridge Littleton:** Will what's the concern about three o'clock? Where is the concern? Is it residential or is it businesses?

**Will Moore:** Well, I will say this. This is we don't have a lot of instances of this. I do see it both in residential and commercial, but much more limited in our commercial area. The concern is that, you know, in the residential areas, a lot of these containers are right out at the edge of the travel way on some fairly narrow streets anyway, and just having it out less in advance of a collection, a collection that doesn't start until 6 a.m. the following morning. It just seems a little excessive to allow it to be set out at three p.m. But I have no big objection to that. You know, if residents are used to it, like Council Member Kirk is saying.

**Bridge Littleton:** My only comment with that would be, you know, especially for older folks lugging and pushing those big cans when it's dark in the wintertime, you know, you're liable if there's ice or raining you're liable to slip and fall. It's they're unseemly. They're hard to you know. [multiple speakers].

**Will Moore:** True.

**Bridge Littleton:** They got stuff in there and someone's, you know, is frail it could be dangerous. So and I mean, I could totally see the commercial side, right. [multiple speakers] I mean, I don't want food laying out on the, you know, waste food laying out at three o'clock.

**Chris Bernard:** [Off mic] see it in general.

**Bridge Littleton:** Right. Yeah. So that I get. And you don't. Exactly. Chris, you don't want to see it. Yeah. [multiple speakers] But in the residential area, you know, I think, you know, my dad lugging stuff out there, you know, after six o'clock at night when it's dark. [Off mic] hurt yourself.

**Will Moore:** So would you be open to maybe like Council Member Kirk's suggestion, maybe splitting it? That in a residential district no earlier than three p.m. the day prior and commercial district no earlier than, six p.m. the day prior. [multiple speakers]

**Peter Leonard-Morgan:** Would you mind if I [Off mic].

**Bridge Littleton:** Yeah, go ahead.

**Peter Leonard-Morgan:** I was going to say I like [Off mic] problem with six p.m. is some of the businesses close at 5. [multiple speakers] and they are off at five and [off mic] it's not going to get done. So [multiple speakers] might be good.

**Will Moore:** 5:00 p.m. then?

**Cindy Pearson:** Agree with Peter totally. I know that 3:00 p.m. is a habit for some people, but it is a problem on some of these streets, even like Marshall Street, that people put it out there. The cars are doing this to get by all down in that section.

**Peter Leonard-Morgan:** [multiple speakers] Bridge said you know, mine is right in the back. And it's pitch black. And I make a point doing it before it gets dark. [Off mic] You know. So I think that would be a great solution to tiers.

**Will Moore:** Okay. Yeah. I can make those tweaks easily.

**Bridge Littleton:** Chris.

**Chris Bernard:** No that's great.

**Bridge Littleton:** Okay.

**Chris Bernard:** I was saying 5:00.

**Bridge Littleton:** Oh 5:00 got you. Yeah. Bud.

**Bud Jacobs:** Well, I'd like to keep the three o'clock milestone for residential properties. I don't know what we're fixing by changing it. And I don't know who it was Bridge or somebody suggested separating the residential deadline from the commercial one. And I'm all in favor of that. Whether it's five or six is practically meaningless to me. So I defer to everyone else. [laughter]

**Bridge Littleton:** I mean, Bud I know you've got to get it out there at 3:00 so you can get back in for Judge Judy.

**Bud Jacobs:** Exactly right. And Candace and I head out to the Golden Coral for the early bird special. [laughter]

**Bridge Littleton:** Kevin, any input?

**J. Kevin Daly:** Well, I have something to add to this trash talk. Okay, what happens to we have areas in town which the boundary between commercial and residential is very thin? The intersection of Marshall and North Jay Street you have businesses and residential. On one side of the road is residential and cross and there's a business office. So are we redefining or very carefully putting the boundaries to split the difference?

**Bridge Littleton:** Chris go ahead.

**Chris Bernard:** It should just be based on zoning, right?

**Will Moore:** Yeah, it's pretty simple to do this. I don't see any of those kind of issues surfacing.

**Bridge Littleton:** Yeah, if you got an occupancy permit for a business. You're a business. Okay, so. Yeah, so I guess, Will if you feel comfortable you can manage the difference then great. Philip any input?

**Philip Miller:** As with all these kinds of little changes that we do, we need to just be clear in how we communicate them to the businesses.

**Bridge Littleton:** Yeah, completely agree.

**Philip Miller:** Otherwise, I have nothing.

**Bridge Littleton:** All right Darlene.

**Darlene Kirk:** I was just going to ask, is there something in there that says not in the roadway? Because we might and maybe we can send this around in our next water bill telling people, please be sure to keep your trash can out of the road, maybe on the edge of your property. At least that's what I try to do. When they throw it off, when they're finished with it, they always leave it out in the road.

**Will Moore:** Yeah. There is some existing language already in here, but I'll review that if it needs reinforcement [inaudible] that as well.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Just a quick comment on in Rehoboth Beach this is a job opportunity for someone. there's different groups that will come put your trash out, and exact because they're more strict with their times that you have to have it off the street there. And then they will come back and put your trash cans back for you. So and that's something that can help the older generation.

**Bridge Littleton:** I [inaudible] Darlene. [multiple speakers]

**Cindy Pearson:** I think [inaudible] a little younger.

**Bridge Littleton:** Well, she's got two young ones.

**Darlene Kirk:** Yeah, right.

**Cindy Pearson:** College funds. [multiple speakers]

**Bridge Littleton:** There you go.

**J. Kevin Daly:** I have an alibi question.

**Bridge Littleton:** You have a what?

**J. Kevin Daly:** It's an alibi I want to go back. Here's the question we were discussing when we put it out. What about when we bring the empty cans back in? Because I've been walking through the town at 7 o'clock, 11 o'clock in the morning, and there are still cans on the street that are empty after pick up.

**Will Moore:** Yeah. So that that already is addressed in the code and it says that the containers are to be removed the same day of collection. So if they're out following days, that's something we can certainly address. And if you have any areas that you need to direct this in we'll certainly take care of those.

**Bridge Littleton:** So I guess the direction would be you got our feeling on times, so you guys want to update the ordinance based on that. And I think we're good for you guys to move forward with a public hearing at the time in which you guys and Martin square up on the language.

**Will Moore:** Very good.

**Bridge Littleton:** Okay.

**Will Moore:** Perfect.

**Bridge Littleton:** Great. All right. Next item is strategic initiatives.

**Danny Davis:** Thank you, Mr. Mayor. It was a year ago, just over a year ago, that we held the two day strategic planning retreat. And it was a good time and an opportunity to set forward the priorities for the council and we.

**Bridge Littleton:** Such as bulleted memos.

**Danny Davis:** Yes. How about a table memos? This is a very table full. So we wanted to bring back the opportunity to discuss with the council your strategic initiative specifically to look at updating them after the past year and see the items to potentially update, remove and or add. We in discussions with the mayor and vice mayor it's been suggested to consider a special meeting to spend an hour or two going through these and then talking through what might want to be added to the strategic initiative list. So we wanted to.

**Bridge Littleton:** Hold on real quick, we'll modify that not added, but look at all of them, see what's still relevant, what might not be relevant. Are there certain things we want to put on and certain things we want to take off? And if we accomplished them, let's get them off the list and just just do a check up and see where they are, what we want to do.

**Danny Davis:** Yes.

**Bridge Littleton:** I just want to make sure no one gets scared by Danny's statement that we'll look at them and add.  
[laughter]

**Danny Davis:** To consider my apologies. To consider if things should be marked as complete removed what have you. I do need to note in the memo in the packet, the link provided to Monday does not work for you. I provided an alternate means to get there, and I will do that in just one second. Show you and will provide that link to as well.

**Peter Leonard-Morgan:** Do we have to log into that?

**Danny Davis:** So unfortunately, this link would have required you. The way we have it now it's no login needed [multiple speakers]. And we also wanted to give you a status of where staff felt that these initiatives were after 2020. We don't have to discuss this now. I think the intent was to have that discussion at that other meeting and then also to provide our input on things you may want to consider pursuing and looking at for the next year. That being said, I'm going to share my screen and everyone here should be able to see it on the TV and everyone on Zoom should be able to see it as well. So what we have done on the town's website, under government, mayor and council, we have top 12 projects. And this is your strategic initiatives we can re-title that if needed. To provide an update for the community on this each then for the initiatives that currently have kind of work plans or timelines associated with them. Each of these is a direct link to our tracking software that we're using. So, for instance, I'm going to just click on the first one here and also discussions with the mayor wanted to make sure that we give you all the opportunity to see this program and kind of how we have laid it out here. Let me see if I can minimize this for you. So this essentially is our tracking, we create big milestones and under each milestone, small tasks, and then we can work out what our anticipated start date might be, our due dates. We can create dependencies. So if one slips, the others slip or we build in, say, 30 days between this activity and another activity. This is one where we've essentially completed it in our opinion, in terms of at least the initial kickoff of the branding, it doesn't ever stop necessarily, but at least this project we feel has completed. I want to take you to another one. And I'm sorry. I apologize [off mic] show you. So, for instance, here we have the town hall project. This is on the process side. So what you'll see, obviously we're working through the LOI or the purchase and sales agreement and finalizing that. What we have, you'll see we've completed the RFP proposals and then where we are is updating as it gets into preliminary design site plan and updating these time frames as we go along. Clearly, these are subject to change because we're working with our firm on the exact schedule. But what's important to show is that we want to be able to show you as we're tracking these along where we are in these processes, who's responsible for it. And then are we on track? Are we not on track with due dates? Essentially, the system is very straightforward and easy. This is a view only mode. So you can't mess anything up. You can't click you can't change, but allows you [multiple speakers]. But if you want to it gives you the opportunity to see where things are. And then we go through and if for some reason something has changed. So, for instance, here's a federal street project. We've discussed it with you after discussing with the planning commission the start date was originally September of 2020, and that's been postponed for a year. So we've updated it since September of this year with an anticipated potential completion in April of 2022, again with all the different steps [off mic]. So this is something that will be live as we change it. It's the changes show up automatically. We think it's also fine and great for the community to see where we are and anticipate to be on these projects. And then again, we will update them and use them as the tracking for ourselves and accountability to you in these projects. So brief overview. We can talk more if council is interested in having a meeting to go through these projects. I also do think that reviewing our strategic initiatives is a good pairing up with our budget process that we're about to enter into as well, because you put money into the things that are priorities. And so it's a good conversation to have nearly at the same time. Thank you Mr. Mayor.

**Bridge Littleton:** Yep. And the other thought too, is we all spent a lot of time and staff spent a lot of time putting all these together. COVID, you know, just changed all that. But it is good to realign and and make sure we have the year planned out ahead of us. And then for Danny in the budgeting and just sort of a resource allocation. And, you know, we've told the public there are commitments to them and, you know, following through. And so the question would be, is everybody on board? And we can do it. We can do it in person. We could do it a 100 percent remote. However, we want to do it. Just setting aside some time, maybe mid late February or, you know, sometime in February, we'll find a date to have a follow up for an hour, hour and a half and do nothing but just review these 12 strategic items. And, you know, decide what where we want to go with stuff. And is there, you know, given all of our new world of COVID, it's just something we want to add, you know, and if anybody's got ideas, send them to Danny. But is there any concerns about setting that up sometime in the next couple of weeks?

**Bud Jacobs:** Negative. I'm all for it.

**Bridge Littleton:** Cool, Danny will bring the barbecue. So, all right, so Danny, I think the next thing would be then is or Rhonda just, you know, the next day or two, you know, you guys find a couple of dates that work for the staff. Give yourselves, you know, at least two weeks to get everything ready. And so let's shoot for sometime in mid-February. And I think the other thing, too, would be if you guys can you know, when you send the meeting notice out, you know, the link of how we can get in and view everything. And just that final document we did of all the 12 initiatives and who is responsible for what and stuff like that, that way we all have it and can review it before the meeting.

**Danny Davis:** And if I may, I would assume we'd like to find a spot here in town that we all can be together in person.

**Bridge Littleton:** Yes.

**Danny Davis:** The American Legion, Community Center or something like that.

**Bridge Littleton:** Yeah, that'll be great.

**Danny Davis:** Very good.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Are we looking at a night or are we looking at a weekend?

**Bridge Littleton:** I mean, I think we should do it on a weekday night.

**Darlene Kirk:** Okay [off mic].

**Bridge Littleton:** Yeah. And we can bring dinner or whatever, you know, start at six and be done by 7:30 or eight. [Off mic] Yeah like a Tuesday or whatever. Yeah. Okay, cool. Danny, thank you.

**Danny Davis:** Thank you.

**Bridge Littleton:** Next item is information item. I'm about to open it, looking for those bullets.

**Danny Davis:** No. [multiple speakers]

**Darlene Kirk:** Nothing, to open.

**Bridge Littleton:** All right.

**Danny Davis:** Mr. Mayor, and Council, we wanted to provide a brief update to you on a few of the key issues of legislation that are in front of the General Assembly just for your awareness purposes. Many of these we're already tackling behind the scenes with our senator and our delegate, not always with success, not because necessarily our representatives, but in general the votes. And so we want to bring it to your attention just so you're aware of it. But also if you have any questions or want to provide any other input. Specifically, the key one that we highlighted first here is the municipal elections. It did pass the Senate, as we mentioned, and that would force municipal elections to be in November. It doesn't say which date in November, but there are some logistical challenges we can talk about if that comes to be would require us to pass an ordinance to determine how we then go into November elections, into the future. Obviously, it's not a good idea. We don't believe that's a good idea for a number of reasons. We have put together a very compelling letter and we believe that, unfortunately, it's again, another way of imposing upon local authority. I'm happy to answer questions on this, but I think it's pretty clear here. Provide the information about building standards. Again, we don't oppose energy efficiency standards. In fact, we're taking very proactive measures with our new building on this. Again, the challenges we don't like the fact of imposing de facto standards on localities without any support to actually accomplish what they're looking for, especially when it gets into some things that especially for a jurisdiction our size, could be very costly and not necessarily bringing a positive return. House bill 2045 is a follow up to a bill that came up during the special session related to qualified immunity and liability officers in the line of duty. We've laid out the information here, but obviously there are concerns. When you ask someone to make split second judgment decisions and then they are at risk of being sued for something that was a judgment call. The legislation already occurs there the law already says that if there's gross negligence, if there is excessive force, that that can be prosecuted. And so, you know, it seems like it's trying to fix a problem that could really harm the police and law enforcement sector, because you may not get people willing to work in a place where personally they could be liable for things when they're simply doing their job.

**Cindy Pearson:** Or make them think too slowly.

**Danny Davis:** Which could then cause other harm to themselves or to others. That is very true. [multiple speakers]

**Chris Bernard:** Financial decisions.

**Danny Davis:** Right so there's a lot of concerns. And VML has been pushing this very hard, as mentioned here. And I think y'all know Chief AJ is first Vice President of the Virginia Association of Chiefs of Police, which is a great position, that means what July one or coming up [off mic] in August, he'll be the president of the association, which is a great opportunity for Middleburg, but also for him to help influence the future of the profession. They are also continuing to work with, I think they met with the governor back in late last year sometime and working with senators on that. So there are a number of items that are affecting law enforcement that they're working on and VML was working on, were continuing to try to push. But it's something that we're watching. And then finally, it sounds like, you know, a small item compared to what we just talked about. But the idea of imposing zebra patterns on all crosswalks across the Commonwealth. Again, is one of those things where I'm glad to see that what they've done is directed to a study which hopefully will come up with model policies and will appreciate historic districts like ours. So we'll stay engaged in that. And hopefully, if there is a working group, we can either be involved in that as a member or at least have a lot of influence on that. You know, with us having the decorative sidewalks, not only they're not stamped concrete, which many places have. We're probably one of the only places with these kind of [inaudible] Crosswalks at least in the way they're built. You know, we want to make sure that we're able to keep that image and that look for our downtown. So that being said Chief AJ is here, if there are questions on that bill or anything else related to law enforcement, we can answer questions or if there's any other legislation you've heard about, that you want an update we can provide that to you offline.

**Bridge Littleton:** Any questions for Danny?

**Bud Jacobs:** Danny, this is Bud, did you say VML is helping fight the law enforcement initiative or they're pushing it? I didn't quite [multiple speakers].

**Danny Davis:** Yeah, I apologize. They're helping fight the bill. Our position is consistent with VML, which is that it would be bad for localities and bad for law enforcement.

**Bud Jacobs:** It seems to me that the House of Delegates and the Senate, they frequently lose sight of the impact of some of these initiatives on smaller jurisdictions such as Middleburg.

**Danny Davis:** I think that is true. I think in many cases, trends in national policy seem to take import or precedence over application of daily activity. I think there's sometimes a lack of appreciation or awareness of what jurisdictions, local jurisdictions and specifically small places do on a day to day basis. That was part of the rationale that we provided in our letter related to the elections as well, which is, you know, our issues here are public safety, sidewalks, water and sewer. These are things that, you know, the General Assembly doesn't deal with on a day to day basis. So our issues should be front and center when we're talking about elections. Again, in the same way with this with HB 2045, that, you know, the understanding of the impact on a small place like us and the potential financial impact to a small place that we're liable for that is significant.

**Bud Jacobs:** Oh, yeah, it could lead to a small municipality deciding to give up its police force because they [multiple speakers]. Yeah, that's just stupid. And on the national elections, if I can pontificate for just a second. [laughter] Why would we want to inject our poisonous national politics and sometimes even our poisonous state politics into something as simple and straightforward as municipal elections? We generally don't have a lot of time for that crap.

**Danny Davis:** I believe your statement is rhetorical, but I would agree.

**Bud Jacobs:** It wasn't rhetorical at all. [laughter]



**Bridge Littleton:** Thank you. I didn't know statements could be rhetorical, questions can be. Philip.

**Philip Miller:** I agree with everything that's been said. [off mic]

**Bridge Littleton:** Yeah, so I mean, Bud is exactly right. I think 60 percent of town elections are held in May. And I mean, the point I've made to our elected officials is that if a town, for whatever reason, wants to go to November, they can you know. If the citizenry feels that the election in May doesn't work for them, show up at a town council meeting and say, hey, it really should be November for these reasons. You know, Hillsboro has their election in November because they can't you know, it's a cost issue for them. Leesburg chose to do it in November. Again, it's a logistics and a cost issue. So I totally understand that. But let the locality decide. What I, you know, unfortunately I think the reality is this is about politics, not about you know what's best for the citizens. The point, I don't know if y'all saw the Loudoun Times-Mirror article that came out yesterday about this. So COLT is going to send a letter into well actually to every delegate. But because it passed the Senate, barely. But the point was, five of us have May elections. Two of us have November elections. But we want to retain the option. [multiple speakers] And so the comment has been made that the reason they want to do it is because you get a higher turnout. Well, that doesn't necessarily generate the best result for the locality, and it's also a fallacy to say that you'll get a higher turnout. I think what was it the highest turnout Blacksburg ever had, like were 22000 people, was a May election because it was a very important local issue.

**Darlene Kirk:** And the weather too.

**Bridge Littleton:** Yeah, [multiple speakers] well, no, but and then and in 2018, you know, we had seventy whatever it was percentage turnout. So it's just. Yeah. It's a manufactured issue. So anyway, I'll leave it there. okay. The only other thing I want to add in, Danny, was and I got a call earlier about this from somebody apparently that they're trying to pass a bill to accept the opioid settlement. And the point was made to me was that, you know, we shouldn't go and do this right now because no one has reached out to local governments to find out what their costs have been for preparing, responding and what's gone on and what they've had to bear in terms of managing the opioid crisis over the last couple of years. So what's going to happen is the state's going to get a big chunk of money for the settlement, for what the state had to do, and then nothing will trickle down to any of the local jurisdictions. And they're like trying to rush this through the Finance Committee. So, you know, I was like, get that. I know they haven't called us. I know we've spent a lot of money, you know, on training and getting Narcan and we've had deaths related to it. It's impacted our community. You know, there should be I mean, maybe we don't get anything, but it shouldn't be because we weren't asked and we didn't tell them what the impact was. So that was the other one that just sort of came on my radar today.

**Peter Leonard-Morgan:** So where would it go the settlement if it's Virginia?

**Bridge Littleton:** So it's like they're doing it. It's like the tobacco litigation 30 years ago. Right? They're doing a big settlement with the opioid companies and every state's going to get some big chunk of money based on what they've had to endure because of the effects of the opioid, the shenanigans they played, getting people hooked on opioids.

**Peter Leonard-Morgan:** They didn't say how that's going to be distributed.

**Bridge Littleton:** No, no.

**Cindy Pearson:** They'll put it in education or health or [multiple speakers].

**Bridge Littleton:** Go in some big fund that they keep, you know, and maybe they'll distribute it. But I mean, if you're going to go out and say, I do this much because of the damage, if you didn't ask everybody who got damaged, how are you gonna know what the right number to ask for is?

**Darlene Kirk:** Can't we volunteer our number?

**Bridge Littleton:** Yeah, I think we should. I mean, I think we should think about how much do we spend on the last eight to ten years, you know, whether it's training and Narcan. And then you know what did we have two deaths related to opioids over the last five or six years.

**A.J. Panebianco:** Yeah just right outside of town.

**Bridge Littleton:** Yeah, right. Exactly.

**A.J. Panebianco:** But they were basically residents.

**Bridge Littleton:** Yeah, right. Exactly. So, you know, what's the impact been for us and for our community, you know, people who got addicted and stuff like that. So if we can ever get some kind of a thought of what that looks like, you know, nothing else, we'll send it to Jill and send it to Wendy [inaudible] and say make sure you fight for this. But I mean, the state's just going about this.

**Peter Leonard-Morgan:** Is that a COLT possible issue then?

**Bridge Littleton:** I mean, every locality suffered for this thing. But, yeah, we could. I mean, this literally came up earlier today. I don't even know about it, I didn't even know that this was going on, that they were and it's going to be a bill that has to accept the settlement amount. So and the recommendation was, look, let's not sign anything. Let's wait a year. Let's go to all of the localities, get the information, then go back to the opioid companies and tell them here's what you owe us and then they'll settle on some number. But, you know, that was the only other thing I had in terms of legislative stuff. Anybody have any other. Yes.

**Peter Leonard-Morgan:** Yeah just to mention about the [off mic] crossing coming from England where we grew up with zebra crossing or zebra crossing. [laughter] And zigzag lines on each side. You were trained from day one never to even stop let alone and park but stop on them. So I know they're a bit of an eye sore but they save a lot of lives.

**Bridge Littleton:** Especially when it says, look, left. [multiple speakers] We're not painting that on the road. Anybody have any other questions or information items before we go to closed session? The only thing I wrote down was and this is probably for Will and Tim or maybe AJ. Businesses are still getting very sloppy with their sandwich boards, putting them out in the middle of the sidewalks. I don't know if in our ordinance says you put a sandwich board out, but it has to touch the wall. I don't know what it says, but I mean, I was walking down the street the other day and like especially in front of one business, the one business had three sandwich boards out. [multiple speakers] I was zigzag, you know, I felt like a like a destroyer in World War Two, you know, zigzagging from the [off mic] U boats. And, you know, yeah.

**Danny Davis:** We will we will address that. I know that we were trying to clean up some language in the sign ordinance, but I'll leave that to Mr. Moore and we can talk and make sure we take care of this.

**Bridge Littleton:** Exactly, okay that was only the thing I had. So the last thing we'll do is open up the second public comment session. So we'll open the public comment session for anybody who wishes to address council. Rhonda, anybody online?

**Rhonda North:** We do not, Mr. Mayor.

**Bridge Littleton:** All right, we will now close the public comment session and go right on to the closed session. And I know Chris would love to make a motion.

**Chris Bernard:** Already got it up. All right. I move that council, go into closed session as authorized under Section 2.2-3711 of the Code of Virginia for discussion or consideration of one, a personnel matter related to the salaries of certain town employees and two an appointment to go green as allowed under subsection A one. And three the discussion or consideration of the acquisition of property for the town hall project as allowed under subsection A three. I further move that council, therefore reconvene in open session for action as appropriate.

**Peter Leonard-Morgan:** Second.

**Bridge Littleton:** I'd like to make a friendly amendment. The amendment would be to also discuss disposition of property of Asbury Church.

**Chris Bernard:** Accepted.

**Peter Leonard-Morgan:** Second.

**Bridge Littleton:** All right, all those in favor say Aye. Chris.

**Chris Bernard:** Aye.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Aye.

**Bridge Littleton:** Philip.

**Philip Miller:** Aye.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Aye.

**Peter Leonard-Morgan:** Darlene.

**Bridge Littleton:** And Darlene, we don't need her. All right, motion passes, we are now in closed session. All right, I asked the council certify to the best of each member's knowledge. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and to only such public business matters, as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed meeting. I would like to remind those present for the closed session that any discussion that occurred within it should be treated as confidential. Chris.

**Chris Bernard:** Yes.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Yes.

**Bridge Littleton:** Wait. Yes.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Yes.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Aye.

**Bridge Littleton:** Philip.

**Philip Miller:** Yes.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Yes.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** Excellent. Is there any motions?

**Peter Leonard-Morgan:** I move that council appoint, Lynn Watts to fill a vacancy on Go Green set term to expire May 12th 2022.

**Chris Bernard:** Second. [multiple speakers]

**Bridge Littleton:** Any discussion? All right. All those in favor say Aye. Chris.

**Chris Bernard:** Aye.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Aye.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Aye.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Aye.

**Bridge Littleton:** Kevin.

**J. Kevin Daly:** Aye.

**Bridge Littleton:** And Philip.

**Philip Miller:** Aye.

**Bridge Littleton:** Motion approved, meeting adjourned.