



**MIDDLEBURG TOWN COUNCIL  
Regular Monthly Meeting Minutes  
Thursday, May 13, 2021**



**PENDING APPROVAL**

**PRESENT:** Mayor Trowbridge M. Littleton  
Vice Mayor Philip M. Miller  
Councilmember Chris W. Bernard  
Councilmember J. Kevin Daly  
Councilmember Morris “Bud” Jacobs  
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  
Estee LaClare, Planning & Project Associate  
A.J. Panebianco, Chief of Police

**ABSENT:** Councilmember Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, May 13, 2021. Due to Governor Northam’s executive orders requiring that people social distance, the meeting was held as a hybrid meeting, with some of the Council and staff participating in-person and others participating remotely.

Mayor Littleton explained for the viewing audience that it was the Council’s responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, the Council would hold its meetings via remote access until such time as the Governor rescinded his executive orders.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. 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.

Town Clerk North reviewed the procedures for those individuals who wished to speak during the meeting via Zoom.

**Public Hearings & Approvals**

**2021 General Fund Obligation Bond – Town Hall Project**

Town Manager Davis reported that this item involved the financing of up to \$8 million through a direct bank loan from Truist Bank; and, reminded Council that the Middleburg Strategic Finance Committee recommended its approval. He noted that under the terms of the proposal, the Town could repay the loan early through multiple opportunities if desired. Mr. Davis advised that Joe Mason, of Davenport Financial, and Brendon Staley, of Hunton, Andrews and Kurth, were available to answer any questions the Council may have.

No one spoke and the public hearing was closed.

*Councilmember Bernard moved, seconded by Councilmember Leonard-Morgan, that Council approve an “ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF MIDDLEBURG, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,000,000 TO FINANCE VARIOUS CAPITAL*

*IMPROVEMENT PROJECTS FOR GOVERNMENTAL PURPOSES” and a “RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD BY THE TOWN OF MIDDLEBURG, VIRGINIA, OF A GENERAL OBLIGATION BOND, HERETOFORE AUTHORIZED, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF”*

Mayor Littleton thanked everyone for their hard work in putting the bond proposal together.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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**Ordinance Moving Town Elections to November of Odd-Numbered Years**

Town Manager Davis reminded Council that the General Assembly mandated municipal elections be moved to November. He advised that without action by the Council, they would automatically move to even-numbered years; however, the Town had a limited opportunity to move them to odd-numbered years. Mr. Davis reported that the public poll that was conducted via a mailer determined there was a strong preference that the elections be held in odd-numbered years. He noted that the Town received a 30% response rate, which was very high. Mr. Davis reminded Council that if the elections were moved to odd-numbered years, candidates would need to file to be on this year’s ballot no later than June 8<sup>th</sup>.

No one spoke and the public hearing was closed.

*Councilmember Pearson moved, seconded by Councilmember Daly, that the Council approve an Ordinance to Establish Town Elections in November of Odd-Numbered Years.*

Mayor Littleton asked that the Council and staff get the word out about this change. He reminded those members who were up for re-election of the need to file their paperwork within the next three weeks.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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**Special Recognition by Mayor & Council**

**Oath of Honor** – Officer Daniel Hinegardner

Chief Panebianco introduced Officer Daniel Hinegardner, who had ten years’ experience with the Page County Sheriff’s Department. He opined that he would be a great fit for the community. Chief Panebianco noted that this was Police Week. He recognized his staff and thanked them for their hard work. Chief Panebianco administered the Oath of Honor to Officer Hinegardner. He advised that with the addition of Officer Hinegardner, almost 100% of the Police Department would be certified in crisis intervention training. Chief Panebianco reported that he would begin his duties on April 15<sup>th</sup>.

**Staff Reports**

**Town Hall Project**

Town Clerk North reported that during their May 6<sup>th</sup> meeting, the HDRC would review the revised elevation drawings that were based on their comments and expressed hope that the formal COA application would be submitted to the Committee during their June 3<sup>rd</sup> meeting. She advised that she would share the revised elevations with the Council as soon as they were received. Ms. North reported that the special use permit associated with the front yard setback would be introduced to the Planning Commission on May 24<sup>th</sup>. Ms. North opined that the project was moving along well.

**COVID Status Report**

Town Manager Davis noted that the Centers for Disease Control revised their guidelines earlier in the day and reported that those who were fully vaccinated could engage in indoor or outdoor activities without a mask or the need to social distance, with a few exceptions; however, individuals must still follow their state’s guidelines. He further reported that the Governor was reviewing Virginia’s guidelines and advised that while individuals were not required to wear them outdoors, he had not yet addressed the need for masks when engaging in indoor activities. Mr. Davis expressed hope that the Governor would update his orders and noted that the State was on a positive trajectory.

In response to an inquiry from the Council, Town Manager Davis reminded the members that the workplace rules were different and expressed hope they would be changed at the same time as the Governor’s orders to avoid confusion.

**Consent Agenda**

- A. Council Approval – April 12 & 14, 2021 Special Meeting Minutes; April 22, 2021 Regular Meeting Minutes; May 4, 2021 Special Council Meeting Minutes

*Councilmember Leonard-Morgan moved, seconded by Vice Mayor Miller, that Council approve the consent agenda as presented.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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**Action Items**

**Appropriations Ordinance – FY ‘22**

Town Manager Davis advised Council that they had all the information that was available to date. He noted that there would be a final amendment to update the cost for the Town Hall Project in the CIP in the future years; however, this was not included in this year’s budget. In response to an inquiry from the Council, Town Manager Davis reported that the information had not yet been released regarding the amount of HEROES funding the Town would receive. He advised that it was supposed to be released next week and suggested it could be anywhere from \$80,000 to \$1 million.

Mayor Littleton opined that the HEROES funding would be reduced significantly over what was first reported.

*Councilmember Jacobs moved, seconded by Councilmember Daly, that Council adopt an Ordinance to Approve Budget, Adopt Tax Rates and Make Appropriations for Fiscal Year ending June 30, 2022.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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### **Discussion Items**

#### **Zoning Text Amendment 21-01: Ordinance to Amend Section 121 of the Middleburg Zoning Ordinance Pertaining to Building Height in R-2 Single-Family Residential District**

Deputy Town Manager Moore reminded Council that in January, they directed the Planning Commission to study some concerns regarding the character of infill development and redevelopment that was occurring, particularly in the Ridgeview area. He further reminded them that the Commission was supposed to do a complete re-write of the zoning and subdivision ordinances based on the recently updated Comprehensive Plan; however, the Council asked them to separate out this item. Mr. Moore confirmed the Commission did so and reported that they agreed to advance the amendment to the building height and side yard requirements in the R-2 Residential District that was currently before the Council. He explained that this amendment would create a relationship between the building height and the side yard setback by reducing the allowable height from thirty to twenty-five feet and allowing for one foot increases in the building height, up to a maximum of thirty feet, for each additional foot the side yard was increased above the minimum. Mr. Moore noted that the twenty-five-foot height limitation would make it difficult to construct two-story homes. He reported that the Commission did not advance an amendment to establish a maximum lot size limit. Mr. Moore reminded Council that the public was concerned about the home that was under construction and advised that such a home could still be constructed under the proposed ordinance.

In response to an inquiry from the Council as to how that could be addressed, Deputy Town Manager Moore advised that the Planning Commission planned to study the lot coverage requirements. He reminded Council that currently, thirty percent of the lot could be under roof and suggested they could impose a maximum square foot limit. Mr. Moore advised that in addition, the calculations did not include other impervious surfaces and noted that an individual could currently pave their entire yard. He confirmed that addressing lot coverage would address the ability to construct a house like the one under construction.

In response to inquiries from the Council regarding the proposal to establish a maximum lot size, Councilmember Jacobs advised that some of the Committee members felt that revising the lot coverage requirements would be more impactful.

Deputy Town Manager Moore reiterated that this was the first step for the Planning Commission. He advised that the proposed amendment would be scheduled for a public hearing during Council's May 27<sup>th</sup> meeting.

Councilmember Jacobs noted that this was a difficult issue for the Planning Commission. He opined that the Council should expect to receive public comment during the public hearing based on some social media posts he read.

Mayor Littleton noted that there could be unintended consequences of making changes and expressed appreciation that the Planning Commission was trying to address this issue creatively so things would not get worse. He further noted that property rights affected the individual, as well as others. Mr. Littleton agreed this was a hard issue to address and opined that what the Commission forwarded was a great start. He expressed concern that in ten years, Middleburg could be like Aspen, Colorado and suggested the need to look at other tools that may be available to prevent this from happening.

Councilmember Jacobs noted the need for the Planning Commission to reconcile the zoning and subdivision ordinances with the Comprehensive Plan.

The Council agreed what the Commission was proposing was a good start. They noted the need to continue to look for tools to preserve the scale and character of the neighborhood, while still allowing for a variety of homes. The Council suggested that in the future, they did not want Ridgeview to look like the new development that recently occurred on Reed Street and noted the need for balance. The Council agreed to advance the proposed amendments to a public hearing.

Zoning Map Amendment 21-01: Ordinance to Rezone 0.5153 Acre Portion of Land at 10 West Marshall Street from R-1 Single-Family Residential District to C-2 Commercial District and to Rezone 0.59696 Acre Portion of Adjoining Vacant Land from Mixed Use Village with Proffers to C-2 Town Commercial District

Deputy Town Manager Moore noted that the next two zoning map amendments were related to the Town Hall Project. He advised that this item was to rezone the former Kaye property that was acquired by the Town from R-1 Residential to C-2 Commercial to match the existing Town Office zoning, as well as that of the surrounding properties on Marshall Street. Mr. Moore further advised that it would also rezone the adjoining property the Town was in the process of acquiring from Salamander from MUV Mixed Use Village to C-2 Commercial. He reported that the Planning Commission unanimously recommended approval of this request.

Council directed this matter be advertised for a public hearing during their May 27<sup>th</sup> meeting.

Zoning Map Amendment 21-02: Ordinance to Amend Proffers Associated with Conditionally Zoned R-1 Single-Family Residential, R-3 Residential and MUV Mixed Use Village District Properties

Deputy Town Manager Moore advised Council that this zoning map amendment would clean up the proffers associated with the Salamander property and reviewed the proposed changes. He reminded the members of the plan to site the new Town Hall on property already owned by the Town; therefore, the proffers needed to be amended to strike the language that required the donation of land for that purpose and to replace it with language related to the use of the Village Green. Mr. Moore noted that the Village Green would remain under the ownership of Salamander; however, the Town would be able to use it.

Council directed that this matter be advertised for a public hearing during their May 27<sup>th</sup> meeting.

Ordinance to Implement Emergency Procedures & Effectuate Temporary Changes to Address Continuity of Government Operations During COVID-19 Pandemic

Town Manager Davis reminded Council of their desire to review the ordinance. He further reminded them that the Governor proposed to rescind some of his restrictions in May and to let the entire emergency declaration expire June 30<sup>th</sup>. Mr. Davis suggested the Council could change it or keep the ordinance in place until it knew what the Governor was going to do. He noted that the Town only used the authority granted under the ordinance for those items that were necessary.

In response to an inquiry as to whether rescinding the ordinance would affect the Town's ability to collect COVID assistance funding, Town Attorney Crim opined that it would not.

After some discussion, the Council agreed to leave the ordinance in affect until the Governor’s orders expired.

**Information Items**

Town Manager Davis announced that there would be a ribbon cutting ceremony on May 28<sup>th</sup> for the PLAYroom Retail, LLC. He noted that they would have a soft opening this coming weekend.

Town Manager Davis reported that the Town’s branding firm, Red Thinking, submitted Middleburg’s rebranding process for an award of excellence through the Communicator’s National Communications Award Program, which it won, for the branding and marketing category.

Town Manager Davis reported that the Town received nineteen responses to its RFP on social media, which were under review. He further reported that it received fifteen applications for the Business Development Director position, which were also under review. Mr. Davis advised that the Town was recruiting to fill the Town Treasurer/Finance Director position.

Councilmember Leonard-Morgan thanked the Police Department for their support of the Annual Spring Clean-Up event, as well as the used battery collection event. He noted that the Town was not very dirty and opined that people were keeping it clean.

**Council Approval** – 2021 General Obligation Bond

Mr. Staley, of Hunton Andrews, requested the Council take a separate vote on the bond resolution.

*Councilmember Bernard moved, seconded by Vice Mayor Miller, that Council approve a resolution providing for the issuance, sale and award by the Town of Middleburg, Virginia of a general obligation bond, heretofore authorized, in a principal amount not to exceed \$8,000,000 and providing for the form, details and payment thereof.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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**Closed Session**

*Vice Mayor Miller moved, seconded by Councilmember Daly, 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) appointments to a public body related to Go Green as allowed under Subsection (A)(1); (2) the disposition of publicly held property related to the Asbury Church as allowed under Subsection (A)(3); (3) briefings by staff members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body related to a requested boundary line adjustment as allowed under Subsection (A)(7); and, (4) for consultation with legal counsel employed by the Town regarding specific legal matters requiring the provision of legal advice by such counsel related to the enforcement of the zoning ordinance pertaining to limited residential lodging as allowed under Subsection (A)(8). Vice Mayor Miller further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.*

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

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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.

Appointments to Go Green

*Councilmember Leonard-Morgan moved, seconded by Councilmember Bernard, that Council reappoint Todd Hathaway, Lynne Kaye, and Mary Woodruff to Go Green for two-year terms, said terms to expire May 12, 2023.*

Vote: Yes – Councilmembers Miller, Bernard, Daly, Jacobs, Leonard-Morgan and Pearson  
No – N/A  
Abstain: N/A  
Absent: Councilmember Kirk  
(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 8:09 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

## May 13, 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:** All right, we will bring the May 13th town council meeting to order, first item is Pledge of Allegiance.

**Everyone:** [Pledge of Allegiance]

**Bridge Littleton:** All right. Next item is the roll call. Philip.

**Philip Miller:** Philip Miller.

**Bridge Littleton:** Bridge Littleton.

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

**Cindy Pearson:** Cindy Pearson,

**Chris Bernard:** Chris Bernard.

**Bridge Littleton:** Bud

**Bud Jacobs:** Bud Jacobs.

**Bridge Littleton:** Kevin.

**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:** Martin.

**Martin Crim:** Martin Crim, Town Attorney.

**Bridge Littleton:** All right. The only one of us who truly gets paid by the hour. OK, next item is a remote meeting announcement. It is the Middleburg Town Council's responsibility to conduct essential public business despite the covid-19 pandemic, however, recognize the need to do so safely, not only for its Member ship, but also for the town staff and Member s of the public. To that end, the town council will hold its meetings via remote access until such time as the governor rescinds his emergency orders mandating social distancing. Copies of the previously referenced documents are available the town's website on the town's website for those who wish to see it. As always, we will hold a public comment session at the beginning of the meeting and at the end of the meeting, and we have procedures for that. So next item is going to be the first public comments session. So, Rhonda, do you want to go over the rules for if there's anybody online? Yes, sir.



**Rhonda North:** So if attendees would like to speak either during the public comment session or a public hearing or as participants on an item, we ask that you follow the following procedures. If you're on the computer or device, could you please raise your hand or enter a message in chat to let me know that you would like to speak. If you're on the phone, please. Press star nine. And once you're granted the opportunity to speak, please, unmute yourself, if you're on the telephone, you'll need to press star six to do so.

**Bridge Littleton:** Ok, great. So we will now open the public comment session for anybody who would who wishes to address town council. I don't see anybody here in person except the press. Is the press looking to speak? No. OK. Rhonda, do we have anybody online who would like or on the phone who would like to address council?

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

**Bridge Littleton:** We do not. OK, we will now close the public comment session and move on to the public hearing for the general fund obligation bond for the town hall project. Danny?

**Danny Davis:** Thank you, Mr. Mayor. This item is a public hearing for the financing of up to eight million dollars of a direct bank loan with Truist Bank for eight million dollars. And this is the same information that was provided to you in the last meeting and discussion and was recommended by the Strategic Finance Committee. And the positive aspect of this proposal, again, is portion of the repayment opportunities potentially multiple times, depending on the function of those repayments. And with that, Mr. Mayor, we're happy to answer any questions. We do have Davenport, as well as a representative from Hunton Andrews Kurth our bond council, in case there are any questions. If not, there is a motion to approve both the ordinance and the resolution.

**Bridge Littleton:** Who's on from Davenport?

**Danny Davis:** We are Joe Mason on from Davenport. And then we have the Brendon Staley from Hunton Andrews Kurth.

**Bridge Littleton:** Ok. gentlemen, thanks for calling in and supporting us. So I will now open or any questions from council before we open the public hearing? Anybody online. OK, we will now open the public hearing on the town hall bond item. No one is here in person. Rhonda, is there anybody online?

**Rhonda North:** There is not, Mr. Mayor.

**Bridge Littleton:** Ok, we will close the public hearing on the town hall obligation bond, general fund, obligation bond fund, unless there's any other questions for town staff. Is there a motion, Chris?

**Chris Bernard:** I was going to make a motion.

**Bridge Littleton:** Yes, please.

**Chris Bernard:** Great Ok, I move that the town council approved an ordinance authorizing the issuance of general obligation bonds of the town of Middleburg, Virginia, in the maximum principal amount of eight million dollars to finance various capital improvement projects for governmental purposes and a resolution providing for the issuance sale and award by the town of Middleburg, Virginia, of a general obligation bond heretofore authorized in a principal amount not to exceed eight million dollars and providing for the form, details and payment thereof.

**Peter Leonard-Morgan:** Second.

**Bridge Littleton:** Is there any other discussion? I just want to say thanks to Danny, Rhonda, Will the entire town staff. Davenport and all the folks who supported us there, Joe, you and your team, and also to the Strategic Finance Committee. This is hard stuff and the detail you've got to sweat the details because it really matters. And I think we everybody did a

really good job. And we've we've gotten a great result. So thanks to everybody for doing that. OK, I believe this has to be a roll call vote. So, Rhonda, do you want to call the roll.

**Rhonda North:** Vice Mayor Miller?

**Philip Miller:** Aye.

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Daly.

**Kevin Daly:** Aye

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Rhonda North:** Council Member Leonard-Morgan.

**Peter Leonard-Morgan:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Aye.

**Bridge Littleton:** All right. Next item is a public hearing on the ordinance to move town elections to odd numbered years, Danny.

**Danny Davis:** Thank you, Mr. Mayor. As discussed previously, the General Assembly has mandated to move the municipal elections to November. And without any action by the town council, those would default to even year elections, which coincide with typically federal elections, including presidential elections. However, the town has a limited window of opportunity to preempt the legislation that was passed and move town elections to odd number of years in November, which would more coincide with local and state elections such as governor delegates, state senators and board of Supervisors. We did at Councils request to a public mailer, and I believe the final numbers are the same. I think is listed in here, very close to it, a strong preference from the responses we received for the odd year elections, a fair number of folks with no preference and then a smaller number supporting even year elections. I would note that we received almost a 30 percent response rate, which for a survey is very, very high and very, very good. And so we appreciated the response of the community. Again, just as a reminder, if no decision is made, then it would default to even year elections. If a decision is made to move to odd years, then those interested in running for council terms in November of 2021 would need to file with the general registrar by June 8th, and that is just over three weeks from now. So it's a fairly short turnaround. With that Mr. Mayor, we're happy to answer any questions, Mr. Crim, or I would be happy to answer anything you might have.

**Bridge Littleton:** Thank you. Does anybody have any questions for Danny or Martin? Anybody online? Nope. All right, Rhonda, let's go ahead and open the. Cindy yeah. [off mic] so we got to open the public hearing, so I will now open the public hearing. I don't believe that anybody in person. Rhonda, do we have anybody online?

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

**Bridge Littleton:** Ok, we will close the public hearing with that. Is there a motion? Cindy?

**Cindy Pearson:** I move that town council will approve an ordinance to establish town elections in November of odd numbered years.

**Kevin Daly:** Second.

**Bridge Littleton:** Any other discussion? The only thing I want to mention is so really appreciate you guys doing this, I think we did exactly the right thing. But with the filing deadline only three weeks away, let's really, really work hard at getting the word out that maybe even run an ad in a local paper, per say, but they got three weeks to get the paperwork in. Right. And by the way, anybody here who wants to run for reelection, if you're up if you were up next May, your paperwork's now due in three weeks, not in nine months. So I think we really need to aggressively get the word out. Cindy. Yeah Cindy. Remember you committed to four years or longer. All right. OK, the roll call vote.

**Rhonda North:** Vice Mayor Miller.

**Philip Miller:** Aye.

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Daly.

**Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Rhonda North:** Council Member Leonard-Morgan.

**Peter Leonard-Morgan:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Aye.

**Bridge Littleton:** All right, and elections in Middleburg have forever been changed. OK, next item is public presentation, swearing in ceremony for Officer Daniel Hinegardner. The only time you'll ever get that right. [off mic]

**AJ Panebianco:** Very quickly, I want to introduce Daniel. Daniel comes to us with great experience, he's got about 10 years of experience with Page County Sheriff's Office. In that time frame. He also was hired as the second in command for the Stanley Police Department, but found that he didn't like office work. So he went back to the sheriff's office. He ended up [inaudible] and that's where we are hiring him from [inaudible]. So very pleased to have him on board. It was a long and arduous process, but it was well worth the wait. I believe we've got a great fit for our community and that's so important, which is why we would rather let it take longer to to get the right person than to settle for somebody who's not going to fit our community. So certainly I'm happy to have him here. I'd also like to just quickly mention that it is police this week. So want to recognize my staff that's here. For those of you that don't know, Bill, I don't know how you wouldn't, that's Bill. We got Shawn and now we have Daniel. And of course, we can't forget Mark, Jason and [off mic]. They do a fantastic job for the community and really put it out there. This year already there is one hundred one police officers killed. Twenty three by firearms, which is up twenty eight percent from last year in firearms deaths. And so we want to recognize our officers who go out there and really put it on the line. I want to say thank you all of them. So I appreciate [off mic]. All right. If we can get Daniel, also one other thing about Daniel. He is CIT certifies. So when we have one more officer certified with CIT which is crisis intervention training, it's what we do when we deal with mental

health issues. We will have a hundred percent of working of our [off mic], which is hard to do [off mic]. So Daniel, we're going to get you up here we're going to get you to come over here and get sworn in. We'll kind of face this way. By the way, I don't know if you can see the top corner is Kevin Daly. Kevin Daly is our liaison for the police department for council. He comes over every day and is a bright spot of our morning most mornings. So we're going to be he just recently sworn in by the clerical court, literally 20 minutes ago. And and so now we're going to do what we do here, Daniel, is we besides the authority that the court gives you, the obligation to serve the citizens is something different. And so what we do is we give you the police officer's oath of honor so I can get you to raise your right hand and repeat after me. On my honor.

**Daniel Hinegardner:** On my honor.

**AJ Panebianco:** I will never betray my badge.

**Daniel Hinegardner:** I will never betray my badge.

**AJ Panebianco:** My integrity.

**Daniel Hinegardner:** My integrity.

**AJ Panebianco:** My character.

**Daniel Hinegardner:** My character.

**AJ Panebianco:** Or the public trust.

**Daniel Hinegardner:** Or the public trust.

**AJ Panebianco:** I will always excuse me. I will always have the courage. I will always have the courage to hold myself and others accountable.

**Daniel Hinegardner:** I always have courage for myself and others accountable.

**AJ Panebianco:** For our actions.

**Daniel Hinegardner:** For our actions.

**AJ Panebianco:** I will always uphold the Constitution.

**Daniel Hinegardner:** I will always uphold the Constitution.

**AJ Panebianco:** My community.

**Daniel Hinegardner:** My community.

**AJ Panebianco:** And the agency I serve.

**Daniel Hinegardner:** And the agency I serve.

**AJ Panebianco:** Well we're proud to have you, Daniel. I think we are still doing this. [off mic] Welcome aboard. We are glad to have you and he starts Saturday. [multiple speakers] And it's his son's 10th birthday today. So we're letting him get out of here to go home and celebrate. [multiple speakers].

**Bridge Littleton:** Next item is staff reports, is there any specific staff report any member of council would like to go over? Kevin or Bud

**Kevin Daly:** Negative.

**Bud Jacobs:** No, I'm good, thank you.

**Bridge Littleton:** Ok, great. Next item, well we can go past that one is the town hall project, Miss North.

**Rhonda North:** Thank you, Mr. Mayor. You have my report. The HDRC did look at the elevations during their meeting on May the 6th. They've recommended some tweaks and we are working to to address those. We hope to have those on Monday and we'll be sharing them with you. When we receive them from the architect. They'll go to the HDRC in a special meeting on the 20th. And we anticipate actually submitting the application for consideration on June during the June 3rd meeting. Later this month, the Planning Commission will have their first look at the special use permit application associated with the project. That's needed because the setback will exceed 30 feet. But things are moving along very well.

**Bridge Littleton:** Anybody have any questions for Rhonda on the Town Hall Project? Anybody online? Nope. All right, one second here, next item is COVID report. [off mic].

**Danny Davis:** Thank you, Mr. Mayor. Thankfully, our updates as of late have been relatively positive news and continues to go that direction. As I think you're all probably aware, the CDC came out today with revised guidelines that if you are fully vaccinated, you can resume activities outdoor and indoor without a mask or social distancing, with a few limited exceptions, being things like being on a bus, a plane, prisons, and a few things like that. However, they do state that you must continue to follow state regulations and guidelines. The governor about an hour ago posted on Facebook and Twitter that Virginia will continue to follow CDC guidelines. As we have done throughout the pandemic. We are reviewing the new mask and distancing recommendations and we'll update our guidance accordingly. The latest update that they provided back at the end of April said essentially that the state would follow CDC guidelines for wearing masks outdoors. So essentially that remains in effect, where the CDC guidance for outdoors is effective essentially immediately. However, it didn't state that the state would follow CDC guidelines for masks indoors. Very confusing. Doesn't really help us all. We're hopeful that the governor will provide some updates sooner rather than later. That being said, it shows that we are in a positive trajectory with the vaccine and with cases. And as soon as we get more information, we will continue to pass that along. Did I completely confuse you.

**Philip Miller:** Didn't that last update that they did, though, also say that was it groups under 10 fully vaccinated can gather indoors? Right.

**Bridge Littleton:** But that's not the governors.

**Philip Miller:** No, that was Virginia, right?

**Rhonda North:** It was the CDC.

**Bridge Littleton:** Ok. I don't think Northam's changed anything indoors yet at all. No, I appreciate that Danny. That's good to know. [off mic] I mean, I was about to go. [off mic]

**Danny Davis:** And the secondary aspect of that, too, is workplace rules, because there are actually separate rules for workplace than there are for the general public. And we are very, very hopeful that they make those amendments and changes at the same time, because it could be very confusing for the public to think that they can go without a mask and yet if they enter our workplace, be required to wear a mask. So we're hopeful that there's going to be some consistency across the board. Then there's the issue of who is vaccinated or not. That's where we stand currently.

**Bridge Littleton:** Ok, thanks. Yeah. I mean, I think one of the things that will be helpful to understand is and this is where it's going to get complex. If you're vaccinated. Yeah. Show me your papers. That's not a good place to start going down. Right. So I just I wonder how they're going to. Anyway. All right. Not for us to decide. OK, thank you, Danny. Next item is the consent agenda. Does anybody have anything they would like to remove from the consent agenda? Oh, you guys are so special. Is there a motion?

**Peter Leonard-Morgan:** I move that council accept the consent agenda as presented.

**Philip Miller:** Second.

**Bridge Littleton:** Any discussion, all those in favor say aye.

**Everyone:** Aye.

**Bridge Littleton:** Opposed abstentions. OK, next item. I mean, it's consent agenda. [multiple speakers] Hey, Philip, we're not to page three yet. All right. Next item here is the appropriations ordinance.

**Danny Davis:** Mr. Mayor, we've provided all the information to date updated through the budget discussions, the first attachment shows just the brief changes that were made after presentation of the budget in February. And with that, the budget is in the final one amendment that's not directly shown on that attachment is accounting for the revised cost of the town hall project in the future years in the CIP specifically fiscal year 23, which again is not appropriated in this year. It's just shown in the plan. With that, Mr. Mayor, we're happy to answer questions and it is ready for approval if council would like to approve.

**Bridge Littleton:** Ok I have a quick question. We don't have anything yet, I know in your COVID report, but I thought I saw an email earlier from Bob Lazaro about what our funding numbers would be.

**Danny Davis:** That is correct. They have not released the funding numbers for non-entitlement units of government. I've done a few various calculations.

**Bridge Littleton:** What would we get if we got the change that Leesburg got?

**Danny Davis:** Well, there's this is slightly different because the calculation for entitlement entities, which they ended up falling under, included things more than just population that included poverty rates and overcrowding percentages. So, for instance.

**Bridge Littleton:** No, I got all that, but they went from like 40 million to like five.

**Danny Davis:** Correct, but it is a different calculation.

**Bridge Littleton:** I understand it's a different every calculation. My point is they went to a tenth of what they originally thought they were getting.

**Danny Davis:** That is true.

**Bridge Littleton:** All right.

**Philip Miller:** But those guidelines are supposed to come out next week or those numbers.

**Danny Davis:** Yes, they are supposed to come out. They're supposed to in the next few days, probably Monday. And it could be anywhere from eighty thousand dollars to over a million. It's just.

**Bridge Littleton:** Yeah, I mean, I think what I've seen everybody who was told their numbers, everybody went down significantly.

**Danny Davis:** Some may have gone up

**Bridge Littleton:** I didn't. I mean, the list I saw, I didn't see any, but I could be wrong.

**Danny Davis:** Blacksburg got twice as much as Leesburg because of,

**Bridge Littleton:** I know. But what they were supposed to get to what they ended up getting now. Yeah, OK. All right. Thanks. Did anyone have any questions on the budget or excuse me, the appropriations. And the tax rates. OK, is there a motion?

**Bud Jacobs:** I'll make one.

**Bridge Littleton:** Go ahead Bud.

**Bud Jacobs:** I move that the town council will adopt an ordinance to approve budget, adopt tax rates and make appropriations for fiscal year ending June 30, 2022.

**Kevin Daly:** Second.

**Bridge Littleton:** Any other discussion. Rhonda I believe this has to be roll call.

**Rhonda North:** Yes, sir. Vice Mayor Miller.

**Philip Miller:** Aye.

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Daly. Council Member Daly.

**Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Rhonda North:** Council Member Leonard-Morgan.

**Peter Leonard-Morgan:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Ok, thank you everybody. OK, next items. Where is Will Moore? There he is. All right. Zoning Text Amendment ordinances. We've got a couple here.

**Chris Bernard:** This where it gets exciting.

**Will Moore:** We do. The first item. Mr. Mayor, Members of the council is zoning text amendment. In January, council directed staff and the commission do some study on some concerns about the character of infill and redevelopment homes that had been constructed, particularly in the Ridgeview area. And as you may recall, the original intent was for us to pursue a complete rewrite of our development regulations, a zoning ordinance and subdivision ordinance. But due to some of your concerns, you asked us to separate this one topic out, prioritize it for review, separate from embarking on an overall rewrite. So the commission has spent the last few months at your direction diligently studying this issue of I've given you a pretty extensive background and I won't go over all of this. But after all that diligent study staff then presented a few areas for the commission to consider where some ordinance requirements or standards could be tweaked to address your concerns, as well as concerns that arose from their study in particular. In particular, we looked at side yard requirements, building height, the possible introduction of a maximum lot size, and then also possibly redefining or putting in different standards for lot coverage. What the commission did after reviewing the initial staff proposals was proceed with the amendment that you see before you now, which it's titled as an amendment to building height regulation, but it also is directly related to the side yard. So in R2 zoning district, which all of Ridgeview is zoned R2, as well as Fox Hills, which is the north side of Stonewall Avenue, essentially, as is the [off mic] the side yard requirement is a minimum of seven and a half feet. So if lots next to one another build to that minimum requirement, you only have 15 feet in between, you know, from foundation to foundation, which can be a little tight. But, you know, with in particularly with one story homes, it doesn't have too much of an effect on the character of the neighborhood because you still have that basic zoning principle of provision for circulation of air and light. So it doesn't feel too cramped with one story homes. But when you go to a two story home and you only have that minimal spacing, it starts to have an effect. And I think it's I don't want to speak for the commission because individual commissioners had various reactions to some of the different properties that we studied where there is infill development over the last five to six years or teardown and rebuild. But I think what really came out is the most stark example of the concern that the commission saw was probably the three consecutive homes on Reed Street that were built just more then the library, because those are the ones that are built to the maximum building height of 30 feet to the bare minimum side yard of seven and a half feet. And you have three of those directly in a row. So what the commission chose to proceed with was creating this relationship between allowable building height and the minimum side yard. So what this amendment would do would reduce the baseline maximum building height from 30 feet as it is today, to 25 feet. It would be very hard to get a two story home out of twenty five feet, but you could still get a one story home with a pretty steeply pitched roof at that height. That would be the baseline if you were providing that minimal side yard of seven and a half feet. But what this amendment would provide was that for every additional foot of side yard minimum that you would provide and you would have to provide it on both sides, you could increase your building height by one foot up to a maximum of 30 foot. So if you think back to those homes I referenced on Reed Street, you could still have three homes of that height and of that spread that width consecutively. But you would have to have 12 and a half foot side yards or a total of 25 feet in between each of those homes as opposed to 15 feet that is provided now. So this still provides the ability to build a larger home, but essentially saying you need to site a home on a lot that it is appropriate for. So having to have that spread. The introduction that staff made, a potential maximum lot size was not as well received by the commission of. So that under this proposal would remain that you still have a minimum lot size, but there would be no maximum lot size. So you can still consolidate lots together and build larger homes, but you still have to have that relationship between side yard and building height. So you couldn't encroach as close to neighboring properties. But I will point out that as written, I know some Council Members some members of the public have some concerns about a home that is currently under construction in the Ridgeview neighborhood as this is written, that home could still be built as it is being built today because that maximum lot size would not be in effect. And the way they were building it, they would need that increased side yard, which would allow them to go up to the 30 feet. So just want to make that clear, that particular home that is under construction could still be built in the manner in which it's been built. If this proposal [inaudible].

**Bridge Littleton:** So Will, let me stop you right there and ask, so that's a great point. I want to own a deep dove on that. So I get the I think it's I think it's a really creative way with the side lot and the height, you know, hey, you want to go up, you got to go that way. A certain point you're going to have a pencil and OK, that doesn't work. Right. So I see how that forces a better dynamic balance. But then I get the other piece of it right. Hey, I got a truckload of money. I'll buy nine lots. Make it twenty five thousand square feet. Seven feet, 12 feet. Who cares. Right? I've got I got twenty five thousand square foot lot. I can build the Taj Mahal. Right. So I get your guy. So that is that what you're trying to address with your alls recommendation on the maximum size. To a degree.



**Will Moore:** That was one way to address it. Yes, absolutely. Now, I will say that also buried in my report here is that the commission realizes there's still work to do. So what is being proposed here is the first step where we really where the commission really wants to focus next is on a deep study of our lot coverage requirements. So right now, building area under roof can exceed no more than 30 percent of your lot in R2 district. Now, if there's no maximum lot size, the building could get progressively larger. So maybe there's a maximum cap on that in terms of square feet, regardless of your lot size. The other issue we have with a lot coverage as it's currently written. Again, it only applies to area under roof, but it doesn't apply to other impervious areas. So you could theoretically pave your entire yard. And we've seen a couple instances where folks have had expressing concern about the amount of pavement and off street parking area and patios and things that nearly covered entire lots. So that's really the next step. And I can see coming out of that. Again the one property that we're speaking of that could change the ability to do something exactly like that could change as we dig down further. The maximum lot size would have been one way to address it. The commission put a lot of thought into that and they simply didn't think that that was an appropriate way to address it. So they chose not to initiate an amendment that would include that aspect, but still realized that this issue of as the property gets larger, buildings could continue to spread and get much larger, much larger. They do realize that that still needs to be addressed. They're just going to try to address it in a different manner.

**Peter Leonard-Morgan:** Will, was there a rationale for not addressing not talking about a maximum lot size? I'd love to know what that was.

**Bridge Littleton:** Was it unanimous or [off mic]

**Will Moore:** And maybe Mr. Jacobs can help me on that. I know there was a lot of debate in general about the idea of changing regulations at all. In the end, we got unanimous support for what's coming forward here. I think there were maybe Mr. Jacobs, if you could refresh my memory, just a few members that were at least entertaining the idea of the maximum size. But there were at least several that were adamantly opposed to.

**Bud Jacobs:** That is pretty much what I remember Will. I thought it was an achievement, actually, to get a unanimous vote on the two items that we're proposing for your. As I recall, there wasn't much stomach at all for grappling with the maximum lot size question at this point, and I believe some commission members and maybe even a majority thought that dealing with the maximum lot coverage issue in the end would be more impactful. [off mic]

**Will Moore:** So, again, I would encourage council to view this as kind of a first step toward addressing your concerns and the commission realizes there's more work to do and is prepared to embark on that work sooner than later. And so this would be scheduled for a public hearing, as with the next two items at your next meeting in May and potentially for adoption at that time as well.

**Bridge Littleton:** Ok, so questions. Buds. Oh wait. you know, hey, Bud, give us your sort of view of the world too.

**Bud Jacobs:** Well, Will has summarized my view pretty succinctly, I don't disagree with anything he said. I have to say these issues have been pretty difficult for the commission to come to grips with. And I think when we have the public hearing at the end of this month, I guess the 27, I would expect that there will be quite a bit of public comment and reaction to these to these two items. I haven't had anybody talk with me personally about them, but I have seen a fair amount of comment, most of it negative in social media.

**Bridge Littleton:** Yeah, I've seen that generated from a specific individual myself.

**Bud Jacobs:** Yeah, it may be from one person. That's right. Yeah.

**Will Moore:** I will say that staff has had a few inquiries. I think three separate individuals have spoken directly about it. I would characterize one person as being in opposition, but understanding what we're trying to accomplish but just being opposed to the idea that this could be limiting to that person's property in the future. And the other two, I would just characterize as being inquisitive about what the actual changes are, what it would mean but didn't really state opposition or support.

**Bridge Littleton:** Any other questions for Bud or for Will? All right, so I think now we just sort of discuss it a little bit ourselves out of the gate, I would say this, the specifics are hard, right? And you got to look for the law of unintended consequences. I mean, it's kind of a great point, right? You put these heightened things you like. Oh, that's great. That solves it. But then it's like actually, did you incentivize people to buy five lots, put them all together, create a big one, then build an even bigger house. So like cluster right clusters were designed to protect open space, but it's actually had the negative effect because people didn't think about other ways it could get manipulated. So Will, I really appreciate you guys trying to be creative and be like, OK, it does one good thing, but it could actually incentivize something else would actually it ends up being worse. So how do we fix that piece? So the second thing I would say is. The feedback I've gotten over time, not really on this specific zoning stuff with a couple of the properties we're talking, the one the one big one that we're really talking about and the stuff on Reed, everything I've heard has always been anecdotal, right? It's how did this happen? You know, why did Town let this happen? You know why the town changing the character? That big thing is not Middleburg. Now, that's not specifics. That's not actionable. It's just sort of sentiment. One person stopped me who read the zoning ordinances or read the post on Facebook and stopped me in the street and said what are you doing to my property rights? And I said, well, no, wait, that this this this and he's like, oh, yeah, I don't want that. I'm OK. I'm OK with it. And I think the last comment I'm going to make is. You know, property rights go two ways. There's individual property rights, but those property rights are valued and buffered by community property rights. You know, so it's the individual and it's the collective, what we do, we know what we all do next to one another that affects everybody's property rights. I remember at the county when the planning commission or when the comp plan was going on, somebody made the comment, oh, you're changing the zoning. You're you're taking away my property rights. I should be able to do anything I want. And then one of the commissioners said, well, how about I build a nuclear toxic waste dump site next to you. And I'm your neighbor? Well, no, no, I don't want that. It's like, well, you can't have it both ways, you know, you can't have everything for yourself but then. So this is a really hard issue. I really appreciate. Bud you and the commission and Will working as hard as you have to come up with what you've come up with, I think it's a great start. The last thing I would say is. I really like the maximum size lot approach. I get it, if the committee or the planning commission doesn't feel comfortable leaning in like that, but I do think that's a vulnerability, right? We do these one things and it would incentivize, you know, big money people to do something else. And just in 20 or 30 years, Middleburg becomes Aspen. And it's nothing but, you know, 10000 square foot homes with it's a vacation spot. It's a weekend spot. So if that's not the right tool, but it's the maximum, you know, footprint or the sighting of the foot, if there's another tool to get there, then I think I'm very comfortable personally moving forward with what you got, recognizing there's this other thing. And maybe the next piece is there's two or three options that come out of planning commission. Maybe it's the maximum lot size, maybe it's a footprint, whatever. Then we can figure that one out the next way. But I think it's a really, really good start. So anybody else? I mean, as far as, you know, thoughts, feelings, Bud.

**Bud Jacobs:** Bridge, key word is start, this is just the beginning of what's going to be a long process. And remember that what we're about here, in addition to answering council concerns on infill development in Ridgeview, we're also in the process of reconciling our ordinances with the comprehensive plan. And I'm pretty sure that Mr. Moore is going to offer us a bouquet a [inaudible] to use to address some of these concerns. But at the end of the day, it's going to be imperfect and it's not going to be able to answer all questions, obviously.

**Bridge Littleton:** Bud and I appreciate you guys doing bite sized chunks. Does anybody have any other thoughts? I mean, I'm actually I want to hear do people feel this is directionally the right way?

**Cindy Pearson:** I do. I lived in Ridgeview and I think it is painful to see the big houses going up next to the smaller ones. I mean, it just totally overtakes you. So I do not know the answer to the problem. I like what they proposed so far and I'm looking forward to seeing what they come up with next. Maybe just out of thin air. It's going to hit somebody and it's going to work. Hopefully. It's not always that easy. But, you know, I look forward to what they come up with.

**Bridge Littleton:** Any other input? Philip.

**Philip Miller:** I agree. I think it's a good start. I do think we need to continue to look down this path to preserving the scale of Ridgeview and allow for a variety of homes to preserve the character of the neighborhood. And I just you know, I get that everybody wants their property rights. I want my property rights. But I also don't want this to look like Houston,

which has no zoning. And so, you know, it's an absolute nightmare. That's not, I think, what is in our comprehensive plans, vision and our intent. And I do think that we need to look at this further.

**Bridge Littleton:** I guess, you know, it's interesting you say that I would add is if you asked anybody today, so what was built on Reed Street, right. There's nothing wrong with it. It's actually nice quality, but it's maximizing maximizing everything. In 25 years would you want all of Ridgeview to look like that? I don't think you'd find a single person in town who would say yes. There's nothing wrong. There's neighborhoods like that all across America. It's totally fine. Is that the character, nature and feel of our community? I don't think it is.

**Cindy Pearson:** Bud [Inaudible] would not like that.

**Bridge Littleton:** You know, I mean, hey, they'd have square corners, but so yeah, I think that we're trying to find that balance. OK, cool. Last call. Does anybody have any objections with adding this to a hearing on May 27th? No. OK. Rhonda, are you guys good with that. All right. Awesome. Next item, Will you again.

**Will Moore:** It is me again. Yes, sir. So the next item, the next two items are zoning map amendments that are related to the town hall project. So zoning map amendment 21-01 is rezoning of two pieces of land. And I would direct you to the exhibit that was included in your packet. So specifically, we acquired a little over a half-acre of land from Natty Kaye just north of our existing town office. That land was boundary line adjusted into this property. However, the portion that we acquired from [off mic] remains zoned R1 at this point. So the proposal would be to rezone that little over half acre portion of our property from R1 to C2 and then the land that is subject to the executed purchase and sale agreement with the Salamander entity, the L shaped portion, again, a little over half acre just to the north of the Kaye property, which is currently zoned MUV with proffers. We were also proposing rezoning that piece to see C2 so that what would eventually become our Consolidated Holdings would all be zoned C2 matching the existing town office and matching the other properties surrounding us that front on this portion of Marshall Street. Those are the that's the appropriate zoning designation for us to have our municipal building located in. And this came, this was subject to hearing and recommendation, unanimous recommendation of approval from the Planning Commission on this item.

**Bridge Littleton:** Anybody have any questions for Will? I think it's pretty straightforward, Bud or Kevin, any questions?

**Kevin Daly:** Negative.

**Bridge Littleton:** All right. So, Will, I guess go ahead and move forward with the scheduling the hearing. All right. Next one.

**Will Moore:** So this is a proffer amendment that would also be related to the town hall project. So lots of attachments here. Wanted to make sure you had the full the full package so you understood what you were potentially going to act on. I think the two things that are the most telling are attached with number three, which is the red line. So we started by putting together a clean version of the existing proffers, because they've been pieced together with a couple of amendments previously. So we put that in a clean version together and then we red lined to show you what is being proposed for change. And I would suggest throughout there's a lot of essentially non standard things, but things that still need to be cleaned up, so the Salamander properties have been subject to re subdivision since the original proffers. So some of the PIN numbers have changed. We've changed the term applicant to owner throughout which which makes more sense. There are a number of elements, proffer conditions that have either been superseded again by the changes in ownership entities or PIN numbers or properties that have been fulfilled. So, for example, under the open space proffer, it talks about the total amount of land that Salamander will provide in open space. And that number remains exactly as it is. But it also refers to the need to put the western most portion of the property in an open space easement by the time of the subdivision. Well, that's already been done and that conservation easement has been in place for some time. We were one of the coholders of the easement so we could strike that portion it not longer needs to remain. A couple of other proffers where they were providing some funds for off-site improvements have already been fulfilled. So we will strike those. The main substantive element that would change is in proffer number 11. So proffer 11, as it stands now, has to do with the provision of land for a town hall. And it specifically references the location of that, which is referenced on an illustrative plan, which we include for you. And you'll notice that proffer was a footprint of up to I think it was thirty five or thirty six

hundred square feet, obviously way too small for what we felt we need for space need study of where they were to provide that land on their property was much more to the north that we were looking to build. We were looking to keep it closer, obviously to Marshall Street. So Council was well aware of our negotiations with Salamander to come up with a new plan where we'll site the town hall on the property that we already own. We will negotiate with them to acquire the land for the parking lot. So this proffer amendment would strike the existing language in proffer 11 in its totality, but it would replace that with the proffer for the village green. And as you know, the village green will remain under the ownership of the Salamander entity. But it still provides for the use of that as a village green and along with the proffer language related to the village green, there's a proffer exhibit which shows the actual location where that would be. So that's really the striking of the existing proffer 11 and replacement of it. With the proffer for the village green is the substandard meat of what's being proposed here. And that's pretty much what you have. Again, I apologize for dumping all of these attachments on you, but I thought it was important for you to get the full picture of what's being proposed.

**Bridge Littleton:** I will note on page 36, you had a misplaced comma. [laughter] Please work on that for next time. It should have been a semicolon.

**Will Moore:** I'm sure that was from original proffers which had nothing to do with us.

**Bridge Littleton:** So. Bud was the one who pointed it out to me. All right. Well, thanks. Anybody have any questions for Will? I know we've we've been living and breathing this last six months we haven't been doing anything else. So any questions online? Anybody in here. All right, so let's put this on the agenda for the next meeting as well for a public hearing. OK, woops, hang on one sec here. Let me get back to the agenda. All right. What's up next? Oh, rescinding Danny's abuse of power ordinance.

**Chris Bernard:** Yes, been counting down the hours.

**Danny Davis:** Thank you, Mr. Mayor. The question partially before you is a review of the continuity of government operations ordinance and discussion about whether to keep any or all portions of that with the conversation of the governor proposing potentially rescinding all restrictions and perhaps even allowing the emergency declaration to expire as of June 30th, one opportunity may be just to leave the status quo until we know what the governor is going to do and then adopt essentially rescind the ordinance at that time. But obviously, we could also or the council could, at your discretion, go ahead and make changes now if you wish. So we're happy we have not provided you any specific ordinance to adopt this evening. This is more of a discussion of where things currently stand. So if nothing else, we need to send it to the May 27th meeting for actually adopting revisions to it. Based on your feedback tonight or again, we could wait and see if we think things are going to be essentially over with as of June 30th anyway.

**Chris Bernard:** See, he made it so easy for us to give him the authority and now we've got a way to take it away. Funny how that works.

**Bridge Littleton:** And you know what? And I like I like to say he'd like to recommend to not recommend. That's what I heard. OK, any other.

**Peter Leonard-Morgan:** Quick question? Was it June 30th or June 15th?

**Danny Davis:** So great question. The the discussion about rescinding the operational guidelines, capacities, limited bars, restaurants and things like that, he has indicated his intention would be June 15th, at least previously as indicated, however, he indicated the specific declaration of a statewide emergency. He may allow to expire at 11:59 p.m. on the 30th, which is the date of which it currently runs. So there is a bit of a.

**Bridge Littleton:** Whatever. You know what? I'm exhausted with him. I literally am. I mean, the communication and the just the just whatever.

**Danny Davis:** So discussed before, the CDC action today may force his hand to make decisions a whole lot sooner.

**Bridge Littleton:** Or I want to wait and see. I mean, OK. Yeah.

**Danny Davis:** And I will just say, as you can see here, we've not actually used a significant amount of this authority anyway. We're very circumspect about only using what would be necessary.

**Bridge Littleton:** Yeah. So, I mean, you know, so I get it, Danny, you're not making any recommendations, but you would say that these four bullets are things that we could go ahead and undo right now.

**Danny Davis:** Yes, you could. We could move forward with that and it would negatively affect our operations.

**Bridge Littleton:** Right. Gotcha. OK.

**Philip Miller:** And you checked with Martin to make sure that any rescinding of any of these things is not going to preclude us from getting any additional funding or help from state, county, federal, anything.

**Martin Crim:** I don't know if we actually discussed that issue, but I don't see why that would have that effect.

**Philip Miller:** Ok, I just want to make sure

**Bridge Littleton:** [off mic]

**Chris Bernard:** No, that's a good idea though.

**Danny Davis:** Yeah. I mean. [off mic]

**Chris Bernard:** It's a good call out. Yeah, I like that. [off mic]

**Cindy Pearson:** I think we should just leave it until our governor. I mean it's not hurting anything. And like you say, if there is something

**Chris Bernard:** I hate to follow the governor policy.

**Cindy Pearson:** I hear you. But.

**Bridge Littleton:** All right. Oh, Bud I'm sorry I didn't see you.

**Bud Jacobs:** Yes, I'd like to divorce Governor Northam's office from this conversation, but I would like to point out that we don't yet really know what the second and third order effects of the pandemic are going to look like. And to my way of thinking, that suggests there's no rush at all to rescind any of these authorities. And I would agree with Cindy that we just keep them in place for now and and move on.

**Bridge Littleton:** Yep. OK, any other questions? Input? Thank you. All right, Danny, thanks for looking into that. Appreciate it. OK, the next item is the second or any other information items. Yeah.

**Danny Davis:** Two quick things from economic development. One, as noted in the packet, there is a ribbon cutting for a new business opening in town, if you've heard of it, the PLAYRoom. And that's going to be at 2:00 p.m. on Friday, May 28. That's the Friday of Memorial Day. I have it on good authority. There might be a soft opening occurring perhaps this weekend. So stop by [off mic]. Yeah. Yes it's phenomenal.

**Chris Bernard:** I have a conflict. I won't be there. [laughter]

**Danny Davis:** 108 West Washington.

**Peter Leonard-Morgan:** So you play on the floor or something.

**Chris Bernard:** That's right. I challenge you to go in there and not have a good time. [multiple speakers]

**Danny Davis:** I'm not giving my kids a credit card. The second item is that our branding firm, Red Thinking, submitted our rebranding process for an award of excellence from the Communicator's National Communicator's Awards. And it was a successful winner in the branding and marketing category, which is really cool. That's great recognition both for them, but also for the town of Middleburg on the national scene. So we'll as we get more info from them we'll send it over to you. [multiple speakers]

**Bridge Littleton:** I'm not sure.

**Bridge Littleton:** Sounds like a refund

**Danny Davis:** We probably gave it to in our contract.

**Bridge Littleton:** Well, if we did, clearly, we did not have good legal review. And you know what that means? Then it's a refund from our lawyer. [laughter] [off mic]

**Danny Davis:** So speaking of branding, we are reviewing responses to our RFP for social media. [off mic] nineteen. And then we are also reviewing applications and initial video interviews for candidates for the director of Business Development and Community Partnerships. And I believe there are fifteen videos that I watched last night.

**Bridge Littleton:** [off mic]

**Danny Davis:** Yeah. [Inaudible] has a great place for working [inaudible] evenings. So but that being said, we're making progress on each of those fronts and then of course, the Treasurer's position is or the finance director is open for recruitment currently.

**Bridge Littleton:** I have a separate question. I'll be cryptic. Where are you and Martin on the response to that appeal?

**Danny Davis:** Yes, we discussed today. And I can provide you some updates. There's no time crunch.

**Bridge Littleton:** Ok, that was my question. Do we have a statutory timeline.

**Danny Davis:** one year.

**Bridge Littleton:** Well, I know they do,

**Danny Davis:** But we actually. Yeah, our ours is very. There's plenty of time.

**Bridge Littleton:** Ok, good. So. All right, OK. I'll ask you later. OK. Any other information item. Yeah. Peter.

**Peter Leonard-Morgan:** I meant to mention this earlier in Town Committee's report. I just want to really thank the police department for the support with the town clean up and the battery collection. It was a great day. It was you know, we were back to some sort of normality, really, and everyone kicked in and volunteered. And the irony was the town wasn't that dirty. [off mic] Well, that but also I see residents regularly walking around, cleaning up

**Cindy Pearson:** I was going to say, we have little angels that do that all the time.

**Peter Leonard-Morgan:** It's remarkable. And they don't do it for any glory. They just love it. And by the way, tell Lynn she missed Liberty Street.

**Cindy Pearson:** She's a broken foot.

**Bridge Littleton:** Really?

**Cindy Pearson:** Yes.

**Chris Bernard:** We'll let it slide this time..

**Bridge Littleton:** Exactly. We will see her out there next week. Wow. OK, yeah. Yeah. It was a great well done event Peter. Despite your chair not helping. [off mic] OK, any other information items? All right. Next last item here before the closed session is public input. We will open the public input session. [off mic] I mean, I literally looked at it for ten seconds before. Yeah.

**Danny Davis:** Mr. Mayor, if you give me one second, Mr. Staley from Hunton Andrews Kurth has raised his hand. Brendon, I think you're unmuted.

**Brendon Staley:** Yes. Thank you all. And apologies for the late interjection to council staff and Martin jump in if I'm mistaken. For posterity I think I only heard one roll call vote and yet there was an ordinance and a resolution. And if possible and if it's appropriate, we have separate roll call votes for the ordinance and the resolution? Thank you very much. I apologize.

**Danny Davis:** Just to be safe.

**Rhonda North:** Ok.

**Danny Davis:** I should I should have typed that out as two separate motions to be taken separately. So we'll make sure to do that next time. [off mic] I think just to be safe, we'll take that first vote for the ordinance and maybe I'll ask Mr. Bernard to

**Chris Bernard:** You want me to read it again?

**Danny Davis:** Just the second move to approve.

**Chris Bernard:** I'm going to charge you double.

**Danny Davis:** Move to approve the resolution as. Would that work for you, Brendon?

**Brendon Staley:** Yeah, that would be great. Thank you. [off mic]

**Chris Bernard:** So just the second part?

**Danny Davis:** Yeah.

**Bridge Littleton:** As a separate motion.

**Chris Bernard:** I got you. Oh shoot, sorry, wrong one. One sec. Sorry. [multiple speakers] So I move that the town council approve a resolution providing for the issue and sale and award by the town of Middleburg, Virginia, of a general obligation bond heretofore authorized and a principal amount not to exceed eight million dollars and providing for the form, details and payment thereof.

**Philip Miller:** Second.

**Bridge Littleton:** Any discussion. All right, Rhonda want to call a roll call vote.

**Rhonda North:** Vice Mayor Miller,

**Bridge Littleton:** Aye

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Daly.

**Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs

**Bud Jacobs:** Aye.

**Rhonda North:** Council Member Leonard-Morgan.

**Peter Leonard-Morgan:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Are all the lawyers happy? [off mic]

**Danny Davis:** Thanks, Brendon. Appreciate it.

**Bridge Littleton:** All right. We will now open the second public comment session if any member of the community would like to address the town council you may do so now. Rhonda do we have anybody online?

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

**Bridge Littleton:** All right. We will close the public comment session and move to closed session. There's a motion seeker out there somewhere.

**Philip Miller:** I move the council, go into closed session as authorized under section 2.2-3711 of the Code of Virginia for the discussion or consideration of 1 appointments to a public body related to Go Green as allowed under subsection A1. 2 the disposition of publicly held property related to the Asbury Church has allowed under subsection A3. 3 briefings by staff Members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body related to a requested boundary line adjustment as allowed under subsection A7. And 4 for consultation with legal counsel employed by the town regarding specific legal matters requiring the provision of legal advice by such counsel related to the enforcement of the zoning ordinance pertaining to limited residential lodging as allowed under subsection A8. I further move that council thereafter reconvene in open session for action as appropriate.

**Kevin Daly:** Second.

**Bridge Littleton:** Any discussion. All those in favor say aye.

**Everyone:** Aye.



**Philip Miller:** As long as the lawyers don't make me read that again.

**Bridge Littleton:** Opposed, abstentions. OK, we're in closed session. All right, I ask the council, certified to the best of each members knowledge one only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and two only such public business matters as were identified the motion by which the closed meeting was convened were heard, discussed or considered in the closed session. I would like to remind those present for the closed session that any discussion occurred within it should be treated as confidential. Philip.

**Philip Miller:** Yes.

**Bridge Littleton:** Yes. Peter.

**Peter Leonard-Morgan:** Yes.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** Yes.

**Bridge Littleton:** Chris.

**Chris Bernard:** Yes.

**Bridge Littleton:** Bud.

**Bud Jacobs:** Yes.

**Bridge Littleton:** Kevin.

**Kevin Daly:** Yes.

**Bridge Littleton:** Do we have a motion on Go Green?

**Peter Leonard-Morgan:** I move that council, reappoint Todd Hathaway, Lynne Kay and Mary Woodruff to Go Green for two year terms set terms to expire May 12th, 2023.

**Chris Bernard:** Second.

**Bridge Littleton:** Any discussion? Other than to thank them for their continuing service? All those in favor say aye.

**Everyone:** Aye.

**Bridge Littleton:** Opposed, abstentions. Motion carries. Meeting adjourned.