



**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, June 10, 2021**



PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
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
Estee LaClare, Planning & Project Associate
A.J. Panebianco, Chief of Police

ABSENT: Vice Mayor Philip M. Miller

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, June 10, 2021 in the Town Hall Council Chambers located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

Resolution of Appreciation – Rebecca Poston

Mayor Littleton noted that Ms. Poston served on Go Green for many years, including as its Chair. He read the Resolution of Appreciation aloud and presented her with a signed copy, as well as a Middleburg paperweight. Mr. Littleton noted that her service had transformed the face of Middleburg in a unique way.

Ms. Poston advised that she was honored to have served and was grateful the Town had a Go Green committee.

Councilmember Leonard-Morgan moved, seconded by Councilmember Kirk, that Council adopt a resolution extending its appreciation to Rebecca Poston for her service on Go Green from March 8, 2007 through May 12, 2021.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Miller

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

History of Salamander Proffer Amendment Request

At the request of the Mayor, Deputy Town Manager Moore provided the Council and audience with the history of the Salamander proffer amendment request. He advised that in the early 2000s, there were discussions about the potential to develop the Harriman tract - eighty-nine acres of which was located in Middleburg, with the remainder being located outside of the corporate limits. Mr. Moore noted that the property owner had the right to construct forty-nine houses by-right at that time. He reported that in 2006, the corporate boundary line was adjusted to bring the entire tract into the Town limits and a Comprehensive Plan amendment was subsequently approved related to the development and zoning of the property. Mr. Moore reviewed the details of the rezoning that was approved in 2007, which allowed one hundred

ninety acres to be placed in an open space conservation easement, with the remainder being conditionally rezoned to R-1 Residential, R-3 Residential and MUV Mixed Used Village. He explained that the proffers associated with the rezoning included a concept plan that identified three access points from the town into the residential subdivision. Mr. Moore noted that information had been circulating that the access points included Reed Street and Foxcroft Road; however, this was incorrect. He explained that the Foxcroft Road connection was intended to serve the MUV portion of the property only. Mr. Moore further explained that in 2015, a proffer amendment was approved that relocated one of the access points, which was shown as going through the Middleburg Community Center's property, to the extension of Reed Street, which contained an existing right-of-way.

Deputy Town Manager Moore reported that the proffer amendment currently before the Council originally contained three substantive items – (1) the elimination of the Reed Street extension for vehicular traffic, replacing it with one for pedestrian traffic only; (2) the elimination of the need to construct sidewalk on both sides of the street throughout the subdivision; and, (3) the allowance for construction traffic to use North Pendleton Street, in addition to Foxcroft Road. He further reported that the Planning Commission recommended denial of all but the last item. Mr. Moore advised that on June 4th, the applicant revised their request to eliminate all the items with the exception of the request to allow construction traffic to use North Pendleton Street; therefore, that was the only item up for deliberation. In response to an inquiry from the Council, Mr. Moore advised that the applicant had not indicated the remainder of the items would return to them. He explained that as such, those conditions would not change unless the applicant again requested it, at which point the process must begin anew.

Mayor Littleton summarized that the only way the remaining items would return to the Council would be if the applicant initiated a new process, as the Council had no authority to initiate a reconsideration of the proffers. He advised the audience that the only comments that could be accepted during the public hearing would be on the request to allow construction traffic to use North Pendleton Street. Mr. Littleton reminded them that they could comment on any item during the public comment section of the meeting. He noted that the Council could not respond to questions asked during the public hearing or public comment sections.

Public Comment

Joe Salama, 109 Reed Street, noted that this street contained a strange geometry. He expressed concern about the safety hazard created through the lack of sidewalk connectivity. Mr. Salama advised that there was also a speeding problem in this area and suggested the need for a three-way stop at the intersection of Reed Street and Stonewall Avenue.

Patti Thomas, 201 Chestnut Street, noted that she previously served on the Salamander Visioning Committee and confirmed the Town wanted to assimilate the subdivision to its street grid. She suggested, however, that things had since changed. Ms. Thomas opined that the proffers were a contract, which could be amended by either party. She presented a petition signed by fifty property owners/residents opposing the integration, as well as a copy of her written comments.

Will McCulloch, 202 Sycamore Street and 207 Chestnut Street, opined that Salamander needed to stick with its word. He suggested the public hearing signage be more descriptive. Mr. McCulloch opined that the forty-nine homes would not be a part of the town and suggested a new visioning committee be established.

Ramsey Metcalf, 5 Reed Street, opined that everyone wanted to do the best job they could. She noted that the quarantine made people reconnect to their homes and how the town felt. Ms. Metcalf suggested the Town needed to protect and preserve the simple, small town elegance of Middleburg and expressed concern that the noise and traffic from the Salamander subdivision would affect everyone. She asked that the Council revisit the proffers.

Philip Boyle, 410 Stonewall Avenue, advised that he would wait to see what happened with the Reed Street extension design and would then comment.

Jeff Mechling, 208 Chestnut Street, advised that he thought the issue was Chestnut Street. He further advised that the property owners were afraid VDOT would take away their yards to widen the road.

Christina Bowen, 100 Chestnut Street, expressed concern that the proposal created “highways” through the village. She suggested the speed limits be reduced to 20 MPH and that four-way stops be constructed at all the intersections. Ms. Bowen proposed that the Chestnut Street extension not open until the houses were constructed.

Darlene Weeks agreed with the previous speaker.

Pam Curran, 800 Blue Ridge Avenue, expressed concern regarding pedestrian safety and noted the need to look at non-vehicle pathways. She asked the Council to initiate a modification of the proffers to delete the Chestnut Street vehicular connection and make it a pedestrian connection only.

Roxene Hill, 205 Chestnut Street, opined that proffers were a contract that could be modified by either party. She opined that the Council was incorrect when it said it could not amend the proffers. Ms. Hill expressed concern about the traffic associated with the development.

Joe Huttar, 36482 Leap Lane, opined that it was wonderful to hear the citizen participation.

Bonnie Piper, 107 Reed Street, advised Council that she was opposed to the Reed and Chestnut Street entrances. She expressed concern regarding safety, particularly for pedestrians. Ms. Piper opined that there would be additional traffic with no plans for how to improve safety.

Public Hearing & Approval

Zoning Map Amendment 21-03: Ordinance to Amend Proffers Associated with Conditionally Zoned R-1 Single-Family Residential, R-3 Residential and MUV Mixed Use Village District Properties and a Portion of 500 North Pendleton Street

Deputy Town Manager Moore reiterated that the applicant proposed an updated proffer amendment and was no longer asking to eliminate the Reed Street extension or the requirement to construct sidewalk on both sides of the streets. He reiterated that the only substantive amendment remaining was the request to allow construction traffic to use North Pendleton Street, in addition to Foxcroft Road, which the staff supported as it would limit construction traffic in front of the Middleburg Community Charter School. Mr. Moore acknowledged that there would be challenges associated with the construction traffic, which the Town would need to deal with. He reported that the Planning Commission supported this proffer amendment.

Ramsey Metcalf, 5 Reed Street, expressed concern about allowing construction traffic on North Pendleton Street. She opined that it would use other streets and suggested the need to enforce the proffer to avoid a breach of the quality of life of the residents.

Patti Thomas, 201 Chestnut Street, opined that the subdivision’s buildout would be long and questioned whether the Police Department would enforce the proffers. She reminded Council that the citizens asked for an alternative proffer amendment to delete the Reed Street extension.

Jeff Mechling, 208 Chestnut Street, opined that four-way stops were needed. He acknowledged that VDOT controlled the traffic signals; however, he noted that the intersections were an accident waiting to happen.

Will McCulloch, 202 Sycamore Street and 207 Chestnut Street, opined that allowing construction traffic on North Pendleton Street would affect the Upper Crust and Safeway, as well as his quality of life. He advised that he did not want more stop signs and suggested there needed to be conversation on how to ease traffic. Mr. McCulloch proposed a by-pass be constructed.

Prem Devadas, 10 North Pendleton Street, appeared before Council representing Salamander. He advised that he was present during the construction of the Salamander Resort and noted that they took on the role of controlling construction traffic. Mr. Devadas further noted that they enforced the rules seriously and would instruct the drivers that they could not

go through the neighborhoods. He advised that if they did not comply, action would be taken, as it was in the past. Mr. Devadas noted that he would be available to respond should someone do something wrong. He reminded Council that the Planning Commission and staff supported the proffer amendment that was before them.

Christina Bowen, 100 Chestnut Street, requested the Reed and Chestnut Street extensions be closed to construction traffic.

No one else spoke and the public hearing was closed.

The Council expressed concern about construction traffic entering the residential neighborhoods and noted the need to identify a plan for enforcing the use of the approved routes only. They asked that the staff also revisit changing the intersection of Pendleton and Marshall Streets to a four-way intersection with VDOT. The Council noted the need to work closely with Mr. Devadas on the construction traffic enforcement plan. They expressed concern about what would happen if they did not allow this traffic to also use North Pendleton Street.

Mayor Littleton thanked the public for attending the meeting. He noted that it was the Council's responsibility to represent all citizens. Mr. Littleton advised that he served on the Charter School's Board of Directors and advised that keeping the children out of the road in the mornings and evenings could be a challenge. He acknowledged that the use of Foxcroft Road would not go away and suggested a schedule be developed that would identify the best times for the use of each road. Mr. Littleton noted that an enforcement plan was also needed. He advised that he trusted the Police Department to enforce the plans; however, he suggested a hotline also be established so violators could be reported. Mr. Littleton advised that he also trusted Mr. Devadas to keep his word. In response to a comment from the Council, he advised that during the next Charter School Board meeting, he would raise this item and suggest the need to educate the students on the dangers of the construction traffic.

Councilmember Pearson moved, seconded by Councilmember Leonard-Morgan, that Council adopt an Ordinance Approving Zoning Map Amendment 21-03, as contained in the proffer statement titled "Second Amended and Restated Proffer, Middleburg Residential LLC & Salamander Middleburg MUV LLC" dated June 4, 2021.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Miller

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

Discussion Items

Loudoun County

Mayor Littleton reminded Council that the Loudoun County Board of Supervisors held a public hearing on the rezoning request associated with the MOJAX development in St. Louis and reported that there was a phenomenal public response. He encouraged the Council and public to contact the Supervisors to encourage them to support the efforts to redefine the CR-3 zoning designation for St. Louis.

Mayor Littleton encouraged the public to also contact the Board of Supervisors to support the sale of the County-owned property in Aldie. He reported that two proposals were received – one from an individual who wanted to redevelop the firehouse and preserve the remainder of the property and one from an individual who wanted to tear everything down, with the exception of the tavern, and redevelop the property with a brewery, retail uses, and parking. Mr. Littleton noted that this property was located beside the historic bridge and opined that the second proposal was not in keeping with the vision for Middleburg. He encouraged the Council and the public to contact the Board of Supervisors to support the acceptance of the first proposal.

Citizen Input Regarding Salamander Proffers

Mayor Littleton reminded the audience that change was unavoidable and advised that the question was whether you would manage it, or it would manage you. He opined that the proffers that were approved in 2007 and 2015 were done with the best of intentions. Mr. Littleton expressed appreciation to the Planning Commission and staff for examining the issues. He noted the need to look at the input of the community; however, he advised that this must be done based on the vision for the community and facts. Mr. Littleton reiterated that something would change.

In response to an inquiry, Town Attorney Crim advised the Council that they did not have the ability to initiate an amendment to the proffers. He further advised that they could rezone the property; however, the proffers would remain with the land. Mr. Crim noted that proffers were not a contract and advised that contract zoning was illegal, as the Town could not bargain away its policing powers. He reiterated that the Council could rezone the property and accept voluntary conditions. Mr. Crim further reiterated that once proffers were accepted, they became a part of the zoning and ran with the land. He advised that proffers were voluntary on the part of the property owner and could not be imposed or unilaterally changed by the Council. Mr. Crim noted that the State Code set the process for a property owner to request a proffer amendment and reiterated that it could not be initiated by the Council.

The Council held some discussion regarding proffer amendments. They asked the staff to talk with the property owner regarding the public comments that were offered earlier in the meeting.

The Council held some discussion about the need for traffic study information, including the impact of different traffic scenarios. They acknowledged the concerns expressed by the residents and noted that it was their responsibility to understand the situation and clarify the facts for the community. The Council suggested the need to develop a plan to mitigate impacts or to share the truth about what the traffic would look like. They acknowledged that they would not have power to take action related to the proffers and reiterated the need to share the information. The Council asked the staff to identify the relevant factors that should be examined so they could look at the issues and fully inform the public.

Deputy Town Manager Moore reminded Council that even if Reed and Chestnut Streets were proposed to be removed, the Fire Marshall may not approve of leaving Pendleton Street as the only access point due to fire safety concerns.

Town Manager Davis reported that the staff would return with a recommendation in July.

In response to a concern raised by the Council that resort traffic was continuing to run the stop signs at the intersection of Pendleton and Marshall Streets, Mr. Devadas advised that he would include that concern in his discussions with the staff.

Mayor Littleton thanked everyone for attending the meeting and participating in the Salamander proffer discussion. He called for a brief recess. Mayor Littleton reconvened the meeting at 8:05 p.m.

Staff Reports

May 2021

In response to an inquiry from Council, Town Manager Davis advised that he was not aware of any system changes that would affect the water pressure in the area of Jay Street. He further advised that he would check with IES to determine why it could have increased.

Councilmember Kirk reminded Council that the employee evaluations were underway.

In response to an inquiry from the Council, Town Manager Davis noted that the Town was offered a Mille Miglia promotional opportunity and advised that there were questions as to whether it could accept it without it being a conflict.

Councilmember Leonard-Morgan thanked Planning & Project Associate LaClare for the extra work she had been performing.

In response to an inquiry from the Council, Deputy Town Manager Moore reported that he received an application to subdivide the property located at 300 East Washington Street into three lots, one of which would contain the existing house. He noted that this application must go through the complete subdivision process, as it could not be done administratively. Mr. Moore reminded Council that the property was zoned R-3 Residential; therefore, the minimum required lot size was 7,000 square feet. He advised that he just received the application and had not yet had an opportunity to analyze it.

Town Hall Report

Town Clerk North reported that the Town received the design development documents, which were currently under review by the Project Review Team, as well as Downey & Scott. She noted that the plans would be presented to Councilmembers individually. Ms. North advised that the Town comments were due back to Glave & Holmes on June 28th, at which point they would begin work on the construction plan phase.

Town Clerk North reported that the HDRC would hold a public hearing on June 17th on the request to demolish the existing Town Office and expressed hope they would take action on the Certificate of Appropriateness for the project that same evening. She reported that the Planning Commission would hold a public hearing on June 28th on the Special Use Permit application for a front yard setback of greater than thirty feet. Ms. North advised that the site plan was received earlier in the day and noted that the Deputy Town Manager and Town Engineer would soon begin their review of it. She advised that the site plan was scheduled to go to the Planning Commission for action during their July meeting.

COVID Status Report

Town Manager Davis opined that there was no value in continuing these reports. He advised that based on the expiration of the Governor's emergency orders related to the pandemic, an item would be brought to the Council during their next meeting to rescind the continuity of government operations ordinance.

Town Manager Davis announced that the Town could expect to receive \$865,288 in ARPA funds and noted that this was on the agenda for discussion.

Reports of Town Committees/Council Liaisons

Councilmember Pearson reported that the HDRC recently had its longest meeting ever.

Deputy Town Manager Moore noted that they were meeting more often lately due to the updates to the Historic District Guidelines.

Council suggested they be recognized for their hard work. They questioned whether it was possible to resume the volunteer appreciation receptions. Town Clerk North confirmed it was.

Consent Agenda

- A. Council Approval – May 27, 2021 Regular Meeting Minutes
- B. Council Approval – Amendment to CDBG Cooperative Agreement between Middleburg and Loudoun County

Councilmember Leonard-Morgan moved, seconded by Councilmember Kirk, that Council approve the consent agenda as proposed.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Miller

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

Action Items

Contract for Third-Party Payment Services - InvoiceCloud

Town Clerk North reminded Council that the staff explored third-party vendors related to the acceptance of online payments by looking at those that were already integrated with the Town’s existing financial and records management system vendors, as this would reduce the Town’s costs of integrating all the systems. She reported that based on their research and the services offered, the staff was recommending the Town enter into a contract with InvoiceCloud to provide these services effective with the expiration of the current vendor’s contract. Ms. North noted that InvoiceCloud offered a more robust system, including true Autopay, and was easy for the customer to use. She advised that if approved, the implementation would begin with the utility payments, followed by meals tax payments, business license payments, and, finally, miscellaneous items. Ms. North noted that the Town would also receive two card readers to allow for in-person acceptance of credit/debit cards and advised that they could also be used during the Town’s events. In response to an inquiry from Council, she advised that while the Town would have to pay a small monthly fee, from the standpoint of the customer, the credit card charges would be cheaper for most of them. Ms. North noted that the Town would continue to pay the fee for the acceptance of echecks, which was only slightly higher than the existing fee.

Mayor Littleton noted the non-value-added savings in staff time by having a more automated payment system.

Town Clerk North advised that customers would be able to access twenty-four months’ worth of their billing history once it built up in the system.

Councilmember Kirk moved, seconded by Councilmember Daly, that Council authorize the Town Manager to enter into a contract with InvoiceCloud for the provision of third-party payment services conditioned upon the approval of the contract by the Town Attorney. Councilmember Kirk further moved, seconded by Councilmember Daly, that the Town Manager provide notice to Paymentus of the Town’s intent not to renew the contract with Paymentus, which is effective through August 26, 2021.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Miller

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

Use of American Rescue Plan Act Funding

Town Manager Davis reminded Council that the Town would receive \$865,288 and advised that he would submit the required documentation to the State in the morning to receive the first half. He opined that the Town may receive it in the current fiscal year; although, he did not expect it until the next one. Mr. Davis advised that the appropriate budget amendment would be brought forward as necessary.

Town Manager Davis recommended the funding be used to: (1) repay the Health Center Fund for the monies used to supplement the earlier COVID programs; (2) provide a \$100 utility credit for combined water/sewer customers or \$50 for customers with only water or sewer, with the credit to be applied to the bill for the July/August period; (3) enhance communications with residents through mailers that would identify resources and services that were available; and, (4)

develop a marketing video to encourage people to support businesses. He further recommended it be used for: (5) marketing/advertising/social media programs to promote events and the business community; and (6) water and sewer infrastructure improvements. Mr. Davis noted that as to the latter item, he would return with a specific recommendation following a meeting of the Utilities Committee.

Council expressed concern about the number of individuals who remained unvaccinated and suggested a mailer be sent encouraging residents and business employees to: (1) get vaccinated; (2) identify the locations where the shots were available; and, (3) identify transportation options that were available for those who needed it. They noted that if 85% of the population did not get vaccinated, the virus could mutate to a new variant that would not be affected by the vaccines.

Town Manager Davis recommended the second funding tranche be used for: (1) additional outreach to the citizen; (2) marketing; and, (3) water and sewer infrastructure improvement projects. In response to an inquiry from the Council, he confirmed he would look at the demolition of the old sewer treatment plant in light of the other priorities. He advised that the second tranche would be received in June or July of 2022, for use in FY '23. Mr. Davis noted that those funds would be programmed into that budget.

Councilmember Daly moved, seconded by Councilmember Kirk, that Council endorse the use of ARPA funds as detailed in the June 10, 2021 report.

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

No – N/A

Abstain: N/A

Absent: Vice Mayor Miller

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

Information Items

Mayor Littleton reminded Council of the Virginia Municipal League (VML) Conference, which would be held October 3-5 in Leesburg. He encouraged the Council and staff to sign up for it. Mr. Littleton advised that Host Night would include a Talk of the Towns event, during which each of the seven towns in Loudoun County would have an information booth and would feature food and beverages from one or two of their restaurants.

Mayor Littleton displayed a sample town license plate from the Town of Middletown and noted that Middleburg used to offer them. He suggested the staff explore the cost of getting them again so they could be sold or given away to the residents.

Closed Session

As nothing was time sensitive, the Council agreed to delay discussion of the closed session items to the next meeting.

There being no further business, Mayor Littleton declared the meeting adjourned at 8:44 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

June 10, 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)

Bridge Littleton: All right, we will call the June 10th meeting to order. All right. First item is the Pledge of Allegiance.

Everyone: [Pledge of Allegiance]

Bridge Littleton: Yeah, exactly. OK, next item, I guess we need to do the Rhonda. I guess we need to do the remote meeting announcement.

Rhonda North: No, you're no longer meeting remotely, OK.

Bridge Littleton: And Philip's not calling in. OK, great. I just want to make sure of that OK, next item is Roll Call.

Bridge Littleton: Chris.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Bridge Littleton.

Peter Leonard-Morgan: Peter Leonard Morgan,

Cindy Pearson: Cindy Pearson.

Kevin Daly: John Kevin Daly.

Danny Davis: Danny Davis, town manager.

Rhonda North: Rhonda North town clerk.

Martin Crim: Martin Crim, town attorney.

Bridge Littleton: Ok, we've got a couple of things on the agenda tonight, and I know we're going to have a packed public comment session, but before we do that, we do have a special recognition. So I'm going to move that up on the agenda first so those folks don't have to wait. And it is a special recognition by the mayor and the town council for resolution of appreciation for Rebecca Poston. So where's Rebecca? Oh, God, sorry. I was looking the wrong way. I know. It's coming up. It's coming up. OK, here we go. Great, so as everybody knows, Rebecca has served for many, many, many, many, many, many, many, many years on the Go Green Committee and like council she was in it for the money, but she will be going on to other things from the Go Green Committee, but always being very green. So we have a resolution of appreciation for her service. So let me read the resolution. Whereas Rebecca Poston was appointed to serve on an ad hoc committee to discuss Middleburg efforts to go green. And whereas following the recommendation of the ad hoc committee, the town council formally established Go Green as an official town committee on March 8th, 2007. And whereas simultaneously with the creation of the committee, the town council appointed Rebecca Poston to go green. And whereas Ms. Poston served as chair of the committee from the time of its inception in 2007 until September 4th, 2019.

And whereas in addition, during her tenure, Ms. Poston was instrumental in the development of a project to distribute CFL bulbs to each household in Middleburg in assisting the Planning Commission in drafting the town's outdoor lighting regulations and promoting recycling throughout the town, including used battery recycling and cigarette butt recycling and promoting the drug take back event and in developing and organizing the Heal Fair. And whereas Ms. Poston declined to seek reappointment when her term expired on May 12th, 2021. And whereas the Middleburg Town Council deems it appropriate to express its gratitude to Ms. Poston for a personal dedication to exceptional service to the community over the past 14 years. Now, therefore, be it resolved that the mayor and members of the Middleburg Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the exemplary service of Rebecca Poston as a member of Go Green from March 8th, 2007 through May 12th, 2021, and express our profound thanks to her and hope for her continued success in life. [applause] [off mic] So we have the resolution framed for you. [off mic] Greatly appreciate it.

Rebecca Poston: I'm not one for words. I have been honored to serve on this committee and I've been grateful to the Go Green committee. Thank you so much. Thank you.

Bridge Littleton: We thank you so much too. [applause] So now we actually need to pass the resolution. Peter, if you'd like to do.

Peter Leonard-Morgan: I move that the council adopt a resolution extending its appreciation to Rebecca Poston for her service on Go Green from March 8th, 2007 through March 12th, 2021.

Chris Bernard: Second.

Bridge Littleton: Any discussion? The only thing I was going to say is Rebecca, thank you for all your years of service. I mean, 14 is a long time. That's a that's an incredible amount of dedication to the town. And something at the time was brand new. And it really transformed what we do between the HEAL Fair, the drug take back, the batteries, the town clean up. Yeah. I mean, it's that's the type of public service that doesn't get recognized often enough that actually can transform the face of a town in a unique way. So we really thank you for being an inspiration for getting set up and leading it for as long as you did. And and that's just also a note of thanks to everybody who serves on our committees through and through. It's not hard. It's not it's hard to volunteer, but then to actually volunteer and do is even bigger. So we really appreciate it. OK, the next item. What's that? Oh yeah, that's right. I asked for comment and then we forgot the voting part. All those in favor say aye.

Everyone: Aye.

Bridge Littleton: Opposed. Abstentions. OK, the motion passes. Now it's official. You can hang it on the wall. Thanks, Rebecca. OK, the next item is public comment. But before we go to public comment, there's a large crowd here tonight to talk about, I'm sure, street connections and things like that. So what we want to do before we open the public comment session is I've asked the town manager and the town deputy manager to just sort of provide a history for everybody on the beginning of where this item started in terms of, you know, back in 2007 then 2015 when there was an update and where things all stand today. So we'll let them give a brief well, you know, give an overview of the history and the background and then we'll open public comment for folks to address council. So. Will, over to you.

Will Moore: Sure. Thank you, Mr. Mayor. Members of council, a lot of history here. I'll try to be as brief as possible. So you mentioned 2007, but prior to that, many may recall in the early to mid-2000s, there was much discussion about the potential for development on what was known as the Harriman tract. A portion of it, about eighty nine acres were located within town. An additional two hundred and fifty two acres or so were located in the county. There was originally a proposal for a small resort on that property. It opened up many discussions. There was a visioning committee that was formed by the town. There was already a right to build forty nine homes on the property, which would have been about 29 homes in the existing portion in town. The R-1 zone which would have been located in a pretty dense cluster north of Chestnut Street and then an additional twenty homes on property in the county. Ultimately, in 2006, there was a boundary line adjustment that brought in those 252 acres into the town. And then subsequent to that leading to 2007, there was a comprehensive plan amendment that kind of laid out a vision for development of the property and then ultimately a

rezoning of land. And what that rezoning did was, well, the portion that was brought into town by code is originally brought in as agricultural conservancy zoning, the portion of the property that was later developed as a resort, in addition to an open space easement that was negotiated of just under 190 acres, is zoned in our Agricultural Conservancy zone. But in 2007, the rezoning, what it did was it established two residential zones in R-1 and R-3 zone on which those 49 homes that were already able to be built by right would be kind of relocated into those two zones. It also established the separate Mixed-Use Village zone, which is on the east side for the most part of North Pendleton St. Extended essentially to the north of the town hall here. That 2007 rezoning was what we call a conditional zoning, which means that there were proffers involved, a pretty extensive proffer statement, it included a proffered plan. That plan contained a conceptual layout of focusing on the residential area of how those 49 homes could potentially be sited. It also included a roadway network, which included three access points directly into the residential development. At that point in time, it was one access point from North Pendleton Street, one access point over land that is owned by the community center, essentially in the area where the gravel parking lot is. And then one access point as an extension of Chestnut Street. There has been some maybe incorrect information circling in the public sphere recently that the original plan from 2007 included two additional access points, one at Reed Street, which is incorrect, that was not included in the 2007 plan, and then one from Foxcroft Road, which is not correct. There is a road connection in the proffered plan that connects to essentially where the service entrance for the resort is on Foxcroft Road, but that provides access directly into the Mixed-Use village area. It physically cannot connect directly to the residential area. That roadway remains in the proffered plan. So in 2015, a proffer amendment was approved. And what that amendment did was it replaced the proffered plan from 2007 with an updated plan to really, I would say, significant things that that plan did in 2015. It revised the conceptual layout of the Lots within the two residential zones, giving a little more distinction between where the R-1, which are the larger lots, 21 of those would be located in the western portion of the property, and then 28 of the relatively smaller lots, which would be located essentially north of existing development along Stonewall Avenue. So it revised that conceptual layout of the lot, it also revised one of those three connection points into the residential development. The Chestnut Street extension remained in the plan. The North Pendleton Street connection remained in the plan. It relocated what the one connection point that was at the community center property to an existing street right of way, which would be an extension of Reed Street. That right of way has been in existence since the early 60s when the Fox Hill subdivision, which is the lots on the north side of Stonewall Avenue, when when that was subdivided in the early 60s, that street right of way was dedicated. It while it existed, it was again, it was never part until 2015 a plan for access to the property. But so again, that 2015 rezoning it relocated that entry point from the community center property to Reed Street. That brings us to the application that's before you.

Will Moore: And the quick history on this application is that when it was originally filed with a proffer statement dated March 17, it sought to accomplish what I would characterize as three substantive elements. One was it was proposing to eliminate the Reed Street connection into the property and replace it with a pedestrian only connection. Second, it was proposing to revise the manner in which pedestrian facilities, sidewalks and trails would be provided within the development where it would propose to only have them on one side of the street throughout the development. And then finally, it proposed a revision to an existing proffer which would limit construction traffic access to the site to only Foxcroft Road to also add North Pendleton Street as an access point for construction traffic. The Planning Commission reviewed this at their April meeting and raised a lot of concerns, particularly about the Reed Street proposal and the sidewalk proposals contained within. Subsequent to that commission meeting, the applicant revised the proffer statement, a new proffer dated April 29, it's still proposed the elimination of Reed Street. It's still proposed a revision for construction traffic. But what it did was it proposed a different configuration for the pedestrian facilities within the development. The specifics of which are not necessarily important at this point, but it would have sidewalks on both sides of the street and portions of the development, but still only on one side of the street. And another portion of the development, that version of the proffers was subject to hearing at the May 24 Planning Commission meeting. Many residents spoke at that meeting, both in person and through remote means. Nearly all were opposed to the elimination of the Reed Street vehicular connection. Nobody really spoke to the other proposals regarding sidewalks and construction traffic. Subsequent to the hearing, the commission deliberated and forwarded a recommendation to council based on those April 29 proffers recommending disapproval. And specifically, the commission cited opposition to eliminating the Reed Street connection. They cited opposition to the sidewalk plan, but they did support the proposed revision for construction traffic access that was reported to you at May 27 meeting. And subsequent to that, the applicant has again submitted a revised proffer statement that happened and is dated June four, which was last Friday. And the applicant has the right to revise the proffers up until your public hearing. What the June four proposal now includes is only the revision to

construction traffic access. The applicant has removed the request to eliminate the Reed Street vehicular connection so it would remain as currently proffered. And they have removed the request to revise the layout of the pedestrian facilities. In other words, sidewalk or trail would be provided on both sides of all public streets throughout the development. So what is actually up for your deliberation this evening? And the only thing up for your deliberation for this evening when it comes to the application for you is whether or not to allow construction traffic to access the site using both North Pendleton Street and Foxcroft. So that's that's the brief history of how the residential development has evolved throughout the years, as well as how this particular application has evolved over the last few months.

Bridge Littleton: Will, thank you very much. I appreciate it. [off mic] So I think what we'll do is move to public comment. And I just realized something. We should have a sign in sheet. So too late. Oh well, what's that? [off mic] No, no, no, it's not that, it's like I'm going to randomly now, you know. [off mic] No, Peter is. So what we'll do is we'll now go to public comment. Well, let me ask real quickly and you know, we want to keep it very brief because we don't want to keep people here all night. But does anybody have any questions for Will. From Council, anybody have any questions for Will on his download? Yeah?

Darlene Kirk: [off mic] second part be coming back in at some point,

Will Moore: I'm not sure what you mean by this second part.

Darlene Kirk: Well, they took out a part of it. They are only bringing in the construction traffic now. The other access points are there. When will they come back to us or do I know? You don't know exactly. But they have you heard they said to you that they're bringing them back.

Will Moore: They have not said that they would bring them back. So the access points are driven by the current proffered plan and those would not change unless the applicant were to come back in and request again a revision. And then that would have to go through the full public process again, planning commission hearing and recommendation and back to council.

Darlene Kirk: So at this point, only the applicant can say [off mic]

Bridge Littleton: So if I. I think I know you're going I think your question is the only way that that could be brought back to council for consideration, if it was is if it was initiated by the applicant. The Reed Street yes/no consideration.

Will Moore: Correct.

Danny Davis: As an entirely new application.

Bridge Littleton: As a new application. No, I get it. New process. Go back to the Planning Commission. All that kind of stuff. Right. OK, so the town does not have the authority to initiate that reconsideration on its own.

Will Moore: That is correct, yes sir.

Bridge Littleton: Ok, yeah. Kevin.

Kevin Daly: One other point you just made. So the process is if the applicant comes forward first to the planning commission, then they tender a recommendation to the town council that is not initiated here by the town council.

Will Moore: That's correct. Yes sir.

Bridge Littleton: Ok, so here's how we'll do public comment. Yeah.

Danny Davis: I was going to but if you're going to address the public comment versus public hearing.

Bridge Littleton: I got it. Ok, so we have two ways in which folks can address town council tonight. Number one, we have a public hearing. The public hearing is on the application from Salamander to allow construction traffic on Pendleton Street. So if you'd like to speak on that, you're more than welcome to do so at the public hearing. At the public hearing, though, that is the only thing that can be addressed. So if you have concerns about that, absolutely reserve it and talk about it at the public hearing. If you want to talk about Reed Street, you cannot do that at the public hearing. The public has to be germane to the item of the application. But we also have public comment where any member of the public can address town council for three minutes, and I am going to enforce that rigorously on any topic at all. So it could be on having more apple trees in town. But it is up to you as a member of the public to address the council. AJ's getting his glasses out writing that down. In order to address the council on any item you wish during the public comment session, which is what we'll have next. So I just want to make sure if you do want to speak on Reed Street or something else, don't wait till the hearing because you wouldn't be able to address anything other than construction traffic.

Darlene Kirk: We can't answer questions.

Bridge Littleton: No, no. Yeah, yeah. Let me get through all the way through then if I miss something and then you can correct me again. So the other thing about public comment and the public hearings is these are one way items, meaning, you know, the the public has to address the town council again on, you know, public comment, anything you want, public hearing, if it's germane to the hearing, the council is prohibited from answering questions or having any back and forth dialog. So you can ask a question, but we won't answer it. We can't. So that's just the way public public comment is. It's you know, you go the county, you go to school board, it's the exact same thing. And it's a standing rule of how public comment works. So in both items, we will hold for public comment and for the public hearing, we will hold it to three minutes. I am what I'm going to do is just go down the row, as you know, from front to back. So contrary to what you were told in high school, it is advantageous to sit up front. So the only other thing oh, Rhonda, we do have somebody online, right?

Rhonda North: We have a number of folks who are on Zoom. So I can read the instructions for that now or we can wait to you finish.

Bridge Littleton: So here's what we'll do. So we have folks in the room and we have folks on Zoom. We will allow all the folks to speak who are in the room first and you can stay or leave after you speak. It's up to you and then we'll go to the folks who have called in from the Web to speak from Zoom and is there anything else I'm missing? OK, Rhonda, is there anything I'm missing?

Rhonda North: I think you got it covered.

Bridge Littleton: Ok, the only other thing when we when we go through everybody in the room and then we move to the folks who called in online. For those of you who are calling in online, we'll give you the instructions of how we'll call you in the queue and how to raise your hand and all that kind of stuff. OK, so we'll start the public comment or public comment session now. And when you come stand in front of the microphone here, give us your name and your address, and then I have my handy dandy little timer, which is going to be kind of hard because it's only [inaudible] for a minute. I don't know how to get it restarted. So I guess I'll have to get my timer out and we will go from there and see what I'm looking for here. I'm looking for a stopwatch. Yeah. This is public comment. Yeah. OK, sir.

Kevin Daly: All right.

Joe Salama: My name is Joe Salama. I live at 109 Reed Street. And it's my wife Laurie. Ok, so I can anything. Right. Even apple trees. Right.

Bridge Littleton: It's your three minutes.

Joe Salama: So that, you know, we've lived there for about a little bit over a year now, I think. And we noticed that intersection is kind of strange, right? It's not a perfect ninety degree angle. It's actually it's got some slight limitations for traffic that's coming from Reed going to Stonewall. And as we all know, there's a sidewalk right there, which is a great

thing, right, for walkers, dog walkers, you name it. Right. The problem is that sidewalk is more like it kind of reminds me of a pirate ship with a plank. You know, you want walk off because when traffic comes around Reed it don't even look at people coming. They look to see if traffic is coming. Stonewall this way while people are walking this way. We see that all the time. And I think it's very interesting that I don't have the clock up there. Oh, it's perfect. So I got plenty of time there, you know, so that's really what I wanted to address is the safety hazards for pedestrians on that intersection, whether we do street or walkway, whatever, there's going to be a problem at that intersection. Obviously, the more traffic, the more problems we're going to have. We have neighbors, with little kids. I've seen, you know, young ladies pushing strollers, definitely a lot of dog walkers. And the traffic is is pretty intense. And people don't obey the speed limits, a lot of them. And we think a lot of those people are probably going to from the Salamander. And of course, there's residents also speed [inaudible]. But anyways, so but I think one proposal that I had is an idea that I want to throw out is a three way stop sign at the Stonewall Reed intersection or maybe extend across like put some white lines for pedestrians, for people to see pedestrians or to kind of knowledge pedestrians at the intersection. And that's all I have.

Kevin Daly: Ok, you had a minute 20 left.

Joe Salama: The more trees the better.

Darlene Kirk: Thank you very much.

Bridge Littleton: OK. All right.

Patti Thomas: I used to sit right there where Peter did. Nice to be back. And I see you got a furniture upgrade. Your citizens are here to help you tonight. [off mic] 201 Chestnut Street Patti Thomas spelled with an I. I've served on town council, planning commission. And I was one of the old timers who was on the 2004 Visioning Committee when this all started. When it started, the old town council from 2004 had a vision that whatever was built on Salamander, we wanted to assimilate into the old neighborhood street grids. That was a paramount concern, was more than aesthetic. It was a feeling. I think it remained a feeling. But things change. And you all are the new town council or 2021 council. And you have a wonderful opportunity here tonight to achieve something that's a win win for everyone. You have the applicant here. Your citizens are here not as adversaries, but to support you and to give you some clarity about what can happen and how to help you. I know you have your town attorney online, and I was curious that you didn't pipe in proffers. A proffer agreement is a contract between two parties, a private landowner and a governmental body. And there's give and take and there's exchanging and horse trading. And those proffers can be amended by either party just because the applicant didn't ask for it up until now someone here can ask for it tonight before this public hearing convenes. And as a matter of fact, a proffer amendment can be proposed even after the public hearing convenes. If it doesn't affect something material and the something material is either the underlying zoning itself or the use. And we have neither of those factors here. We're talking about street connections. Now, all of us have been talking, some of the council members, all of us citizens. We came up with a petition. I'd like to give you the [inaudible] of it. Probably not going to have time to read it, but the motion is embedded in here. And then motion is also embedded in a statement that [inaudible]. I'm going to do this to Rhonda. So she can put it in the record. There's more signatures coming, but there's about 50 signatures already. And they're all property owners or residents. It's not somebody we dug up from [inaudible] Virginia. Now, clock has to stop when I'm not talking. [off mic] I'm taking his minute 20 too. [laughter] Let's get back to what a proffer is. It's nothing magical. He did a great job bringing it forward. And he I don't think you were even here in 2004, but I was. This vision of integrating the two neighborhoods and the kumbaya doesn't really work anymore, you know why? The town got prosperous. We got a lot of traffic from all kinds of sources. Salamander took off. You got employees. You got you know, it's just it's different now. And all we're asking is that you step back and acknowledge that things have changed over 14 years and this is the chance for the town to propose an amendment and the amendment that your citizens would like to see. So we don't.

Bridge Littleton: I'm going to stop you there, you're already 20 seconds over. That's your three minutes. Thanks for speaking we appreciate it. [off mic] You can't do that? [off mic] Just leave it with Rhonda. So the question is, why can't you give somebody else your time? Because then you can have a thousand people stand outside the door and all say, I give my time to one person. We'd all be here for 3000 minutes. [off mic] But you don't have to live in town to address town Council.

Will McCulloch: Will McCulloch. 202 Sycamore. 207 Chestnut Street. So [off mic] It's going to be clear and concise. I don't want to talk this out a whole lot. I want to reiterate the kind of theme and comment that I made from the beginning, which is, you know, the nature of this land is sticking to your word. I understand that, that they had an idea that didn't work with the community center. I'm a town resident. I'm also a huge supporter of that entity. So I don't care that they didn't want to sell their land. Now, the fact that they went to their 2015 idea and wanted to do retreat and didn't have the foresight to buy 108 Reed or whatever that is, is their problem. It's to change that now it's just. It doesn't make sense because they didn't have the foresight. So why do we then bend to them? That's all I have to say about that. The second thing that I have to say as to the whole public hearing debacle that we do in town, those signs need a clear description of what is going on and what is proposed. The rumor mill was created by this. And by the way, that you guys and the town or the town and the resort address the whole situation by not putting on one of those yellow placards or each yellow placard on both sides exactly what was going to be discussed and what was proposed on each evening and what was going on just led to people stopping me in the middle of the street with random rumors and like. So I love the connection, really love getting into town and stuff, but it's like a hyper acceleration I'm not ready for. Like, you know, this was a place that we hide my family's hide for hundreds of years out in these hills, not specifically this town, but like, I don't want the hustle and bustle. You know, I understood 49 homes were going in. I don't really think they're going to be a part of town. I don't think that you can I mean, physically being here and being a part of what's going on here are two different things, you know, and I'm OK with that. I bought a house on perspective that that it was going to just be the way that it is, but the fact that they can't make it work and they just want to change it around so it works better for them. That's just starts the whole conversation where I think that they should address the whole town, say that they're sorry and that we should organically figure this out a 2021 Vision Committee, because it's just gotten it's gotten curfuffled. And it's just because I'm worked up, I'm like less than 30 years old. What do I what is my point at a town council meeting? I mean, I understand I'm a homeowner now and it's my civic duty and whatnot, but it's just a little ridiculous to me that we all have to get so jazzed up over. She's got everything in the world, she's doing that for her own, whatever it may be, and I hope I've privately pleaded to them to reconsider and to to do it with more classer cash. And they've said that why wouldn't we put the biggest house that we can on the smallest lot verbatim? I'm out. Thank you.

Ramsey Metcalf: My name is Ramsey Metcalf and I reside at number 5 Reed Street, and I've been a resident there since 2014. almost exactly to the year of the month right now. And I've lived in big cities all over the world and seen evolutions occur and development and improvements occur. And without a doubt, all the folks who are involved want to do the best job they can. They work hard. They attempt to make everything as profitable as it can be for all parties involved. But here's the thing. We've all spent about a year and a half on quarantine or you know our little homes, all isolated. And one of the things that made us all we connect to was, in fact, our homes, the way that it feels. And the thing about this town that is still unique and it's so special and needs to be protected and preserved is the sense of simple, small, but elegant, and homeowners who really care about this environment that we live in here, not that everyone does it, not that, of course, the new residents who would come to Salamander won't. But it's different. It's under a different premise. This is our home. And the the concerns with regards to traffic, with regards to noise volume is huge. And it's going to affect every single person in this room and you all ultimately or the next Council Members. And I think it has to be revisited today now. It has been over the years, but this is 2021. And these are the people who are involved. And I think it just has to be reopened. Too much time has gone on and we're in a different place. Thank you.

Bridge Littleton: Thanks. You still have one minute.

Philip Boyle: Brief comment. My name is Philip Boyle. I live at 410 Stonewall Avenue. It seems like Reed Street, which and the right of way is still very much up in the clouds as to what's going on. So my comments would be I would wait till we see what the design at the end of the day and what is actually going to happen as we sit now there is a walkway, there's a single lane, there's a double lane, there's this there is that. And I will wait until we have concrete evidence of what is going to happen. And then I will be glad to make more comments. Thank you.

Jeff Mechling: Yeah, hi, my name is Jeff Mechling. We live at, my wife and I live at 208 Chestnut St. I'm confused. So I kind of thought the issue here was Chestnut Street. It's quite the thoroughfare might be one of the best streets in town to actually move traffic in especially construction, traffic, you know, fire engines use it, trucks pulling drywall use it. So in any kind of construction on the Salamander property is going to have to use Chestnut Street. And I was also under the impression that the master plan had Chestnut Street actually go up into the field and go over to the tree line and then

service the houses. Am I wrong about that? I know you can't answer. Yeah, but I think this is what a lot of [off mic] OK. I really think [inaudible] people are concerned about, and I think they're afraid that the [inaudible] State Road is gonna come in and said this is inadequate. We need a divider down. You know, how about some curbs and gutters? How about taking away some front yards? So is really not rolling with the look of the town. We don't want to be like Marshall. Nothing against Marshall. That's all.

Bridge Littleton: All right, go back to. You're good, you're good. Can you go that way?

Christina Bowen: My name is Christina Bowen, I'm at 100 Chestnut Street. I moved in Christmas Eve 2020, I owned the property several years prior, been a member of the community for more than 20 years. I have always loved the village of Middleburg because it is the American dream of a mixed economy community. We have people who are working and people who are retiring after their life on the farm or in the city. It's a beautiful community where people walk, talk, visit with each other. That's why we have so many people here today. This is our community, our people who have talked to each other in the roads. The proposal creates a highway. Two highways, possibly through a village. It's desecration. It's really awful what is proposed here. I understand that it's a consideration and that there are rights and that's OK. But if this is continuing, the speed limit should be reduced to 20 miles an hour. I don't go any faster than that. And it's frightening when people do. There are children, there are dogs, there are friends walking every intersection should have four way stop. Every intersection in town all the way through Stonewall and Marshall, because Marshall will be your highway from the west east side of town. Chestnut will be your highway from all the workers going into Salamander. So I also propose that until the construction of all the residences, which are mainly looked at as being short term rentals that entrance on Chestnut is not available until every house is built. Thank you.

Bridge Littleton: Thank you very much. Darlene? [off mic]

Pam Curran: I'm Pam Curran, I live at 800 Blueridge Avenue on of Chestnut Ridge, and I want to thank everybody who has given us their time prior to today, including the mayor so, you know. I mean, just really quickly, before I read a statement, I had lived in Montgomery County for 30 years, and then I bought this house on Blue Ridge and I had it for about a year and a half. And I over time, I really came to know the community. And they really are a community. You know they are for the people, by the people, they are not like D.C., where people work there. And then they leave. I mean, these people are the fabric of Middleburg. So you don't find that very often. So I sold my home in Bethesda and I moved here and then I liked it so much after that, I moved the YMCA office out here and I've got an office here Middleburg now and hopefully you know, very soon we'll be talking about building a Y in Loudoun County or Middleburg, which is what I hope. But it is a little bit to what Christina said, just how special this is. And, you know, one of the things that I want to say before I read this is it's not so much that people don't want change here. I mean, I love the Salamander. That's the other reason I moved here. But it's just this solution to change. And you and myself, we're talking today about safety. And you mentioned how the traffic accidents have gone from three hundred percent, which is still two a year versus one every five years. But I researched that a little bit. And, you know, the real the real traffic issue isn't between cars crashing Bridge it's between cars and pedestrians and cars and cyclists. So I think part of what we need to look at is really what are we trying to do? Because if you wanted to be more safe. Right. You know, I think the connection that Prem shared also with us, that possibly it could be non-vehicular still establishing that, you know, the connection with the Salamander homes is to look at non-vehicular pathways because there are more cyclists, there are more pedestrians and there are more children. So I think, you know, to your point about safety, I think we need to take a broader look at that. And so, I mean, you know, I think I think that's an important point. Nobody is worried about change. It's just our solution to change. And so what I'd like to do is just read a really quick statement is that we ask this council of 2021 to acknowledge the concerns and to witness cooperation between citizens and Salamander for this request. And we're asking the town as a party to the proffer contract, initiate on behalf of the town a motion to modify the terms of the proffer agreements as to street connections in order to delete the vehicular interconnections at Chestnut Street and Reed Street. To change those connections to pedestrian walking use in order to accomplish the goal of joining neighborhoods. Three, recognize the change in circumstances and conditions in town, the passage of time, ongoing safety concerns, the desires of the residents and property owners, and for eliminate for the applicant expense, risk and the ways to the applicants project for having to improve these two areas for vehicular use. So we're all about working together. I know my time is up and I want to thank everybody again.

Bridge Littleton: Thank you, Pam. [applause]

Roxene Hill: Roxene Hill I live at 205 Chestnut Street. And I've lived here for over 20 years now. I can't believe it in 2007 the Salamander and the town entered into a proffer agreement. A proffer agreement is nothing more elaborate than a contract between a landowner and a governmental body. With gives and takes on each side. The original proffer agreement provided for certain concessions and exchanges whereby Salamander received some rezoning. More are won in order to build, for one thing, forty nine single homes and then 60 more units later in another phase. The one thing that that I have become aware of is that proffer agreements can be modified when recently made to do so, and they can be, proffers can be changed by both parties. So that would mean we can change a proffer and also Salamander can change a proffer. So I think when you said that we wouldn't be able to make an amendment at all, I think you were incorrect. Stand. I'll stand by that. But I believe that you were incorrect when you said. After the plan for forty nine residences commenced in 2007, Salamander suffered some setbacks and delays, but then became successful over the ensuing years and is now a vital part of our town. I originally spoke against Salamander Development, but they've done a wonderful job and it is a beautiful piece for Middleburg to represent. So I'm definitely not against this development at all, but I am very concerned about what it's going to do to the town by having all the extra traffic the complexion of the town is going to change. But I think that you all must know that. And interestingly, though, I found that most all of the council members don't live on this side of town. So I wonder. Except for Darlene. Right? The Bureau of Traffic Statistics cites 10 vehicles trips per day per average single family home for the 49 residents at Salamander, then more than 60 units plus all their deliveries, et cetera, equates to thousands of vehicle trips per year. It's no, it's I can't find my words sometimes. I'm seventy five now and can't find my words so I hope you'll forgive me. The town has changed. Life has changed. We didn't have Airbnb's five years ago. So I think that there are concerns about the development and the change in the town. There's been a lot of infill development and I think three minutes.

Bridge Littleton: Your 30 seconds over.

Roxene Hill: 30 seconds. Well, thank you very much. I do want to thank everyone for listening to us. We we have this in our heart. We hope that we can leave a legacy that's going to make this town proud. [off mic]

Bridge Littleton: Thank you. [applause] Sir, did you want to speak OK? Is there anybody else in the room who didn't speak who would like to speak? Because we're because then we're going to move to the online folks. And you will I mean, if you want to stay, you will be able to hear them, you know, when they speak from online. So, yes, sir,

Joe Huttar : My name is Joe Huttar. My family and I just moved from Bethesda right next to the YMCA up there in 2020. And this has been wonderful to hear all of you do all of this. So this is a great. That's it.

Darlene Kirk: sir. can we have your address for the record.

Joe Huttar : Oh, gosh.

Bridge Littleton: You get one freebie,

Joe Huttar : Joe Huttar, and we're at 36482 Leaf Lane in Middleburg 10 minutes up the street.

Bridge Littleton: Thank you. OK, so for folks online, Rhonda, do you want to give the instructions?

Rhonda North: Yes, sir. So if you're online and you would like to speak, if you're on a computer or similar device, you can raise your hand or send me a chat. When you're granted permission to speak, you'll need to unmute yourself, unmute your microphone. If you're on the telephone, you can let me know you'd like to speak by pressing Star nine. And when you're given permission to speak to unmute yourself, you simply press star six.

Bridge Littleton: And Rhonda, when you say raise your hand, you mean electronic.

Rhonda North: Raise your hand function electronically. Yes sir.

Bridge Littleton: It doesn't mean sit in front of your webcam and go like this. There's a there's a button on there that says raise your hand and that will signify that Rhonda knows you need you'd like to speak. So Rhonda, who's first?

Rhonda North: So I have Kevin Piper.

Bridge Littleton: Kevin Piper.

Bonnie Piper: Hi, this is Bonnie Piper.

Bridge Littleton: Oh, Bonnie, I'm sorry.

Bonnie Piper: Yes, I'm representing both of us. I'm at 107 Reed Street. Obviously. So we had been here just about a little over two years. We absolutely love it. And but it goes without speaking, so I have a three year old son and it goes without speaking that we are opposed to the Chestnut Reed entrance. However, is that the ultimate goal or if that's the ultimate answer that this will happen our main concern, obviously, is for safety. One of the things that really drew us to this property was access to a playground, access to a library, access to a community center. And as Reed Street goes in with the library being on Reed, we see a lot of pedestrians having to walk on the road to get to the the library as well as to the playground on the back end. And we utilize that ourselves. It's already a very dangerous trek to take on the road. I mean, I'm staring at Reed Street right now and I'm kind of witnessed twice two way traffic is almost impossible there is, you know, yielding on both sides. And if there's somebody with a dog, if there's somebody walking, that just creates a really dangerous situation. So to put additional traffic onto that road with no with no plan for increased safety, such as walkways or planned for yielding traffic or whatever the case may be, that's just something I think in consideration. This is definitely going to happen. And I would just hope that the city in some way would start thinking about how can we ensure the safety of the entire community to utilize the amenities, a walking and pedestrian, because that's one of the things that we've really enjoyed. And I know the community really enjoyed and value and appreciate is that this is a friendly community and we just want to make sure to keep it that way and to keep everyone safe. And that's it

Bridge Littleton: Thank you very much, we appreciate it. Rhonda, who's next?

Rhonda North: I have no one else with their hand raised.

Bridge Littleton: How about on the telephone? OK, so and sometimes it's hard to figure this system out, so if you're online right now or logged in on the telephone and you want to speak up and say you'd like to speak, please do so. We'll wait 10 seconds. If no one does we'll then terminate the online talk in and close the public comment. Is there anybody else out there? No. OK, so we will now close the public comment session and let me pull up the items here. OK, so one second I was going to. Well, let me let's go around the room real quick. I want to see we want to do here. So we've got the public hearing next. And there might be folks who want to speak on the public hearing. So I think it would be best if we do that and then, you know, discuss the one item on the for the for the public hearing, take care of that and then we can move into discussion. You know, we can move the discussion up on the agenda and then cover other things that people have addressed. So OK, if everybody's OK with that. OK, great. So next item we're going to go to is a public hearing for zoning map Amendment 21-03 Will, do you want to give us a quick update?

Will Moore: Sure. So this is kind of a reiteration of what I stated earlier. But again, this application has evolved since it was originally submitted. What the application proposes now is an update to the preliminary layout plan that is within the proffers. But the key to that is it's no longer proposing the elimination of the Reed Street vehicular connection. So that would remain. It is no longer proposing elimination of sidewalk from one side of the street or the other. There will be sidewalks on both sides of the street throughout the development. The one substantive element that is contained in the proffer request is the ability of construction traffic to access the site using North Pendleton Street or Foxcroft Road. The current proffers limit it to Foxcroft Road. Only staff reviewed this. We reviewed it with our public safety personnel and are supportive of this request. We recognize that construction traffic is going to enter Middleburg almost exclusively from the east or west on Route 50. They're going to travel to the center of town to use Madison Street to access Foxcroft Road as it is. So this proposal would not increase construction traffic load in the core of downtown. It would just travel one

block farther or less to North Pendleton Street, and it would have the added benefit of lessening the amount of construction traffic that would be passing in front of the community charter school and construction, traffic and school traffic often are operating at the same time of the day. So we think that would be a good benefit. I will say we do recognize that there are going to be challenges dealing with construction traffic throughout the process. It was a lesson learned, as I understand I was not here for it, but during construction of the resort. And we will have to deal with those challenges. But staff was supportive of the use of Pendleton Street as well as Foxcroft Road. And as I stated before, that was the one element that the Planning Commission stated support for in their recommendation to you.

Bridge Littleton: Ok, Will, thanks. I appreciate it. So we will now open the public hearing for the application, which, as Will said, really is only about using Pendleton for construction traffic. All right. So same rules as before. Anybody who wants to speak for three minutes only germane to the allowance or disallowance of construction traffic on Pendleton. We'll go people in the room first, then we'll go if there's anybody on line. And let's do this real quickly, real quick. Raise your hand if you want to speak on that item, OK? Ramsey, you'd like to go first. Yeah, same thing as before

Ramsey Metcalf: Ramsey Metcalf and I reside at 5 Reed Street. My concern with regards to the construction access is that the block that, it's called the Safeway block is a short block and the intersection is not a four way stop at fifty. And what I guess I can't ask a question, but I'll put it out there. I assume there has been some forward looking plan to contemplate what is going to prevent the trucks from turning on Stonewall and going down Reed Street or going somewhere else. Because to be perfectly honest with you, I see that all the time currently. People learn shortcuts, as you pointed out. But all of these decisions are only as good as the enforcement that's required to make sure that they're carried out. And that's where the breach of quality of life starts. It starts even more bad feelings among the people being exposed to it. Thank you.

Bridge Littleton: Thank you. Ok. Patti.

Patti Thomas: Patti Thomas, again. with regard to the construction traffic, please keep in mind that the build out period for the forty nine houses and then another 60 units is going to be long and arduous. They're going to build them as they sell them. That's typical. So we're talking a decade. Are you have your police chief out there catching dump trucks as they come in from Winchester and points west and cheating and using Chestnut. We have to wait till somebody is dead. Next thing, the public hearing was noticed for zoning map amendment 21-03. And within that proffer amendment are several different subject matters. And your citizens are here tonight because we asked, we implore we beg you to make an alternative proffer amendment. I believe we have the support, the full support of the applicant, for whatever reason, doesn't want to make the motion. We are begging you to make a motion to delete Reed Street.

Bridge Littleton: I have to stop you there. The agendas and the motions were updated and published online. So it has to be relevant.

Patti Thomas: It is relevant.

Bridge Littleton: It has to be relevant.

Patti Thomas: You have to re notice it. Your town attorney will explain it to you.

Bridge Littleton: Thank you. Would anybody else like to speak on the. Yes, sir. On the traffic.

Jeff Mechling: Just Jeff Mechling again. just the installation of a four way stop at that intersection. I know VDOT basically controls the traffic signals and that kind of stuff, but there's just this natural feeling that it's a four way stop. And I see it all the time. And people come up, they run it accidents or, you know, just waiting to happen. And when we start talking about larger vehicles than [off mic] Just wanted to comment on that.

Bridge Littleton: Appreciate it. If anybody else wants to speak on that. Yeah, Will.

Will McCulloch: My whole thing is I don't know how long all of you all have been around here, but the Upper Crust and Safeway in the morning to get the [inaudible], my dad needs. It's a huge part. It's been a huge part of my life since before I came to town riding through it to Marshall the place of curb and gutter I know. It's horrid, but anyway, it's like this is what I'm saying is and I feel for the charter school, I do. But when you start giving a mouse a cookie and and say, here, let's take Pendleton and give you that easement, that's really that's directly affecting like my whole quality of life. My whole life in town is surrounded around Safeway, the Upper Crust, the post office and the parking lot where I park my car to get to all of those things. But in a morning where I need to rush like, you know, I'm in, the last thing I want to hear is more stop signs that's going to kill this town. The one the one stoplight and the amount of like we should publicly be talking about is how to how to ease traffic in town. Maybe we should go back to since we have the resort and we have the assets, maybe we should be talking about the bypass, because this is this is going to kill just the nature of here. I mean, for a decade, I don't know how long. I think that this cycle will be quick. I think that if they stopped moving around, which way they would have already sold the houses had they not curfuffled the way they did, but to let the construction traffic infiltrate town. It's just, you know, I hope that it's going to raise my housing value because I might as well sell my house, because it really seems like it's going to be a major inconvenience to my life.

Kevin Daly: Thanks Will. Would anybody else like to speak on the public hearing?

Prem Devadas: Good evening, Prem Devadas, 10 North Pendleton Street. Middleburg, and I just had a couple of things to say. First of all, I wanted to thank Will for his incredibly accurate recounting of what happened in 13, 14 years ago. And then an update to today. And I do want to emphasize that after a number of discussions with town staff, with residents, with the mayor, we we did decide to withdraw our special requests that. Yes, oh, I can't even address that. OK, [off mic] That's OK. So so the most important thing is to let you know that I was here during the construction of the resort and relative to construction traffic, we took very seriously that and we will take very seriously our role in helping to control that traffic, to monitor that traffic and to enforce the rules and regulations, specifically contractors and subcontractors similar to 2007, 8 and 9 were they will be instructed on exactly where to go. And that's specifically not through the neighborhoods. That's something we didn't allow then. We won't allow now. And if somebody does not comply with what the rules are, what our rules are, we'll take action against against them, as we did previously. So I just want to make sure that Council knows that that our residents know that that I'll be available. You can call me if somebody does the wrong thing, if a subcontractor does the wrong thing. And I appreciate the fact that with regards to construction entrance at Pendleton. Planning Commission has supported it and the town staff is also supporting it. And I look forward to getting an approval. Thank you.

Bridge Littleton: Thanks Prem. OK, Rhonda, is there anybody online or on the phone that would like to speak for the public at the public hearing?

Rhonda North: I'm not showing anyone with their hands raised or who has submitted a chat.

Bridge Littleton: Ok, so we'll I'll just ask real quickly, anybody on the phone if you weren't able to find the button to raise your hand or whatever, if you want to speak up and let us know if you'd like to address the council, please do so. Or forever hold your peace. OK, great, thank you very much. I think that's one last call, anybody who wants to speak on traffic, OK, public hearing. OK.

Christina Bowen: Christina Bowen, 100 Chestnut Street, and I just wanted to repeat that the if there are access points at Reed and Chestnut they remain closed until construction is completed.

Bridge Littleton: Thank you. OK, being is that's everybody who's seeking to speak. We will close the public hearing. And now we pull the agenda back up, move on to discussion. So what we have before us is the item regarding allowing construction traffic on Pendleton. Once we are finished with that. [off mic] It's OK, once we're finished with that, then we'll go into discussion to talk about the other stuff, OK? Anybody have any questions or thoughts or ideas about the motion?

Darlene Kirk: [off mic]

Bridge Littleton: The only germane thing that we're discussing right now is whether we're going to permit construction traffic on Pendleton.

Darlene Kirk: [off mic]

Bridge Littleton: You know what we'll do. We'll go around the room once and then we can do any sweep ups, sort of a little more organized. Bud. Well you were on planning commission, you you were there for the hearing.

Bud Jacobs: I'm confused. We're talking about the motion that's before council only?

Bridge Littleton: No motion yet, but a discussion about the public hearing as to whether we want to permit construction traffic on Pendleton or not.

Bud Jacobs: You're probably aware that both on planning commission and on council, I'm aware of allowing construction. I'm in favor excuse me, of allowing construction on Pendleton. In addition to Foxcroft, as you're all equally aware I'm very concerned about the impact of construction traffic during what is undoubtedly going to be a long build out. I think I mentioned the last meeting that in the neighborhood I live, it took the better part of eight years just for nineteen homes to be completed. So this for sure is going to drag out. I'm in general very pleased with how Salamander has handled things with the town. I think pretty much everything they promised through the years that was going to accrue to the benefit of the town has come to pass. It's not a question of whether Salamander is a good partner. I would like to ask staff to explore with Prem the mechanisms of enforcement that they have in place to ensure that construction traffic adheres to the routes that we that we have laid out. I assume we're talking about performance letters with your contractors and subs, but I'd like more. I'd like to know what that is and what it looks like. I'm also concerned about the burden on the town and on towns resources for whatever our part of enforcement of that is going to turn out to be.

Bridge Littleton: Thanks, Bud, it's a great point. Chris.

Chris Bernard: How am I going to follow that. [off mic] No, [inaudible]. I think Bud's dead on. I think we you know, it'd be interesting to see what the enforcement plan is. And, you know, what what teeth some of those rules have if they get broken because it will get broken. And then also to kind of revisit the the stop sign where Pendleton crosses Marshall. I mean, I've said it before. I think it should be a four way. And I don't know what we have to do to get that done through VDOT. But I think maybe leaning on whoever we have to lean on to get that done, I think that would lessen things by a lot.

Bridge Littleton: Well, I would say I mean, especially after one of our own town staff got hit, you know, at that intersection. [off mic] It's horrible. And, you know, and I think you, Danny you and Will have asked before and VDOT said, no, you haven't had enough accidents. And it's like, that's a horrible metric. It's a horrible metric. OK, Mr. Daly. Oh, no, I'm spinning the loop.

Kevin Daly: Yes, it's true. I do not live in the Chestnut Reed area, but if you get up at Zero Dark Hundred you'll see me walking the streets of Middleburg. This is why I moved to Middleburg when I retired from the military. It's walkable. I've also and the chair for PEPSI, Police Enforcement and public Safety Integration. I've been in the military always great acronyms. I know Prem and by reputation and by his word. I know what was accomplished when Salamander was built. More importantly, I also work very closely with Chief AJ and I know his capabilities and I am very concerned about public safety for everybody. No matter how many years they lived or grew up in this area, there's a lot who have moved in. And I know Chief is going to work very closely with Prem and Prem's going to work very closely with the chief to ensure that safety takes place because there's other means of enforcement. That said. Back to you,

Bridge Littleton: Commissioner Pepsi, thank you. Cindy.

Cindy Pearson: How do I follow that [multiple speakers] All right, I did grow up on Chestnut Street, I was that's the house that I came to when I was born and raised there for many years until I moved on Polecat Hill Road as my family took me out there. I'm back in Middleburg. I am on Marshall Street. So I do see the traffic. I do see how the traffic at the

charter school backs up every morning and drop off. And every evening I pick up. If we don't have Pendleton for the construction traffic to use, we're going to have a terrible mess. We have to have another outlet because those truck drivers will know that between I think it's eight o'clock and eight, 20 is about the time frame. They will not use that road because they want to get their truck unloaded and go back and do it again. So I know the Upper Crust and the Safeway, the traffic there is horrendous as it is now. I know we are all concerned about safety in this town. It is the biggest issue. And, you know, our police officers do the best they can to keep things safe. I know Salamander will do everything they can. They have done it. You know, when they first opened, they had employees. They zoom through town to get to the resort. They stopped it. They did not let that continue. Oh they have they have worked on our end anyway. So there's just I think you have to look at other things that might happen if you don't allow Pendleton to be there.

Bridge Littleton: Cindy, thanks. Peter.

Peter Leonard-Morgan: Thanks very much, everyone. My main concern certainly is the idea of a four way stop at Pendleton and Marshall Street. I've nearly been t-boned there, and I think a lot of people I know have. And it's not going to get any better. So that's my biggest concern. We all live in Middleburg. We'll walk. Most of us are able to walk around Middleburg from time to time and we want to see safety. And as as Councilman Daly said, Chief AJ's got a wonderful department there. And I know that we're working hard on that. So I appreciate everyone's comments.

Bridge Littleton: So I think a couple of things. Number one, I just want to thank everybody for coming out tonight. I mean, this is an example of what makes Middleburg great. You know, we agree a lot of times it's like a family, right? You agree sometimes you disagree, hopefully infrequently. But when you do, it's respectful and it's based on the facts and it's about what's everybody's view of what's best for the greater good of the whole community. And that's the town council's responsibility, is try to take the view of the entire community, we have to do that. We represent everybody. So on the Pendleton thing, Pendleton Street piece, you know, I think Bud I think you said it really well. I'm on their charter school board and I know how difficult that area is in the mornings and especially the afternoons. It's a massive challenge. And these are kids in kindergarten to fifth grade who run out in the middle of the street to follow a ball. And if there is a dump truck barreling down that road, there's they're gone, and so I don't want to make hyperbole, I don't want to overreact or whatever, and it's not like that construction entrance is going to go away. Maybe there's a way of scheduling it in a way that, hey, in the morning and the afternoon, in these really tight times, that's when you use Pendleton. And otherwise in the you know, and again, this is about everybody. This is about what's best for everybody. You know, we've got to take the big picture in view here. And there have been any number of near misses with kids at the charter school as it is right now. Traffic flies up and down that road. And it's just I would not live with myself. I could not live with myself if a kid got hurt or killed because we put too much construction traffic on that road. And I think Will brought out a great point. If it's all going to go down Madison, guess what? It's coming in to the middle of town. We're not avoiding or creating a bypass of this construction traffic coming into the middle of town. That's the stoplight. You know, it's whether they're coming from the east, it's going to be one block short or if they're coming from the west is one block shorter. Coming from the east it is one block further. What we're simply doing is allowing two points of access for more options for the construction traffic. And and I'm not you know, I'm not a traffic expert, but I just you know, I see those kids and that school and we're really proud that school is 100 percent full now. There's one hundred and fifty kids there and they're doing great. And the field is right there on the road. And I really have major concerns about that. I think Bud brings up an excellent point of staff to work with Prem and the resort to figure out, you know, let's instead of just saying, let's use Pendleton, what's the structure of how we would use Pendleton, what's the right hours? What's the right dynamic? Is there a way that only certain things or certain not. And honestly, your point Bud about enforcement, what's the teeth? You know, I mean, hey, you get busted coming down, you know, check Chestnut or Blue Ridge or whatever. It's a five thousand dollar fine or whatever it is. Right. I don't know how that stuff works, but I will say if a business, that's that old great statement. Right, people react by positive reinforcement, negative positive reinforcement, negative reinforcement. So the truck driver has got to personally pay a thousand dollars every time he gets busted not doing the right thing. I bet pretty quick he's going to be using the two approved entrances, you know, so I don't know how that would all work. It might not even be possible. But, you know, Danny and Will, if you guys could explore that with Prem and the team, that would be fantastic. So and I do like Kevin said and Cindy, I do trust our police officers to enforce it. Maybe we have a town hotline that if you see somebody if you see a construction truck going through the neighborhood, call the hotline, you know, Joe's Asphalt, you know, call and tell us. And, you know, we'll coordinate it with the with the resort. But I do take Prem at his word that they're, you know, going to be a good partner and, you know, help us manage this as best we

can. And, you know, I think, like I said, at the end of the day, it really comes down to the fundamental element of public safety for me. So I think it's the right thing to do. And I will the last thing I'm going to say, there's no perfect solutions. Right? These are all degrees of imperfectness and so can't make everybody happy. We got to do the best with what we got. So given that, does anybody else have any other feedback or input or any comments or questions? Yes Cindy.

Cindy Pearson: I just have a quick comment. And I don't know where the construction, the dump trucks were going with in the last couple of years. It could have been to finish up something at Salamander or somewhere else. The truck drivers were so careful when they did go by the charter school, they would slow down. They'd wave at the kids. The kids are out there getting them to blow the horns and things. So the kids kind of got their truck education per say from seeing that come and go. So there are some good things that happen through all this. And I think, you know, if we all work together and just remember what our object is, we'll be fine. [off mic]

Darlene Kirk: Where's Philip when I need him. I'm sorry you're slacking. Sorry, I'm not. I was not putting down our relationship with Salamander when I said what I said, because they have been good. But you've got to face human nature if they can if they think that, OK, I saw the cop go down through the [inaudible] so I can go this way, they're going to do it. So it's going to take a lot of our police department and we may end up having to hire someone else to make sure that we have everything that we need to do the job that we need to do. And I will say, I have sat down on Sycamore Street, I've had several dump trucks, and they're just kind of like, you know, we're looking around at all. I like what Cindy said about the guys and the dump trucks waving at the kids. And I think that's very important, too. And it might be something that maybe charter school would think about taking classes over there and letting Salamander, you know, walk them through and see, meet some of the guys and stuff like that might help. I don't know if it will or not, but

Bridge Littleton: I'll say this. I think it's actually a good idea. I'm going to bring it up at the next charter school board about, you know, when this construction starts, that entrance will be used to some degree. We've really got to educate the kids.

Darlene Kirk: Yeah, you do.

Bridge Littleton: Ok, anybody else have any other last minute before we go forward.

Darlene Kirk: Thank you.

Bridge Littleton: Ok, so. Any other input, OK, so I think the only item we've got left is if someone would like to make a motion. [off mic] after we do this. Yeah, well, we got you know, it's this is the for the street stuff. Yeah. Ok, would anyone like to make a motion. [off mic]

Cindy Pearson: I move the council, adopt an ordinance approving zoning map amendment 21-03 as contained in the proffer statement titled Second Amended and restated proffer Middleburg Residential LLC and Salamander Middleburg MUV LLC dated June 4th, 2021.

Peter Leonard-Morgan: Second.

Bridge Littleton: any discussion? OK, Let's do a roll call, vote. You're not required to. We don't need to.

Will Moore: It would be helpful for an ordinance, just for the record.

Bridge Littleton: Ok, so Rhonda, if you want to call roll

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 Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Leonard-Morgan.

Peter Leonard-Morgan: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Ok, and so the zoning amendment or not zoning amendment, the proffer amendment passes. All right. Now we are going to move on the agenda, as we talked about earlier, discussion item up to the front so we can, you know, just discuss the public comment that we got. One thing I'm going to say real quickly as my prerogative for the discussion item. Last night, there was two hearing two public hearings at the Loudoun County Board of Supervisors on the attempt to rezone the land in Aldie or excuse me, the land in St. Louis for MOJAX with putting the 29 homes in and all the wells and all that kind of stuff. There was I mean, there must have been one hundred and fifty people from St. Louis there speaking against it. It was phenomenal to see. I think the county is going to try to figure out what they can do from a rezoning perspective. But I would absolutely encourage members of the public and members of the council to email the board and let them know that you support their efforts to do a redefinition in the CR3 zoning designation for St. Louis. It's I mean, there was people there. There was one girl who spoke who was 16, and there was another person who spoke who was 92. And it was fantastic to see. The second item that was there was the sale of the Aldie firehouse land that's owned by Loudoun County. If you guys remember, we all sent a letter about that to the county. There's two proposals on the table. One is from a guy named Guy [Inaudible]. He's offering the county six thousand dollars for the firehouse and basically all the buildings around it. So that's what's for sale. Basically, the whole of Aldie from the bridge to the church, the tavern too. Includes the tavern. And he wants to preserve it, restore the buildings. You know, when the county builds a new firehouse, they'll tear down the old one. But make that is sort of like a park or something like that. It's a great proposal. The other one is from Jack Andrews and his development group. They are there. I'm going to have it wrong because they did modify their plan, but their original plan was to buy the property and then basically tear down most of what was there except for the tavern. They would restore the tavern, build 35000 square feet of commercial retail, which would be a brewery and a bunch of retail stores and all that kind of stuff. A hundred and twenty parking spots right there on the east side of the the small bridge in Aldie. [off mic]. Yeah. So I just don't think it's in line with the vision of our community. Aldie is the gateway to Middleburg. So again, if you want to go to the county board documents from last night and see what was on the agenda, if you want to call and ask me what to do, if you want to email the board and tell them to support going through with [Inaudible] proposal, that would be awesome. So, OK, yes.

Bud Jacobs: [off mic]

Bridge Littleton: It was weird, so. Oh yeah. Well it's so, it's weird. It was like they bid one point two million, but then they wanted the county to go and put back six hundred thousand dollars in escrow for them to use to restore the tavern. And guy was saying I'll pay you six hundred thousand dollars but I'll restore the tavern myself. So it's well it's kind of apples and oranges but it might be apples and apples depending on how much you want to spend to redo it. I mean it was you know, and then the other thing, what was interesting that came out in the public hearing last night was that the they own a piece of property behind it. And they were going to build this access road to then go to another piece of property and build like three more homes up on the side of the hill as you as you go above it. So that was the other piece that was,

you know, that sort of came out last night. So, again, if anybody wants any information on that to email the board, let me know. I'd be happy to provide it to you. But the board is making a decision on this Aldie assemblage what they call it, if not the next meeting at the meeting after that. OK, sorry to take up time on that. But since everyone is here, I was using it as a sales opportunity. Ok, I can send you an email. OK, discussion on what came forward tonight from the community, I guess we'll go around the room like we did before, the thing I would say at the beginning, just to sort of level set the table is, you know, it's not that you can never avoid change, right. The question becomes, does change manage you or do you manage change? And I think that's what we're struggling with right now. So there was something done in 2007 with all the best intentions. It was revisited in 2015, again, with all the best intentions. And maybe those intentions still hold true today and maybe they don't. Right. So I do appreciate staff taking an inordinate amount of time, you know, examining this and relooking at it. I do appreciate our very hard working, dedicated planning commission who heard from the community, got into the details of this issue, you know, and made the determination they made. You know, I don't dismiss that lightly at all. But on the flip side, taking the input from the community, you know, we equally have to look at what that input is. And at the end of the day, we're going to have to, you know, take this and base it on, you know, our in line with our vision for our community, but also on the facts and, you know, and data like traffic studies and traffic analysis and stuff like that. So I don't have the right answer. I don't know what what. And the last think I'm going to say and then we'll go around the room is there's only versions of suboptimal choices. Right at the end of the day, we would all love nothing to change. But that's not possible. Something's going to change. So what's it going to be? And that's that's what we have to figure out and manage. But I appreciate the community's input.

Darlene Kirk: [off mic] Well, yeah. Martin, I have a question for you. Can we make a motion?

Bridge Littleton: [off mic]

Darlene Kirk: Yeah, can we make a proffer amendment?

Martin Crim: Can the town council initiate a proffer amendment? No.

Darlene Kirk: Well, that's not what we've been told.

Martin Crim: I don't know where that came from. There's no ability for town council to initiate a proffer amendment. What you can do is rezone the property. But even then, the proffers remain on the property. Unless something strange happens, like they're [inaudible] or they have already been accomplished. A proffer is conditional. So let me back up a second and explain what a proffer is. A proffer is not a contract. Contract zoning is illegal. It is illegal to bargain away the police power of the government. You've been cloaked with part of the police power of the state of Virginia. And as such, you can zone and rezone property. And as part of that you can accept voluntary condition from property owner to in addition to what is contained in the proffer ordinance. So once those proffers are accepted by the town council, they become part of the zoning of that property and run with the land. But they are voluntary on the part of the property owner. And remains that way, you know, that what I mean by that is you can't impose a proffer on a property owner. You can't unilaterally change a proffer that has been previously approved. The process as given in the state code is for the applicant, for the property owner to request a proffer amendment. And there's a process for that requires public notice unless there's no change in density and so on. But in general, it requires a public hearing before the planning commission and town council and then a vote by the town council to accept or reject the proposed proffer amendment. Not something that the town council can initiate on its own motion.

Bridge Littleton: So Martin, that's a great. OK, so I appreciate that because there's a little confusion. So I want to make sure I heard you right on this one specific issue. So I think I understand what you're saying. A proffer is not a contract between the town and a property owner. A proffer. OK, a proffer that ends up is a a new element or a new fact of zoning that now applies to that land and runs forever. So if somebody gave a proffer that I will never build a skyscraper that is now deeded, or not deeded, that is now a zoning element of that property, which means it can never be done and the town council cannot initiate the ability to take that away because, as you said, it runs with the land. OK, so the only way to amend an approved proffer under Virginia code is for the property owner to initiate it. OK, cool, thank you. No, no, no, no. I just want to get the you know, make sure was clear.

Darlene Kirk: All right. But we can make a motion to ask staff and the property owner to look into modifying the proffers.

Martin Crim: You can always start a dialog. Absolutely. [off mic]

Darlene Kirk: Well, I'm not requesting a proffer. What I would like to do is make a motion to modify the terms of the proffer agreement so that for the street connections at just on Reed Street and I'd like our staff to explore that with the property owners,

Danny Davis: If I may.

Darlene Kirk: That's what I want to do.

Danny Davis: If I may just suggest that the council give us direction to go have a conversation with the property owners about the conversations that have taken place on this topic, and we will go do that and we can report back to you.

Bridge Littleton: Martin, Yeah, I got you. OK, so, well, let's do this, let's not ask that. [inaudible] come back, let's not ask that to do anything yet. Let's go around the room. Anybody has any other input. And again. Yeah, I'm sorry. Go ahead. We got. There's legal framework we have to be very, very careful of and how we how we make sure we.

Darlene Kirk: I wasn't asking for.

Bridge Littleton: No I ok. Yeah. No, no. None of us are asking for that.

Darlene Kirk: No I'm not.

Bridge Littleton: Right. Ok.

Darlene Kirk: But I just want it looked into. You can come back to me.

Bridge Littleton: No, no. Yeah, yeah. No, I think it's a great thing, you know, for Danny to talk to the property owner about the comments heard tonight. OK. Yeah, Bud.

Bud Jacobs: I don't have anything.

Bridge Littleton: OK, Chris.

Chris Bernard: Yeah. My questions coming into this were really I got a little bit of clarity on it earlier today at a conversation with staff, but I was curious about the mechanism by which these proffer amendments can be raised, and I think we've answered that. So whatever needs to happen to have that conversation, I think we should do.

Kevin Daly: No, I concur the question I have, because my limited understanding I am not a lawyer, nor do I play one on TV. The question is the proffer is to the property owners who are the property owners that are coming for coming up with an agreement. If it's not the town's involvement. Correct. Is proffers between property owners. No? [multiple speakers] No. OK, can that. Can that be clarified? Who are the people who are the property owner that can make and request an amendment to a proffer? In this case.

Martin Crim: Mayor do you want me to addressed.

Bridge Littleton: Yeah, yeah. Martin please, as the town attorney. Please do that.

Martin Crim: Thank you. The proffer is a requested amendment to the zoning map. And so it is a part of the zoning ordinance for that parcel it affects. And it is enforced by the town. Does that answer your question?

Kevin Daly: That that's fine. So who would be the one putting in a request for an amendment? Is that Salamander? Salamander only?

Martin Crim: Just the record title of the property. Or somebody that is acting on their behalf of their [inaudible].

Will Moore: So there are ownership entities that the term Salamander, we have to be careful when we say that. Is it the Salamander Resort? Because that there's an entity, Salamander Resort LLC. So in this case, there are two ownership entities, Middleburg Residential LLC, which is the ownership entity for essentially the residential zoned portions. And there's Middleburg MUV, LLC. I think that's the correct that is the ownership entity for the MUV zoned portions in this or those portions that are subject to the proffers.

Kevin Daly: All right. Now that I understand that, then I would definitely request that town staff be directed to speak to those I'll call them property owners to see if there are amenable to making an amendment.

Bridge Littleton: Just to discuss.

Kevin Daly: To discuss the issue. Yeah. Thank you.

Bridge Littleton: Cindy.

Cindy Pearson: So this is a comment on discussing what the public comment to us earlier. OK, I just want to make sure I was in the right spot here because it kind of took a turn. Whoever brought up the crosswalks. I believe they're at Reed and Stonewall. I do think something at some point would be very helpful there. I don't know, a three way stop sign doesn't work. Of course, we have to deal with VDOT on that. We'd all love to have a four way if that goes ahead and then is Reed Street all the way out, that would be the best answer to get sidewalks through farther into Ridgeview. I don't see that any time soon happening. It would take away property from people who do that because the roads are not that wide. But I still in my I mean, I know we have people we have someone who zooms around town late at night that likes to just zoom, zoom, zoom. You hear him her the person. Vehicle. I just think that people as this goes along, people will get used to it. And, you know, I think everyone's concerned about safety. No one wants to take someone's life, hit someone's dog, like a child, anything. So I think it is all in what someone said before change happens. And it's just the way we look at it ourself that makes it easier or harder. And I think the people that will come join the town, I have always enjoyed the new people that come to town. And you all were part of those people. You bring something fresh and new. you know, I'm the old person that's been here forever, a few of us have. So I think that the new people that will be joining Salamander's property out there, whatever the right technical term for that is, will be a great addition to the town. And I think with us just being concerned on the stop signs, trying to get those to work better, let's see what else I made notes on. You know, the all concern for the public safety. I think we'll just all work together and it'll be fine in the long run. It'll be painful to get through. Construction is painful. [off mic]

Bridge Littleton: Peter.

Peter Leonard-Morgan: No further comments. Thank you.

Bridge Littleton: Ok, yes, ma'am.

Darlene Kirk: All right, you and I were talking about traffic studies. [off mic] Oh, you screwed up again. OK, Bridge and I were talking earlier about getting some traffic studies on these roads, including Reed, Pendleton, Chestnut, and I think we need to get that information as well, guys.

Danny Davis: So if I may, I would suggest that I work with Mr. Moore on bringing an item back to council to discuss what that would entail. If you're asking us to do it as a town, there's a cost to that. If it's reaching out to VDOT and seeing if they have the means. But there are certain streets, they do regular traffic counts on, typically not the side streets, but we can gather information we have to do an actual traffic study is a fairly significant investment.

Bridge Littleton: So, yeah, I think. I think. Yeah. No, I think we we want to understand, like I said, you know, we need to make the right decision based on, you know, the vision, the sentiment all that kind of stuff but also on factual data. Right. You know what will it you know what what do the smart people who know how to measure this stuff say will or won't happen? Because I certainly wouldn't trust myself with those numbers.

Will Moore: If I may, Mr. Mayor. And it's another point I think that may have been incorrectly stated in in the public realm leading up to this is that it was at least implied or understood by some residents who spoke to me that the decisions made in 2007 and 2015 were made without analysis of traffic impacts. And that's just not correct. Both the 2007 application included a full traffic impact analysis. And the 2015 amendment was accompanied by an updated traffic impact analysis, as I remember. [off mic]

Bridge Littleton: So I think the idea then would be this. Let's take out the 2015 one. It's not that old. And I think what you and I were talking about, hold on. Before you shake your [inaudible]. What I was saying. [off mic] Well, that too. So I think here's here's the question I would like to know. And if you guys want to come back at the next meeting and tell us what was actually analyzed and not, I think there's I personally would like to know the scenarios, right? If there's no if there's only Pendleton, what's it look like? If it's just Pendleton and Reed, what's it look like? If it's just Pendleton and Chestnut, what's it look like? And if it's all three, what does it look like? And if so, those are like. That's, you know, three or four scenarios, right? I mean, because that's kind of what's in the mix. And I think I think because there's so much public engagement on this, we have a responsibility to do that analysis and have objective data so people can you know, because right now, I mean, in fairness, it's all hyperbole, right? Oh, it's going to be 10. It's going to be 50. Every one of us can guess a number, but we're none of us are experts. Let's have the experts take a look at it. Also, what are the ways in which these things are done? I mean, I get it. You could go out there and put those big tubes across the thing and measure it for a month, and that could cost, you know, 100,000 dollars. We're not going to do that. OK, but what are the other ways in which we could take a look at this, just come back and come back with us with options of how we could do it and maybe we don't do it, but let's know what it will cost. Let's know how long it will take and let's know what we might learn from it. I think that's what I'm asking. If everybody else is on board with that,

Darlene Kirk: [off mic]

Danny Davis: So I'm hearing two different aspects and we can talk after meeting, if you like. But one aspect of this conversation is traffic distribution, because those are the scenarios you brought up. The traffic studies are going to use the same formulas and calculations, as they did in 2015, number of houses equals number of trips and you're talking distribution, we can that very simply [multiple speakers] essentially that's been done. And so we can provide that information to you if you're wanting us to get a count of today's traffic and then add those on to it, that's the additional piece of it. That would take some. We can come back with options there and what that would take.

Bridge Littleton: So I think I think what we're asking is lay out those two paradigms, you know, and we'll, based on cost and time and effort and all that kind of stuff, we'll make a decision as to which of those options we want to go down. I mean, but I don't speak for everybody. I mean, you know, this is just an idea. Does everybody think that would be value add? [off mic]

Danny Davis: But I do think part of that part of that conversation, though, I think is what are we trying to accomplish with this information? Because at the end of the day, we've just had a conversation as well that if I may the town and the council cannot itself act upon that information about changing anything that's currently in place. And I can leave it at that.

Bridge Littleton: My input is going to be that's not the point. The point is we have a lot of concerned people from the community who have raised an issue around how traffic may or may not be distributed, regardless of what happens. And so I think we have an affirmative responsibility to understand, if nothing else, to clarify for the public with factual data what might or might not be the result of what is on the books getting built.

Chris Bernard: [off mic]

Bridge Littleton: Whatever those mitigations might be. I mean, it could be a stop light, right? I mean, I'm just, you know, let's get to ground truth as to what it looks like if we, you know, with what the different options. I agree. We have no power or authority to do anything about it. But it doesn't mean that we still don't want to inform the community as to what the data says.

Darlene Kirk: We did have conversations. Ok, so I'll be I'll be happy to help you guys.

Will Moore: If I may. Yeah. Just add one more thing, Mr. Mayor, and I apologize for bogging this down with detail, but I think it's better to have this discussion in open with the public here than to have it offline. We also have to consider that if we look at those different scenarios, that's just a single variable that we're changing. This is a multivariable analysis that needs to we could look at the numbers and say this is what the numbers look like. If you were to take away both Reed and Chestnut leaving only Pendleton as the access. But that doesn't mean that that doesn't open up other issues life safety access, circulation, the ability to have those accepted as public streets because you don't have multiple points of access, whether or not Fire Marshal would even sign off on having only a single. So it is a multi-variable analysis.

Bridge Littleton: You know, and you raise a great you raise a great point that nobody brought up. Right. These are supposed to be public or mostly public streets. If you don't have multiple access points, you can't make them public streets. That's a great point. Right? That's fire and safe. That's fire truck and ambulance stuff.

Darlene Kirk: [off mic]

Bridge Littleton: But they are now

Darlene Kirk: I know. That weren't going to be public streets. So that's something too.

Bridge Littleton: So Will, what I would say is what you think are the relevant factors to examine. I mean, you guys, the smart ones who know how to figure out what we need to, you know, take a look at and if there's a couple of extra data points that need to be added with that, OK, you know, recommend those and we can talk about it next time. And, you know, hey, we should also look at the public versus private aspect if we do or don't do this. And here's what we know. I mean, like I said, we want to make sure I mean, I think we've gotten the sentiment of the community. We want to make sure that we also make, you know, any anything we do is fully informed. And I think, again, I know I'm belaboring this, I think it's important that we give this information to the public. If there's anything that's most important about doing this is to have full, transparent information up to date, current information for the public. So does anybody have any issues with asking staff to come back next time with a proposal on how we would tackle this?

Darlene Kirk: No.

Bridge Littleton: No. OK, cool. Yeah. Last sentence.

Danny Davis: We won't bring it to the next meeting, we'll bring it to your meeting in July.

Bridge Littleton: OK. That's fine.

Darlene Kirk: One thing, though, and I know Prem, you guys have been trying to help make us safer through here, but like today, I saw three cars literally come out of the resort. So if there's some way you can on your property, I don't know if you can do something that would be really helpful because I slammed on my breaks so I wouldn't get hit. Thank you very much. [off mic]

Bridge Littleton: Ok, thank you. OK, so we're going to move on again from everybody in the community who came, everybody who called in. We really appreciate you being involved and engaged in town government. You know, people don't come to public comment on the easy stuff they come on the hard stuff. So and it's really hard to do it. So we really appreciate all your time, energy and engagement and we will keep working it. So thank you all very much. OK, with that. Let's do the staff reports real quick and then we can do a break after that, OK? And when I tell you what. let's just take

five minutes. If people want to stay, they can stay. If people want to go, they can go. So we'll adjourn for five minutes and then come back. Or recess. Forgive me not adjourn, recess. OK, back in session. Staff reports, anybody have any specific staff report we need to go over or review

Danny Davis: If I may. You were asking.

Bridge Littleton: I was asking council, not you. I'll tell you when I want you. [laughter] Yes, sir. Mr. Jacob sir.

Bud Jacobs: Yes. Not joking. The water pressure in our house and we're on the end of the end of the line down there is super strong for the first time for the first time since we've lived here. Yeah. So what did we do something different with the with the water treatment. I mean, not treatment somewhere in the system.

Danny Davis: I am not aware of anything. I could speculate, but I should not. So I'll talk to Stuart. That's intriguing.

Bridge Littleton: [off mic] Careful, careful, Bud.

Danny Davis: Did your plumber remove any water filtration systems? anything. OK, I'll mention.

Bud Jacobs: It's great.

Danny Davis: That's fantastic.

Bridge Littleton: Darlene.

Darlene Kirk: [off mic] personal talk today and it's about performance evaluations. They've been doing their self-evaluations. They're coming to him. [off mic]

Bridge Littleton: Well, ask me about the town hall. [laughter] He didn't even hear it. No. That's great, Darlene. Thank you. Any specific report anybody would like to go over? Yes, sir.

Peter Leonard-Morgan: I was just curious about the Mille Miglia promotional activities, legal issues. Is something to talk about?

Danny Davis: Oh, it was merely the aspect of we were offered some opportunities and the question about whether it could be accepted without it becoming a conflict or any other type issue in that manner.

Peter Leonard-Morgan: Thank you very much. [off mic]

Danny Davis: We did. And that was, I think, referenced in his report.

Bridge Littleton: Ok, good ahead. Yep.

Peter Leonard-Morgan: I was just reading through the deputy town manager's report on page three. I just want to say thank you to Estee for all the extra work she's been doing. Appreciate it.

Will Moore: [off mic] It's no joke. Appreciate you. Take a compliment. [laughter] [multiple speakers]

Estee LaClare: Thank you. It was my pleasure. It was a team, everybody worked.

Bridge Littleton: And Peter's got some extra duties for you as well, since you've shown magnificently that you can handle it.

Estee LaClare: I guess we did get the Virginia Employment Commission benefits. Both Rhonda and I somebody submitted [multiple speakers]

Peter Leonard-Morgan: So just one other question. I was curious about the three potential lots at the corner of Jay and.

Will Moore: Yes, it's a new subdivision application that has come in. So the lot at 300 East Washington, it's the northeast corner of Washington and Jay Street has excess land to the east. So this is close to you, Mr. Mayor. So there's a proposal to divide that into three lots such that the existing house would remain on one lot and then to create two new lots. [multiple speakers] Yeah. So it is it will be what we call a full subdivision process because it involves division into more than two lots. There's a minor process for dividing one lot into two. That is purely an administrative process, but it has to check a lot of other boxes as well. But because this involves dividing the three lots, it will go through the full process with the planning commission. So we've received the preliminary plat application.

Peter Leonard-Morgan: Are they small lots, presumably then with the three.

Will Moore: So this is R-1 zoning, which requires the largest minimal lots so they are minimum 10000 square foot lots. I'm going to walk that back. I'm going to walk that back. It's not R-2. It's R-3 zoning. So it requires minimum roughly 7000 square foot lots. So, yeah, but he has the land area to do it.

Bridge Littleton: What. OK, so

Will Moore: Just came in, so I've done no in-depth analysis to this point, I did have a pre application discussion with the applicant's representatives, but the application just came in.

Bridge Littleton: So if you and Danny give me a call tomorrow about that. OK, thanks. I thought about something. I know something you don't know. Ok, anybody else have a town report they'd like to take out? OK, Rhonda.

Rhonda North: Yes, sir. As you're aware, on the town hall project, we have received the design development plans. The project review team is in the process of reviewing them, as is the construction manager. We're also meeting individually with members of council to review sort of the high points of those. Our comments are due back to the architect on June the 28th, at which point they'll begin the construction plan phase of the process. That's the last phase of the design development process. They actually have already started that. The HDRC had their first look at the official application for the project during their meeting on June the third. They are scheduled to hold a public hearing on June the 17th. That is necessary because we will be demolishing this building and a public hearing is required whenever you demolish the structure in the historic district. So that will be held next week and hopefully we'll get a decision that same evening. The Planning Commission will hold a public hearing on the special use permit application to have a front set back that exceeds 30 feet during their meeting on June the 28th and I think Will today receive the site plan for the property. And we'll be beginning that site plan review process. The site plan will also go to the planning commission for their approval a little later on. I think July is when that one is scheduled. So the project is moving along nicely. I think we've even applied for the grading permits and some of the other permits. So things are are progressing.

Bridge Littleton: Awesome. Any questions for Rhonda on the town hall project?

Darlene Kirk: [off mic]

Rhonda North: So Kevin and Chris, of course, are on the review team. We had a meeting on Tuesday and I've talked to three members of council so far today. We've got two other scheduled. And I'm waiting to figure out what to do with Philip.

Bridge Littleton: Any other questions, Rhonda? OK, the abbreviated covid report. [off mic]

Danny Davis: As of this time it is as it is and I'm not sure there's value in continuing with covid updates just because of where things stand. I do think we should bring a rescission of the continuity of government operations ordinance to your

next meeting because in to make it effective to end at the time that the governor's emergency declaration ends, which as far as we know still intends to be June 30th.

Darlene Kirk: [off mic]

Danny Davis: Yeah, absolutely, if for some reason, the governor doesn't rescind his or decides, right, we can bring it back, but I think it's still good for us to go ahead and have Council rescinded it as of June 30th.

Bridge Littleton: And if I remember the whatever that bill was called, the numbers are out 857,000?

Danny Davis: Just shy of. 8 hundred and fifty six thousand eight forty four, something like that. And we'll talk about that in a few items later about the ARPA funding the American Rescue Plan Act funding and.

Bridge Littleton: Leesburg wants ours.

Danny Davis: Well, we can talk about that.

Bridge Littleton: No, no, no, no. We don't need to talk about it, it was a joke. It's their issue, not ours. OK, yeah, we'll talk about that when it comes up then. OK, so consent agenda or does anybody have any questions for Danny and also anybody concerned about suspending any COVID updates except on as needed basis if something comes up. OK, great. Next item, any reports from town committees?

Cindy Pearson: I have a quick one. Just a remark. HDRC had the longest meeting we've ever had. Rhonda, what made up that agenda that night? [laughter]

Rhonda North: Will.

Will Moore: In fairness, it was the applicants that [multiple speakers]

Bridge Littleton: You know what, I mean that is government. Blaming the guy to your right. It went right around the room.

Cindy Pearson: Can I say everybody was a little silly by the time it was done.

Bridge Littleton: So like a council meeting?

Will Moore: In all seriousness, over the last several months, the HDRC has been putting in way more than their normal fair share of work with a special meeting each month. And yes, they've been working hard. They're going to continue to do so for the next couple months with the design guidelines update hitting full force. But yeah, they're doing a great job for us.

Bridge Littleton: So quick question. When the time is appropriate, there's something to recognize the extra hard work that they've been going through. I think it's a decent idea. And the second thing would be, Rhonda, do we plan on doing the committee appreciation activity this fall?

Rhonda North: Well, I believe we can go back to doing that, yes.

Bridge Littleton: Anybody got a problem planning that? All right. [off mic] I'm aware of that. But I mean, everyone's on board to do it. Yeah. Ok, [off mic] I mean, she looks for this. She looks forward this more than Christmas. [off mic] I think we should have a medical theme. [laughter] [multiple speakers] I was hoping somebody would pick up on that one. Hey, we all have our costumes. I mean, you know. All right. Ok. Any other town committee update? All right. Consent agenda. Does anybody have anything they anybody have anything they want removed from the consent agenda? OK, would somebody like to make a motion about the consent agenda>

Peter Leonard-Morgan: I move that the council accepts the consent agenda as proposed.

Darlene Kirk: Second.

Bud Jacobs: You're on your own. [off mic]

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

Everyone: Aye.

Bridge Littleton: Opposed. Abstentions. All right, moving on, action items, contract for third party payment services, invoice cloud.

Rhonda North: Oh, yes. So, Mr. Mayor, at the request of council. [multiple speakers] We did research some alternative third party vendors for the collection of our online payments. Won't go through the history of who we've used in the past. But one of our largest consideration as we were looking at this was who was already integrated with Southern software and or Laserfiche, because that reduces our costs of integrating all of these systems together. In looking at the various vendors, we found the invoice cloud who is already integrated with Southern software FMS, which is our financial management software, and they are in the process of integrating with the meals and lodging tax module, which we recently acquired. They seem to provide the best overall package. What we currently have is not a true auto pay system. They have a true auto pay system. Folks have multiple options for setting up their payments. They can set up accounts, they can set up schedules, they can do one time payments, you know, just just all sorts of options. They also have lots of communications features. They'll send up to three reminders if you haven't paid your your bill and folks can just pay based on that email or that text that you receive, they don't have to go into the system. I mean, it's just so incredibly easy to use and so robust, multiple, multiple, multiple payment options. The digital wallet, which I think Danny is very enthusiastic about the digital wallet system. But I mean, essentially, it can be a one stop shop for folks. We'll start with the if you all approve it, start with bringing the utility system over. Then we'll quickly move into the meals module. And then the next piece we would set up would be the business licenses. And then ultimately we would go with all the other miscellaneous types of items. There's customer portal for the customers to go in and make changes, set things up and benefits to the town as well. Hopefully, the more folks who go online to make their payments, the less staff has to spend time doing those items frees us up for other things. There's more reports that are available. We would also get two card readers here for use in the town so we would be able to accept credit cards, debit cards, et cetera, in person. Or if you had a festival like the Arts Council festival, then you would be able to do point of sales there at the festival very easily. You ready to make a motion?

Cindy Pearson: How are the fees for it?

Rhonda North: So I'll let Danny talk a little bit about the analysis. There is a monthly fee, which we're not currently paying, and the echeck fee is just slightly higher. But the fees that the customer would pay on their end are reduced over what they currently pay. significantly reduced. So from the standpoint of the customer, we think it would be very beneficial to to those folks.

Bridge Littleton: Yeah, the other thing I think is good about it is it takes off, you know, non-value added staff time by automating a lot of stuff.

Chris Bernard: [off mic]

Rhonda North: Yeah. And, you know, if somebody has a question about their bill, you know, compared to what it was last year, they can go online. Once there's a 24 month history built up in the system, they'll be able to go up to 24 months, look at their history and say, oh, OK, for this bill last year or even the year before, you know, it was the same or it was more or less or whatever.

Darlene Kirk: [off mic]

Rhonda North: No, no, you only input past stuff. So it'll have to build up to the twenty four month.

Danny Davis: I think Ms. North had said this, but the number of calls that we receive from people who thought they had done an auto pay, but because of our current system, it's only a hundred dollars every other month or because you can only do a set amount. And in the time it takes either Shannon or someone else to help them through that, it can be 10, 15 minutes. And so this is a great time saving for that part of it, too.

Bridge Littleton: So does anybody have any other questions? I mean, I think it's a great idea. I get a little bit more fees, but what we're going to save in staff time and unbelievable the unbelievable reduction in cost to the customer.

Chris Bernard: [off mic]

Bridge Littleton: Oh, it's like 20 bucks right now. So anybody with the questions or concerns. OK. Would someone like to make a motion?

Darlene Kirk: I move that council authorize the town manager to enter into a contract with Invoice Cloud for the provision of third party payment services condition upon the approval of the contract by the town attorney. I further move that the town manager provide notice to Paymentus of the town. Paymentus?. Not to reenter the contract with Paymentus. It's just a weird,

Bridge Littleton: Weird word

Darlene Kirk: Which is effective through August 26, 2021.

Bud Jacobs: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed. Abstentions. OK, next item is use of the American rescue plan funds.

Danny Davis: Thank you Mr. Mayor. As mentioned, the amount that is allocated to the town of Middleburg is eight hundred sixty five thousand two hundred eighty eight dollars. That is more than the initial amount that we even thought we might get early on due to a number of different factors. We have received the documents from the Commonwealth of Virginia that we must fill out to then be provided the first tranche, the first half of that amount of funds that will be submitted to them tomorrow. And so we may actually get these funds in current fiscal year, will recognize them when we receive them. We do not intend to expend them until next fiscal year just because of the likelihood that any expenditure in this manner would require potentially a budget amendment. So at this point, we're intending that all the first half of expenditures be in FY22 and we'll bring the appropriate amendments to you as necessary as laid out in this. We had talked about this a few times, so it's good to have some concrete numbers surrounding this. So if I may, I'll walk through briefly the first tranche recommendation of how to use these funds and we can talk through some of our rationale. The first is to repay the Health Center Fund entirely for the dollars that were used to support covid-19. And again, the fact that these were business support funds, resident support funds and nonprofit support funds fully falls within the categories listed under the uses of these dollars. The second item would be to provide a utility bill credit for all customers in town. What we are suggesting at this point is a hundred dollar bill credit for those who have a combined water and sewer account and then a fifty dollar credit for those accounts that are just either water only or sewer only. Again, the minimum bill and I'll say this first the first bill or the credit would be applied, we recommend on the September billing cycle, which is the first billing period of fiscal year 22. So that's July and August consumption billed out in September. That's also when the rate increases take effect, the average bill with rate increases. I don't have it on my fingers, but it's somewhere around seventy three, seventy three and a half dollars. So this would cover a minimum bill and that's our recommendation there. One of

the council's strategic goals and initiatives is to continue and enhance communication to residents. So we're recommending some dollars in here for the fiscal year that would allow us to do concentrated in dedicated mailers that we could let residents know resources available to them, specifically from the county, from other non-profits to help them through a covid-19 that could be a utility bill payment support, rental assistance, housing assistance. Also, we've talked about, you know, mental health and other family services type needs that are out there in support services. Another use of it is to do an additional marketing video. We did two of these in the fall one to say we were back open, this was late October and then one in for Christmas, we think another one would be great just to continue to encourage people to enjoy all that Middleburg has to offer and support our local businesses and again, really focus on helping our businesses be successful in this time of recovery. In addition to that, we think a good way to promote that is social media. And we can do that through marketing and advertisements, again, promoting our events and businesses, which falls under this. The final piece for this first tranche of dollars is recommended that we invest in our water and sewer infrastructure. We have a number of projects that are either underway or planned or perhaps we would like to do, but have not been able to identify funding to get done. So instead of maybe hashing all of that out tonight, my suggestion was that I come back to you after meeting with our utility committee, come back to you and recommend how we could use those dollars most effectively. We have some ideas, but don't necessarily need to go through that until we get to that point for the second tranche of funds. Again, we.

Bridge Littleton: Let me stop you right there. On the first tranche, the. On the first one there for the five thousand for mailers and information on covid support resources, I'm curious if councils. I'm really concerned about the percentage of people who have actually not gotten vaccinated. It's actually very shocking. You know, and I mean, actually up and down the age spectrum, not just young folks, so do we want to focus it on, you know, some I mean, having people have know where the resources are to get help with all different, that's all important. But do we want to and maybe it's actually that's what we spend the money on, the video, you know, of, you know, and we could use all of us or whatever. But, you know, getting vaccinated. I'm blown away at how many people work in our businesses who have not gotten vaccinated. And I said, hey, tell me if you want, you know, if not like, oh, no, I'm not worried about it. [off mic] [multiple speakers] You put everybody at risk.

Chris Bernard: Information about vaccines. I mean I just feel like your.

Peter Leonard-Morgan: [inaudible] community education it will have more effect.

Cindy Pearson: Or maybe we could do with the mobile because aren't they doing mobile visits now to give out.

Bridge Littleton: Safeway, like, has like 20 vaccines a day and nobody uses them.

Cindy Pearson: Right. But that is that's what I mean. Give them more resources on how they can do it easily. I think a lot of them didn't do it before because you have to go travel to the nightmare place.

Bridge Littleton: Well then maybe that's what it is. Right. Hey, by the way, you don't have to wait in line anymore just walk into Safeway and get it. And whatever it is, I mean, like, you know, the couple of.

Bud Jacobs: I love that idea. It seems that the most effective vaccine messages are not those directed at people who don't want a vaccine because they don't think they need it. It's reminding them that you need to get the vaccine to protect everybody else, your neighbors. [multiple speakers] I would spent five thousand dollars on that in a heartbeat. Yeah, that's worth doing.

Bridge Littleton: And there's no waiting any more walk into Safeway any time you're good to go.

Bud Jacobs: Nightmare place in Loudoun over there is walk in. [off mic]

Cindy Pearson: [off mic]

Peter Leonard-Morgan: Do we have any issues with people physically not be able to get there, we can provide transport perhaps with some of this money.

Bridge Littleton: Well, but I mean, like I said, you know, Safeway has twenty vaccinations a day.

Peter Leonard-Morgan: Might be people without cars who are stuck at home.

Darlene Kirk: [off mic]

Bridge Littleton: We would get the information out about [inaudible]. But to your point, Peter, maybe no one has to. If you're in the Middleburg community, you don't have to drive an hour to Sterling anymore. You can go you can walk into Safeway and get one.

Chris Bernard: Yeah, yeah. The way I look at it is, you know, the message about, hey, you need to go get vaccine is one thing. What I think is important from a governmental standpoint is here's how you go get it. You know, here's to there's no waiting time, you know, make it accessible. We try to convince people one way or the other is a waste of time.

Bud Jacobs: One of the roles of government is to protect public health and safety. And the message here in the under the rubric of public health is it's not about you. You don't have the right not to be worried about everybody else. That's what you get vaccinated.

Bridge Littleton: I mean, the one thing that I didn't what brought it to my mind was when I was reading something on CDC's website on Monday that said, if we don't hit a certain level of vaccination, there will be that unvaccinated population, which will be significant and it will mutate. And that's the, you need to hit that whatever hell that number is, that it actually just dies away, you know, and we're you know. [off mic] Yeah, it's yeah. I think it's like eighty five. Yeah. So I think we're almost like 65 to 70, but we got 85 to get to. That's the and it's not herd immunity, it's the next level up that basically ensures the virus just weeds away. [off mic] Right. Exactly. Yeah. Yeah. And it's exactly what happened in India. That's why they now have that new variant that the vaccines don't work on.

Kevin Daly: And it's unfortunate that the idiots who don't get the vaccination. They're not the ones who die. [multiple speakers]

Bridge Littleton: Yeah, well, that's exactly what you know. It's like Jesus, we'll restart this whole thing again. I get it. You're 23. You're never going to die, but yeah. So OK. Yeah. So so, Danny, I don't know what the right answer is, but I think you've heard from everybody just you know, I think Bud's right. I think Chris is right. Hey, it's free. It's easy. Go across the street. You're home in ten minutes. OK, thanks. All right, go ahead second tranche.

Danny Davis: For the second tranche of funds. Again, we've recommended that we set aside some dollars to continue to do outreach and communication to residents. We don't necessarily know what that might look like. But again, in a year from now, there may be additional things we need to do outreach for but related to emergency health, all that. Same thing with marketing and business. And then again, we have significant water and sewer projects on the books in our CIP. And if we can offset the cost of some of those without either borrowing the funds or there could be projects that we identify so we have an intention to do a master plan for our utility system this fiscal year. And if we identify something we didn't know about, this could be a lot of dollars to use towards that. And it's a very clear cut use of the ARPA funds.

Peter Leonard-Morgan: There was a discussion some time ago about the old building down there that needed demolishing, but we didn't have the. Could we look at that.

Danny Davis: It's a conversation that we can look at and consider in light of all the other priorities. That's one that we've talked about. And there can be value.

Bridge Littleton: [off mic]

Bud Jacobs: The second tranche is fiscal year 2023?

Danny Davis: So we will receive that, we believe in June of 22 or July of 22. It's again, we're right on this like within three weeks at the end of the fiscal year. But I would anticipate using it in fiscal 23 so we can even program that in the budget next year as uses of ARPA dollars.

Bridge Littleton: Ok, so it's all good makes sense. Anybody have any other questions or concerns or want to do a reallocation. Kevin. [off mic] You are. We'd be honored if you would.

Kevin Daly: I'm honored [multiple speakers] I move that the town council endorse the use of ARPA funds as detailed in the June 10, 2021 report.

Darlene Kirk: Second.

Bridge Littleton: [off mic] Any discussion? all those in favor say aye.

Everyone: Aye.

Bridge Littleton: Opposed. Abstentions. OK, motion passes. [off mic] The next item we have done discussion item, information items, public comment. Second one. Hold on. We got a closed session. Yeah. So. I got a question for everybody, VML is having its conference this year, it's going to be in person in October. Middleburg is a key participant. We're doing it as the towns of Loudoun. It's going to be in Leesburg. It's going to be awesome. [off mic]. Yep, it's going to be at Landsdown. So please sign up. I mean, staff. You know, Danny, let's get staff go to. AJ. Sorry no I'm kidding. AJ it'll be great if you for were there. But no, I mean, you've been the VML before. Yeah. Yeah, it's, it's great. And we don't have to travel far so if you can go please go. [off mic]. Yeah. And we're doing the. So the the main host night we're doing the talk of the towns. So all seven towns are going to actually be displayed, not just Leesburg. So it's really cool. It's going to be fun. [off mic] What's that,

Danny Davis: October 3rd through the 5th.

Peter Leonard-Morgan: How does that play out with you say we're all going to be there as towns, we have a booth or something?

Bridge Littleton: So there's going to be a pavilion. And so each town is going to have its own section in the pavilion to display and talk about what is special about Middleburg. [multiple speakers] That's, way ahead of you. Way ahead of you. The VML organizes all of it. Right. So they're the ones putting the whole structure together and they'll come to us and ask us to recommend, you know, one or two key businesses that they want us to promote. But they're organizing the whole thing. What? [multiple speakers] And there has to be some food or beverage involved. [off mic] No, no. I mean, and it's not going to be limited to one or two. I mean, it's and things can change each day. And then the the host night for the meal. Every town is going to be asked to bring a certain feature thing beverage and a you know, whatever. Yeah. Exactly. To the event. Yeah. Yeah. You get to bake them So it'll be, it'll be I think it's going be a lot of fun. The second thing is. All right. Who remembers the old license plates? I got one.

Kevin Daly: They misspelled Middleburg.

Bridge Littleton: Well so the mayor of Middletown, Virginia, which is west of here, out near that little place. [off mic] Yeah, down that near that place. That little other little place near Winchester or wherever it is.

Will Moore: Charles Hargrove.

Bridge Littleton: Yeah. Yes, Charles. He was out here. I saw him two weeks ago. Anyway, we were talking about the old license plates that everybody used to have for the town. So, you know, back in the day when you paid your car town tax, you got a license plate and you had to paint your thing. So that's all been long gone. I cannot tell you how many people in

town who have asked for do you have any old Middleburg plates? Have any old Middleburg plates? My dad used to have all the ones posted up against the wall, the prison, the state prison system still makes plates. [off mic] Yeah, no, no. We can do this for Middleburg. I think they still have. This is the lettering we had on it and they still have the town fox, this one that was imprinted in the plates. So the question is. [off mic] no, they totally do. That's that's the standard bolt length for where you're where your thing is. So the question is. OK, so we will explore what they cost, how are you going to order and all that kind of stuff. And, you know, we can give them away as gifts or people can buy them or, you know, maybe it's, hey, you only get one if you're a resident, you know, I'm sorry, if you don't live here. You can't buy one. They don't mean anything. It's totally decorative.

Darlene Kirk: But they love it. [off mic]

Bridge Littleton: So, OK, Danny, I will catch up with you. We'll figure it out.

Darlene Kirk: [off mic]

Bridge Littleton: All right. That's it. Do we need to go to close session?

Danny Davis: We had some topics of discussion, but they're not urgent, I would say. So we don't have too.

Bridge Littleton: Is there anything specific or do we? I know we have it on there because these issues are always out there.

Danny Davis: The third item for consultation with legal counsel regarding enforcement of zoning ordinance pertaining to limited residential lodging. We just had an update on some of our discussions and kind of our approach. Again, it was a five minute update. If you want but we can bring that to another meeting

Bridge Littleton: Bring it to the next meeting. [off mic] You're learning from Darlene. Was there anything else from council? Any other items? [off mic] Well, if we want to go to closed session and talk about it, we can do that. [multiple speakers] Will do. Ok. If there's nothing else. I think we're adjourned. Thank you guys for a very energized council meeting. Meeting adjourned.