



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, September 9, 2021**



**PENDING APPROVAL**

**PRESENT:** Vice Mayor Philip M. Miller  
Councilmember Chris W. Bernard  
Councilmember J. Kevin Daly  
Councilmember Morris “Bud” Jacobs  
Councilmember Peter Leonard-Morgan  
Councilmember Cindy C. Pearson

**STAFF:** Danny Davis, Town Manager  
Martin Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
William M. Moore, Deputy Town Manager  
A.J. Panebianco, Chief of Police  
Ali MacIntyre, Director of Business Development & Community Partnerships

**ABSENT:** Mayor Trowbridge M. Littleton  
Councilmember Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, September 9, 2021 in the Town Hall Council Chambers located at 10 West Marshall Street. Vice Mayor Miller led Council and those attending in the Pledge of Allegiance to the flag. He called for a Moment of Silence in memory of those who lost or risked their lives on 9/11 and in the war that followed. Town Clerk North called the roll at 6:00 p.m. Councilmember Pearson announced that she was participating in the meeting remotely from her home due to medical reasons.

**Staff Reports**

In response to an inquiry from Council, Stuart Will, of IES, advised that he had not yet addressed the manhole cover issue on Chinn Lane. He advised that he would speak with the Town Manager about getting crews in from the Town of Purcellville to assist with this.

Town Clerk North reported that she, the Town Manager and Town Treasurer met with representatives from InvoiceCloud regarding the implementation of the new online payment system. She advised that the target date for completion of Phase 1, related to online utility payments, was October 29<sup>th</sup>. Ms. North noted that a meeting would be held soon to develop a schedule for Phases 2-4.

Town Clerk North noted that she and Councilmembers Pearson and Daly spoke recently regarding the Citizens Academy that was scheduled to be held this fall. She reported that they were recommending this be delayed until 2022 due to the increase in COVID cases in the area. The Council agreed with this recommendation.

Town Clerk North reminded Council that she had begun to organize the Annual Volunteer Appreciation Reception scheduled for October 26<sup>th</sup>; however, she was concerned about having so many people in a small room, particularly since they would not have masks on as they would be eating. She asked for the Council’s guidance as to whether she should continue her efforts to organize the event or whether they felt it should be cancelled again this year due to COVID.

The Council agreed the event should be cancelled. They asked that the staff develop a recommendation for recognizing the volunteers for the Council’s consideration during their next meeting.

Town Treasurer Staples advised Council that she changed the format of her monthly report as requested by the Council and asked that the members let her know if they wanted any additional changes. She reported that they were wrapping up the audit of last year's finances and advised that Mitchell & Company planned to give a preliminary report to the Finance Committee in early October and to the Council on October 28<sup>th</sup>.

In response to an inquiry from the Council as to how she developed the projected revenues, she explained that she looked at the historical data, as well as the trends. She advised that the chart indicated her predictions; however, it was subject to change.

Town Manager Davis reminded Council that when the budget was prepared in February, the revenues were conservatively projected, as there was still some uncertainty due to the pandemic. He advised that since that time, two of the Town's largest revenue sources have trended significantly higher than was projected. Mr. Davis explained that the staff was now projecting those revenues to come in higher than was budgeted. He noted that if things changed, these projections could change.

The Council held some discussion as to what question the projections were answering. After some discussion, they suggested the title be changed so the chart showed the budget, the projections, and the actual revenues. They also asked that a similar chart be developed for expenditures.

In response to an inquiry from the Council, Town Treasurer Staples confirmed there were no red flags at this time.

Town Manager Davis introduced Alexandra "Ali" MacIntyre, the Town's new Director of Business Development & Community Partnerships. He noted that she started work this week and had already begun to meet some of the business owners, as well as work on projects to help achieve the Council's economic development goals.

Director of Business Development & Community Partnerships MacIntyre reported that she had met with eighteen business owners thus far and had meetings scheduled with other owners and Town partners. She further reported that she reviewed the Town's social media map provided by the marketing consultant. Ms. MacIntyre advised that she would meet with the Town's event management team this week. She noted that she was also looking at ways to track business data. Ms. MacIntyre advised that she attended the Middleburg Business & Professional Association meeting held earlier in the week and was working to coordinate a ribbon cutting ceremony for a new business.

The Council welcomed Ms. MacIntyre to the Town staff.

Chief Panebianco announced that once Corporal Putnam completed his CIT training, which taught officers how to deal with someone in a mental health crisis, one hundred percent of the department would be trained. He advised that his goal for next year was for everyone to take the advanced training.

Chief Panebianco reported that through his role as President of the Virginia Chiefs of Police Association, he was able to meet with the two candidates in the Virginia Governor's race. He advised that they responded to their questions and expressed appreciation that they provided the Association with this opportunity.

Chief Panebianco reported that a portion of a tree fell on two patrol cars that were parked at the Police Department, resulting in damage to one of them. He thanked Facilities Supervisor Tim Cole, Lieutenant Jones, and Officer Davis for their help in removing the tree from the vehicles. Chief Panebianco advised that the damaged vehicle was now in the shop for repairs. In response to an inquiry from the Council, he noted that he and the Town Manager would work with the property owner to remove the remainder of the tree so it would not fall on another vehicle.

## Town Hall Project

Town Clerk North reported that Downey & Scott would provide their report to the Project Review Team next week on their investigation into the proposals submitted by the fifteen general contractors who wish to be pre-qualified to bid on the project. She advised that at that time, the Team would identify which ones would be pre-qualified to bid and they would be notified of such by the end of the week.

Town Clerk North reported that Glave & Holmes was working on the 100% construction plans, which were due to the Town on September 20<sup>th</sup>.

Town Clerk North reported that the Streetscape Committee would review the landscape plan on September 16<sup>th</sup> and the Planning Commission was scheduled to be introduced to the site plan on September 27<sup>th</sup>. She advised that it was anticipated that the Commission would take action on the site plan during their October meeting.

In response to an inquiry from the Council, Town Clerk North advised that one of the things the Project Review Team would decide was how many firms should be pre-qualified to bid. Councilmember Bernard advised that technically, all fifteen could be prequalified.

## Holiday & Christmas in Middleburg Activities

Town Manager Davis reported that the Town's events management firm, the staff and representatives from Christmas in Middleburg were scheduled to meet later in the week to brainstorm ideas for how to encourage people to safely distance and how to implement crowd control measures. He reiterated that they would also discuss what were appropriate measures and, if the event could not be held safely, whether it should be cancelled. In response to a comment from Council, he confirmed they would discuss the creation of trigger points for when the event should be cancelled.

Council noted that the COVID trend in Virginia was going in the wrong direction. They suggested the need to identify a date by which a decision would be made on whether the event should be cancelled.

Town Manager Davis confirmed this would be part of the discussion. He opined that a decision needed to be made no later than the end of October; however, he cautioned against cancelling it too quickly. Mr. Davis agreed there needed to be a date by which a decision would be made. He reported that Chief Panebianco developed a target number of attendees, based on social distancing, and advised that three thousand was the target number. Mr. Davis reminded Council that there were other logistics that played into this, such as parking. In response to a suggestion from Council that tickets be sold that would correspond with certain locations, Town Manager Davis advised that one idea being discussed was to color code the blocks and to assign a certain number of people to that block. He advised that the challenge was that there would have to be entry points and explained that the Town could not gate the areas completely without harming the businesses. Mr. Davis opined that there would have to be hope that people would follow the general guidance given.

Council suggested the need to identify an acceptable number of attendees, what that equated to in terms of parking and to cap the parking at that number. They further suggested the need to have a plan, including a cancellation date, and to identify an infection rate at which the event would be cancelled. The members opined that if things did not go well, it would be the Town's fault.

Town Manager Davis reported that the staff was meeting with the MBPA next week to discuss how the Town could support their efforts to provide activities throughout the month of December. He advised that they were talking about decorations in store windows, Christmas trees on the streets, and offering carriage rides and free hot cocoa. Mr. Davis suggested they may have additional ideas. He advised that these events would happen regardless of whether the parades did, as they were meant to benefit the community. Mr. Davis opined that they could add additional carriage rides if the parades were cancelled.

Council opined that Christmas in Middleburg was different than Oktoberfest for several reasons. They expressed hope that there would be some good ideas that would allow it to occur.

Vice Mayor Miller thanked everyone for all they were doing. He noted that it would be a shame to lose the opportunity to pre-plan and lock down vendors for alternative activities in the event the parades had to be cancelled.

**Consent Agenda**

(A) Council Approval – August 26, 2021 Regular Meeting Minutes

*Councilmember Jacobs moved, seconded by Councilmember Daly, that Council approve the consent agenda as presented.*

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

No – N/A

Abstain: N/A

Absent: Mayor Littleton and Councilmember Kirk

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**Action Items**

Council Approval – Amendments to Employee Handbook

Town Manager Davis reminded Council that they discussed the proposed changes during their last meeting and advised that the actual edits were now being presented. He noted that the Town Attorney recommended one additional change, which was to clarify the need for five years of Town service for an individual to qualify for the retiree health benefit payment. Mr. Davis advised that the definition of an “immediate family member” was taken from Loudoun County’s employee handbook, minus the reference to “any other person living in the employee’s household”. He reminded Council that this definition only applied to sick and bereavement leaves. Mr. Davis advised that he would be open to including the additional Loudoun County language should the Council desire; however, he would not recommend it as there was no threshold for how long an individual had to be a member of the household before an employee could use sick leave to care for them.

In response to an inquiry from the Council, Town Attorney Crim advised that he agreed with Town Manager Davis regarding the proposed definition of an “immediate family member”.

*Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that Council adopt amendments to the Employee Handbook, dated September 10, 2021.*

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

No – N/A

Abstain: N/A

Absent: Mayor Littleton and Councilmember Kirk

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**Information Items**

In response to an inquiry from the Council, Councilmember Leonard-Morgan reported that thus far one person had signed up for the composting pilot program – that being himself. He advised that there was a lot of interest in the program.

Councilmember Daly reported that he also signed up for the pilot program.

**Closed Session**

*Councilmember Bernard moved, seconded by Councilmember Leonard-Morgan, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of (1) the disposition of*

*publicly held property related to the Asbury Church, as allowed under Subsection (A)(3); (2) for consultation with legal counsel employed by the Town regarding specific legal matters requiring the provision of legal advice by such counsel related to the enforcement of the zoning ordinance pertaining to limited residential lodging as allowed under Subsection (A)(8). Councilmember Bernard further moved, seconded by Councilmember Leonard-Morgan, that the Council thereafter reconvene in open session for action as appropriate.*

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

No – N/A

Abstain: N/A

Absent: Mayor Littleton and Councilmember Kirk

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(Councilmember Pearson left the meeting at 7:17 p.m. during the closed session.)

Vice Mayor Miller asked that the Council certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

(Councilmember Pearson certified the portion of the closed session she attended to the Town Clerk via a phone call the next day.)

There being no further business, Vice Mayor Miller declared the meeting adjourned at 7:23 p.m.

APPROVED:

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Philip M. Miller, VICE MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

## September 9, 2021 Middleburg Town Council Meeting

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

**Philip Miller:** I call this meeting to order, we're going to start with the Pledge of Allegiance. [Pledge of Allegiance] All right. And as we come to mark this infamous anniversary of September 11th and the score of war that has followed, I would ask that you all join me in a moment of silence to remember those who put their lives, their limbs on the line and endanger their brothers in arms and our allies to keep us safe from harm us. The weak and the strong, the sick and the able, the Patriot and the dissident. We are all humbled by your service. [Moment of Silence] Thank you. All right. I guess we do roll call, Rhonda. Would you like to call the roll or.

**Rhonda North:** You can do that? Mayor Littleton is absent. Vice Mayor Kirk or Vice Mayor Miller,

**Philip Miller:** Philip Miller,

**Rhonda North:** Council Member Bernard,

**Chris Bernard:** Present.

**Rhonda North:** Council Member Daly,

**Kevin Daly:** Present.

**Rhonda North:** Council Member Jacobs,

**Bud Jacobs:** Present

**Rhonda North:** Council Member Kirk is also absent. Council Member Leonard-Morgan.

**Peter Leonard-Morgan:** Present

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** I am present at my home in Middleburg, Virginia, and I have a medical condition that I cannot attend tonight.

**Philip Miller:** All right, is anyone here for the public comment or anyone online, Rhonda?

**Rhonda North:** I have no one online Mr. Mayor.

**Philip Miller:** Going once, twice, thrice. Ok. No public presentations, staff reports. Stuart, Utilities.

**Stuart Little:** [off mic]. Do you folks have any questions for me?

**Philip Miller:** Mr. Morgan.

**Peter Leonard-Morgan:** So this is one that Chinn Lane manhole cover, I wonder whether you had any more news on that?

**Stuart Little:** Not yet, no. I need to get with Danny and we need to get with Purcellville's crew to get them up here.

**Peter Leonard-Morgan:** It's not just me asking someone else had actually asked me about it, so I thought I'd pass it on. Thank you very much, sir.

**Philip Miller:** Anyone else? Stuart, thank you. Good work. Drive safely. Rhonda Town Clerk,

**Rhonda North:** Thank you, Mr. Mayor. Town manager, the town treasurer and I met earlier this week with Invoice Cloud on our implementation meeting. Our goal is to have phase one completed by October the 29th. That phase involves the online utility payments. We'll be meeting with MCCI and Invoice Cloud in about two weeks to talk about a schedule four Phases two through four. So that's moving along nicely. Now, during the last meeting, Council Member Leonard Morgan asked about the Citizen's Academy. I did speak with council members Daly and Pearson about that, particularly in regard to the continuing COVID pandemic, and it is that committee's recommendation that we continue to postpone that academy, that we look at that again in 2022. And along those same lines, as I've reported in the past, I had begun working on the volunteer appreciation reception with the high numbers, I'm starting to become a little concerned about putting that many people in the room that we have, particularly since you won't be wearing masks if you're eating. And so I would appreciate any thoughts council may have as to whether you want to hold the volunteer appreciation reception again this year or whether you'd like to postpone it, as we had to do last year.

**Kevin Daly:** I recommend postponing just as chairman of the Public Safety Committee of one. Postpone.

**Peter Leonard-Morgan:** I second that suggestion.

**Cindy Pearson:** I third that.

**Philip Miller:** Sir.

**Bud Jacobs:** Didn't we give small notional gifts last year?

**Rhonda North:** We did last year we did the twenty five dollar gift certificates. Normally you give the committee's fifty dollar ones. In December, we did a twenty five dollar one as a show of appreciation. I'll be quite honest with you, there weren't a whole lot of those that were turned in. So if we want to do something in lieu of, we might want to look at something else.

**Danny Davis:** We do have a few items that we were planning to give out at the events. They kind of tag along with the theme, but items of clothing that we could still potentially give and we could find another alternative solution if there's interest in a nicer little gift to give since we can't do a reception.

**Philip Miller:** All right. I'd say let's see some notional gifts and gift certificates at the next meeting. And we'll make a call then. If we're going to, sounds like the consensus is to go ahead and postpone for another year. Anything else for Rhonda?

**Rhonda North:** That's all I have for now.

**Philip Miller:** All right. Thank you, Treasurer's report. Tina.

**Tina Staples:** Thank You. So the last time we talked about changing the format a little bit and I'm sorry, but I know it looks a little different again. But I think we're at the point where we have a template. So I've tried to incorporate everything that everyone wants to see that I am aware of. So if there's anything else that you would like to see represented, please let me know. So the budget to actuals in the front is the same as before, and it also gives you your cash balances, all of the accounts on Page Six. And then, after the budget actuals Page seven is kind of a broad yearly look at where the budget is, where we're predicting it will end up and then what our actuals are year to date. And then the graph beyond that just takes that same information and details it out further month to month basis and shows you all of the months for the year. So when we're looking at the the final page on Page nine, hopefully at the end of the year, all three of these lines will

sync up together. The green one is very small, of course, because we're only in August, so you can see it just on the end there. But we've got our budgeted revenue, what we're projecting the revenue to be at and then we'll see where the green line falls, hopefully above all of them. We shall see. We're also wrapping up the audit for last year. We think that we should have the preliminary report to the Finance Committee end of this month, early next month and then your second meeting in October. We are hoping to have the report. Are there any questions?

**Peter Leonard-Morgan:** Thanks for this, Tina, I like on Page Seven, I like that new format there with the green line, and I just. Could you remind me how we get to this early stage, a projected revenue compared to budget? Is it just because things are ramping ahead already or there's something else that's coming in?

**Tina Staples:** A lot of it is also looking at historical data. Some things that we can look at how they're trending at this point and know that they'll probably trend that way for a good bit, for example, like our interest income is going to trend low because that's what everyone's interest income is doing so. So that's something that we can predict out at least a few months out. We also know through the budget when our revenue streams come in, when we built our business license or when we get in tax income. So we plan for those. And then depending on what's going on in the market in town, that's kind of how we predict, you know, the projections, but those are also subject to change.

**Peter Leonard-Morgan:** So I was going to say that's the good thing on a month to month basis that gray bar could fluctuate around.

**Philip Miller:** I agree. I think it's a little misleading when you're thinking year to date expected year to date actuals, but it's only really the green line. Not. You know, that's that's telling you where we actually are. It's not so relative to even the budget.

**Peter Leonard-Morgan:** My feeling is the gray line should be exactly what you said, which is, hey, you know, OK, we know what the budget is. The budget is the budget. The green line is the green line because it's a fact. But the gray one is like, Hey, you know, we've seen some change. We know some other things are coming in or some other things aren't coming in. And so it's modifying on an ongoing basis.

**Philip Miller:** It doesn't show any change. And I realize we're only what, 17 percent into the year, according to this chart. But. I'm not sure it tells me so, I'm not sure what question it's answering I guess.

**Danny Davis:** If I may partly to answer, I think both the questions we purposely built the revenues in this budget in a very conservative manner because they were projected back in February March, when things in the pandemic were still quite uncertain. And we didn't know if the trajectory that we were seeing was going to be a blip or a constant. Since that time, we've seen specifically our two primary largest revenue sources trending significantly higher than we expected in the pandemic and also then higher than what we have in the current proposed budget. So, for instance, we in a conservative manner assumed our meals tax would be 15 or 20 percent lower than what had been budgeted in FY 21, when in fact it might even exceed FY 21, meaning it could come in 15 or 20 percent higher than the budget. So our projections in the gray on this Page seven are intended to show that based on how things are currently happening with revenue streams, that we anticipate many of these sources exceeding our budget. It's with the anticipation, though, that should things slow down, shut down or what have you, that can always change.

**Philip Miller:** All right. Well, Comparison of budgeted revenue to year to date expected versus year to date actual. That's what I think.

**Danny Davis:** Oh, yeah, I think the title is unclear. Yeah, the titles. Yeah, the oh.

**Philip Miller:** So what we're actually talking about is budget.

**Danny Davis:** To projection.

**Philip Miller:** Projected and where we are year to date green line actual. Is that right?



**Tina Staples:** It's this. It's kind of the same title is the graph that's two pages later. But, you know, looking at it from two different perceptions. But yes, you're right. I'll I can.

**Chris Bernard:** Yeah, that's all. The all the the gray is just a real time or up to date projection of where the budget variance [inaudible].

**Philip Miller:** But projection is probably the way to put it.

**Danny Davis:** But on an annualized basis, and you're correct. That's where.

**Tina Staples:** I do think that if you it's helpful to you also that if you're looking at this and all of a sudden you see something one of your tax streams and the gray has taken a big dip that that should stand out to you just visually. And then you would ask what's going on with the water revenue? Why is it taking such a dip?

**Philip Miller:** I mean, maybe we could do this just by smaller pools or fewer pools? Just, I don't know.

**Chris Bernard:** The reason we did it. And I think, like Bridge and I both asked for was when you were looking at it against the blue budget line. It's we set that back in February, right? And so it's just it feels like once you get around to next February, that line can be way out of whack. And so this one just, I think, is a little closer representation.

**Philip Miller:** Mr. Jacobs.

**Bud Jacobs:** Tine, top line assessment. Good. No red flags, nothing to worry about. Is that correct?

**Tina Staples:** Yes. Yes. Yes, absolutely.

**Bud Jacobs:** Thank you.

**Philip Miller:** Point taken, Mr. Jacobs. We will move along. [laughter]

**Chris Bernard:** And so just real quick as a just I like this is good. As maybe like a next step goal, is this possible to recreate on the expenditure side. We have our budgeted expenditures and kind of get that more kind of real time, but just really almost the mirror image of this?

**Tina Staples:** Yeah. Yeah, absolutely. Absolutely I can do that.

**Philip Miller:** Ok. Thank you, Tina. I particularly like the last graph. Looking good. Lean line on the rise. Ok. Ali. Welcome to Middleburg. Your very first report.

**Kevin Daly:** Don't be nervous, we don't bite, hard. [multiple speakers]

**Danny Davis:** She's actually.

**Ali MacIntyre:** Thank you. Thank you, nice to see everybody. I've met pretty much everybody at this point. So, OK, it's my third day, but so there's that. Still learning.

**Danny Davis:** If you'd like to, I will if I can introduce real quick. Just say we are, we are very excited to have Ali on board. We did issue the news release yesterday as well. And I told her to wear flats, not heels. She made that mistake on the first day and I don't think she will make that mistake again as she has been walking a lot throughout town. But I do appreciate all the work she has done and Council Member Bernard did say, you know, it's been three days. Well, actually, she has a pretty extensive list that we don't need to walk through the entire thing. But just to say she's getting out there, meeting business owners, meeting people and already starting on some good, good projects to, I think, accomplish some

of the goals that we've been trying to achieve for a couple of years and to really get them together. And so I'll turn it over to Ali for anything else you'd like to highlight.

**Ali MacIntyre:** So just some things I put together as far as existing business outreach. Like I said, I've only been here the three days, but I have been able to make contact with 18 businesses personally, eight of which I just popped into the store. Everybody's been super friendly. I have meetings scheduled as well with some of the businesses, some in town and then some community partners, a couple of being Department of Economic Development and then [off mic] and obviously working to improve those. And then additionally, the team, the staff has been awesome in onboarding me. I'm sure they'll attest to the fact that asked a thousand questions in my first couple of days, all of which they've had answers to. So very grateful for that. I've been reviewing the social media map from our marketing team and we have a meeting with our event management firm tomorrow, so I'm really excited about that. I've also been navigating our internal tracking system and just kind of looking at different ways of tracking the perspective and existing business data. I did attend an MBPA meeting on Tuesday, which was so much fun, and Punkin was was great and they were super welcoming and really enjoyed meeting with everybody there. Looking forward to working with them more. Also, we have a business that's looking to do a ribbon cutting, so we've been coordinating with Mayor Littleton there and hoping to do that in beginning of October.

**Philip Miller:** Questions anyone?

**Peter Leonard-Morgan:** No questions, but just welcome. Welcome to Middleburg, thanks for coming. For joining us. Look forward to working with you.

**Kevin Daly:** [off mic]

**Ali MacIntyre:** On Tuesday because the holiday.

**Philip Miller:** All right. Police Department, A.J..

**AJ Panebianco:** You have our report, it's a little bit longer than normal because we did had a busy month as we were released from some COVID things over the past few months, and now they're reeling us back in. But when we had the opportunity, we did what we could and we continue to do that. A couple of things in there that I'll point out. One is that once Corporal Mark Putnam completes CIT training, which allows us to our teaches us to deal with people in mental health crisis, we will be one hundred percent, which I don't know very many police departments are 100 percent trained in that. And then next year, our goal is to get everybody to the advanced training. So it's a critical piece of what we do, especially in today's world. And so we're looking to be able to to better serve everybody that we come in contact with. Real quickly I had the opportunity through the Virginia Chiefs Association and our conference to have breakfast with candidate Younkin and then lunch with candidate McAuliffe. So they were both very gracious. They gave us full attention and they each answered the same set of questions and they answered them without press and they answered them without fanfare, just really presenting their answers to the Virginia Chiefs Association. So we were really grateful and to, you know, recognize that both of them were were gracious in making themselves available for that. And then for those of you that don't know. I got a five a.m. wakeup call today for a tree that fell on our police cars, or at least two of them. Thankfully, nobody was getting in or out, so there were no injuries. I can't say the same for the police cars. One of them is damaged. The other one is like, We're living right because it missed everything. And but Tim Cole, I want to thank him publicly in this meeting because he, myself and Jason and then Lieutenant Jones worked to get those the tree off the vehicles. We did so in a safe manner and teamwork was applied, and we have the one vehicle that needs repaired at a shop, hopefully getting an estimate. And it didn't hit any of the electronics, which make it really good. Are there any questions?

**Kevin Daly:** What's the condition of the tree?

**AJ Panebianco:** It's we beat it up pretty bad. It's in little pieces. We chop that thing up.

**Kevin Daly:** Well, there's still some tree left that's still leaning, or we let the owner of the property know so they can properly remove it?

**AJ Panebianco:** Danny and I are working on a resolution to that, and I think we're going to come up with one relatively soon or it will come up on its own because it'll be on the cars again. So it was a piece of the tree that's leaning that fell. The rest of it is waiting to jump on us

**Philip Miller:** As long as we can get somebody out there to check on the rest of the tree so we don't have the issue like we had out here.

**AJ Panebianco:** Exactly. Yeah. So any other questions? Comments. Thank you guys.

**Philip Miller:** Excellent work. Thank you, chief. Our attorney, Mr. Crim.

**Martin Crim:** You have my report, I stand ready to answer any questions questions.

**Kevin Daly:** Thanks for showing up.

**Martin Crim:** My pleasure.

**Philip Miller:** Thank you, Martin. All right. That means we'll move on to the next item of business, which is the Town Hall Project update from Town Clerk Rhonda North.

**Rhonda North:** Thank you, Mr. Mayor. So as I previously reported, we received 15 proposals from general contractors who wish to be pre-qualified to bid. Downey and Scott has been researching those, and the project review team will hear their report next week on the 15th, at which point we will identify which general contractors we wish to prequalify, and they will be notified accordingly by the end of next week. Glave and Holmes is working on our 100 percent construction plans. Those are due to the town by September the 20th, so it won't be very long before we have those 100 percent plans. And the Streetscape Committee was scheduled to review the landscape plans this morning. However, we had to move that meeting back to next week because of quorum issues, so we expect that to occur next Thursday. And then finally, Planning Commission will be looking at the site plan the end of this month. So things are moving along, lots of questions popping up as we get close to to the end and we're having to give some responses fairly quickly. But but we're on schedule and and things are moving along well.

**Philip Miller:** Okay. Questions, anyone?

**Bud Jacobs:** The Planning Commission Site Plan review is, sorry. The Planning Commission Site Plan review is at the end of this month or next month.

**Rhonda North:** The twenty seventh of this month you will be introduced to the site plan.

**Bud Jacobs:** And then we formally consider it on the 25th of October, right?

**Rhonda North:** That is my understanding that that's the schedule that we're going to pursue.

**Bud Jacobs:** And refresh my memory. Rhonda, the pre-qualification means that those prequalified are able to bid on RFPs or jobs or.

**Rhonda North:** Only those people who are prequalified will be eligible to bid on this project.

**Bud Jacobs:** Great. And how are you feeling, my dear?

**Rhonda North:** I'm feeling very well. Thank you.

**Bud Jacobs:** I'm so glad.

**Rhonda North:** Thank you for asking. And I do appreciate I should have mentioned it earlier. Most of you contacted me during my illness, and I very much appreciate that.

**Philip Miller:** We're just glad you're back. Healthy.

**Peter Leonard-Morgan:** I think Bud probably answered it, I was probably so 15 proposals have been received and they could all theoretically prequalify, couldn't they? It's not a short list after that?

**Rhonda North:** One of the things that the project review team will need to decide is how many people do we want to qualify. So that that in addition to looking at each individual and that that will be a question that we will discuss.

**Peter Leonard-Morgan:** Great. Thank you very much.

**Chris Bernard:** Technically, yes,

**Peter Leonard-Morgan:** But in practice, probably no.

**Philip Miller:** Any other questions? Thank you, Rhonda. Where does that take us? Update on Christmas in Middleburg activities.

**Danny Davis:** It's Mr. Vice Mayor and council members, it's actually a fairly short update this time around because our kickoff or our discussion with our event firm and the chief and the Christmas in Middleburg organizers is tomorrow morning or tomorrow afternoon. So we've begun the conversations, the discussions they're already brainstorming on potential ideas our event management firm that is of how to encourage safe distancing, appropriate crowd control measures, things like that. So I think what's fair to say is ideas are percolating and discussions will begin formally between all the parties tomorrow, and that will be the first of many conversations. So as of right now, there's no I mean, we have to continue moving forward in a planning stage, but also come back to you with what are appropriate measures and ideas that can allow this to happen safely and appropriately. And if that cannot happen, then the discussion of whether it should be cancelled or not. So.

**Philip Miller:** And I believe we discussed having the qualifications under which those things are safely done. So if we have a spike in infection rate at some point.

**Danny Davis:** Yeah, and we can put suggestions together. The challenge, I will say with that is any measure that we use is a measure that we're making up. And I don't mean that flippantly. I mean that from a standpoint of we are already in a high transmission standpoint. Yet our percent positivity is at a moderate level. And so there are balances between what that looks like. And I don't currently know we we can look to find better information, but there is no standard that we have that would say if cases are more than x per 100000 population. But I will add that to the list of topics for us to try to create some trigger points.

**Bud Jacobs:** I haven't seen data for Loudoun County, but certainly the trend for Virginia is going in the wrong direction for what that's worth.

**Peter Leonard-Morgan:** Do we have or should we talk about a go, no go date at this point? Or do you want? Should we wait until the next meeting, which is two weeks from now?

**Danny Davis:** Right. I'd like to have that conversation first with the organizers of the parade tomorrow so that we can understand what their capabilities and timeline is for making decisions one way or the other. I think by any means, it would need to be no later than the end of October. You don't want to have less than 30 days out. That being said, I also

want to be cautious not to cancel too quickly. Right? Should you buy Divine Grace that things get better, right? So we want to have all planning in place as much as possible, while also you're absolutely right, there has to be a drop dead date.

**Peter Leonard-Morgan:** It's such a hard balance right now. It really is.

**Danny Davis:** It is. So and I will say the chief has already done some initial, you know, development of figures and numbers about if you separate people with this much distance or that much distance. But there are a lot of logistics that get into that beyond simply great. Three thousand is our number. Well, then it's getting into obviously, you all know this the parking issue, as much as we might limit paid parking, people find their own way around, then it's keeping people separated. You know, enforcing masks, all that kind of stuff. So all those logistics, again, we're discussing tomorrow. Happily, we'll keep you all updated, every meeting on the latest of those conversations.

**Peter Leonard-Morgan:** All thanks, Danny.

**Philip Miller:** I mean, how what level of detail, how specific are we getting in the possibility of planning this in a safe way? Are we actually thinking about only selling tickets? I realize there are always going to be people who just show up and park, but sell a ticket. You get spot forty nine at West, whatever, and here you go.

**Danny Davis:** So for instance, and again, spit balling ideas that have only been discussed internally and not with the organizers, we're they're going to come out tomorrow as we talk with them, but each block could be, you know, color coded and you are assigned to the orange block, right? And so you only assign, I'm just throwing it out there, 200 people to that block and they naturally spread out. You assign X number of people to this block. The challenge is with any of this, and it's the same reason Oktoberfest became a challenge. We would essentially have to do more than just pedestrian barricades along Route 50. We would have to truly corral individual viewing sections with an entry at every single point because you all know that even if.

**Philip Miller:** Which defeats the point of the commerce.

**Danny Davis:** That's exactly right, right? One hundred percent. So those are the challenges logistically of it's a balance of you can't get it completely off because then you harm the businesses and the free flow of traffic and safety. On the flip side, we have to hope that in some sort of planning, people will follow some general guidance, whatever it might be.

**Philip Miller:** I assume, nothing these days.

**Danny Davis:** I understand, I understand. So you hear the challenges.

**Chris Bernard:** I think the nothing's going to be perfect, right? But I think what they were going to look at was, you know, what are what's the acceptable threshold based on the amount of square footage on the sidewalks, right? And then that's a number. And then you pick a number, you know, some numbers above it and some below it, and you figure out what's the the number of parking spaces in town and how many people can park. You know, if you say four people per car, then there's a certain amount that can park in town. And then you take the difference of that. And that's how many paid parking or how many people are going to come in through paid parking. And then you just cap the pay parking and then you can roughly get to a number. It's going to be some permutation of that. I would imagine for based on what Jim was saying.

**Philip Miller:** Would be interesting to see what they come back with. And I mean, we definitely need a drop dead date and we need to know what our infection rate needs to be at that point. I think, yes, it's going to be wishy washy based on the information that we have right now, but we should have a plan and we should then own that plan and stick to it one way or the other. Because if we don't and we put something on, it's on us. And if that goes well or if it doesn't go well again, it's on us, it's our fault. So that's just my opinion. But I look forward to hearing what the committee says.

**Danny Davis:** Great, the other piece of this is MBPA's efforts. Similarly, we have a call, I believe, scheduled for Monday afternoon at five to similarly discuss how our team can help support MBPA in their efforts. Right now, they are pressing

forward and moving forward with a number of different projects. As you're aware of storefront decorations, they're working with Jen at Nature Composed about retooling the idea of Christmas trees and decorations. It'll be a more focused effort and not spread all throughout town, kind of, as it was last year. It's also bringing back Horse-Drawn carriages, trying to get sponsors to help support that, so it offsets some of those costs. And then the Coco and things like that. So a lot of that, I believe, is moving forward positively. There may be some additional ideas that continue to be brought forward by MBPA, but that conversation is also happening.

**Philip Miller:** And is that conversation happening not just in line with having the event, but also if something needed to be plussed up as a contingency?

**Danny Davis:** So the the efforts are meant to be a benefit to the community for the entire month of December, regardless of whether we have the parade or not. There's currently no discussion that I'm aware of of if the parade is parades are cancelled what then do we do in its place? The only thing I see that could occur is that we try to add an additional weekend of horse drawn carriage rides or start things that weekend. At this point, none of those plans would be planned for that first weekend, but potentially could be added on if needed.

**Philip Miller:** Anyone. Questions, comments?

**Peter Leonard-Morgan:** I guess my thought process is rightly or wrongly that, you know, obviously what happened to Oktoberfest we know what happened. There's some differences, you know, with Oktoberfest obviously, you know alcohol involved. So it's quite different. Number two Oktoberfest was limited to just a couple of streets. I'm optimistic about Christmas in Middleburg, I think, because I really want to be optimistic about it, like we all do. So hopefully, you know, you come up with some really good ideas and we can throw them around and with some luck, things will start to improve the next couple of weeks and we can go move forward and see what happens. Thanks for all you're doing on that.

**Philip Miller:** Absolutely. And thank you for the committee and the MBPA for everything they're doing and the event company. [inaudible], I would say though, you know, as we ended up with the result in Oktoberfest, be a shame for us to lose the opportunity to preplan additional activities and potentially lock down vendors for certain things ahead of any non-ideal cancellation.

**Danny Davis:** Perhaps we can talk more about what your thoughts might be about that.

**Philip Miller:** All right. Onto the consent agenda. Anyone want anything removed from the consent agenda? Do I hear a motion?

**Bud Jacobs:** I move we approve the consent agenda as presented.

**Philip Miller:** Second.

**Philip Miller:** All right. Council Member Bernard. Aye. [laughter] I was thinking we had to do a roll call vote. Sorry. Do I hear the ayes?

**Everyone:** Aye.

**Philip Miller:** And nays. Abstentions. The ayes have it. Action item nonpublic hearing related employee handbook amendments. Leave benefits. Danny Davis.

**Danny Davis:** Thank you, Mr. Vice Mayor and council members. This was brought back to you as requested at your last meeting with actual edits to the employee handbook presented to you. I'll point out two things of note. The first is our detail oriented town attorney caught one item on page 49 of the handbook where we're clarifying years of service with the town and we just said five years of service. And, he said, suggested it say five years of town service. And this is related to a retirees who would qualify for the two hundred dollar monthly health benefits.

**Philip Miller:** Like feel like you had an assist on this one.

**Martin Crim:** I had a big assist from the chief.

**Philip Miller:** Ok, all right. Excellent work.

**Danny Davis:** Just to make sure that it's a town service and not service. The other item that we did also just just to point out to you in the definitions section on Page Six of the handbook the edit to the definition of immediate family was added in, though that could always be tweaked should council wish to make it more or less broad. With that, though happy to answer any questions about the proposals.

**Philip Miller:** The immediate leave languages taken from Loudoun?

**Danny Davis:** It was taken from Loudoun. The only difference there is that they include the terminology and any other person living in the employee's household. And that's one that I'm open to consideration, if that's something council would like to add. To be clear, this definition only applies related to items of either sick leave or bereavement leave, so it doesn't have application in other particular leave categories or benefits. But for instance, if you if you had someone living in your house with you that is not related to you in one of these categories or that you are not married with, then you would there. You would be qualified if they were added in this definition to.

**Philip Miller:** Legal or biological means by which you're connected.

**Danny Davis:** Correct. My only hesitation there is there was lack of clarity in my opinion in the Loudoun language, because it doesn't define any length of time that that person must live in your household. Are they a temporary friend living for a month and now you're qualified to take sick leave to care for them? So that was my hesitation why I left it out. But again, I'm happy to add that in if council feels that that's better to leave in.

**Philip Miller:** And our detailed attorney's opinion?

**Martin Crim:** I like Danny's Take on it.

**Peter Leonard-Morgan:** I like Danny's take on it to.

**Philip Miller:** Ok. Questions, comments, concerns, anyone. All right. And do I hear a motion

**Peter Leonard-Morgan:** I move that the Town Council adopt amendments to the employee handbook dated September 10th, 2021.

**Kevin Daly:** Second.

**Philip Miller:** Those in favor.

**Everyone:** Aye.

**Philip Miller:** Those against. Any abstentions? Ayes have it. And my favorite part because I don't have to read the closed session. I have to read the other part. Do we have any discussion items? Information items from committees, perhaps?

**Chris Bernard:** [off mic]

**Peter Leonard-Morgan:** What's Go Green? [laughter]

**Philip Miller:** Middleburg Sustainability.

**Peter Leonard-Morgan:** We actually didn't have enough members to have a meeting so we postponed it until next week. [off mic] Well, I have to say I'm disappointed.

**Kevin Daly:** Since we're asking questions. How's the compost bucket coming along?

**Peter Leonard-Morgan:** Thank you very much. I will say to you that we did have one sign up my good self so far. Oh you signed up? I apologize. Thank you very much. That's wonderful. [off mic] We do. I think we do have a few so far. [off mic] But the response has been really encouraging as well. Even among, you know, citizens and residents who already compost, sorry, compost, they actually want to join in, as well. Support the town project the pilot project. So thank you very much. It seems to be going well so far.

**Philip Miller:** All right. Anything else? Council [inaudible] to go into closed session? Do I hear a motion?

**Chris Bernard:** All right, I move that council go in to closed session as authorized under section 2.2-3711 of the Code of Virginia for discussion or consideration of the disposition of publicly owned property related to the Asbury Church, as allowed under subsection A3. Two, for consultation with legal counsel employed by the town regarding specific legal matters requiring the provision of legal advice by such counsel related to the enforcement of the Zoning Ordinance pertaining to limited residential lodging as allowed under subsection A8. I further move that the council therefore reconvene in open session for action as appropriate.

**Peter Leonard-Morgan:** Second.

**Philip Miller:** The yays.

**Everyone:** Yay.

**Philip Miller:** nays, abstentions. The yeys have it. We are in close session.

**Rhonda North:** As soon as the camera comes back around, Philip, you're good to go.

**Chris Bernard:** [off mic]

**Philip Miller:** No, none. All right. I ask that council certify with the best of each member's knowledge, one, that only public matters, public business vetted and lawfully exempted from the open meeting requirement under the Virginia Freedom of Information Act and two only such public business matters were identified in the motion by which a closed meeting was [off mic], discussed or considered in the closed meeting. I would like to remind those present in closed session that any discussion that occurred within may be treated as confidential.

**Peter Leonard-Morgan:** Aye.

**Chris Bernard:** Yes.

**Bud Jacobs:** Yes.

**Kevin Daly:** Yay,

**Philip Miller:** Yay. All right.

**Martin Crim:** And I think you need to let the record reflect that Ms. Pearson is had to drop off during the closed session, so we might contact her just to get her to to certify as well.

**Philip Miller:** And Ms. Council Member Pearson dropped off during the closed session. We will reach out for her certification as soon as possible. Any other items of business? Meeting adjourned.