



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, December 9, 2021



PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
 Councilmember Chris W. Bernard
 Councilmember J. Kevin Daly
 Councilmember Morris E. “Bud” Jacobs
 Councilmember C. Darlene Kirk

STAFF: Danny Davis, Town Manager
 Martin Crim, Town Attorney
 Rhonda S. North, MMC, Town Clerk
 A.J. Panebianco, Chief of Police
 Ali MacIntyre, Director of Business Development & Community Partnerships
 Tina Staples, Town Treasurer/Finance Director

ABSENT: Vice Mayor Philip M. Miller
 Councilmember Peter A. Leonard-Morgan
 Councilmember Cindy C. Pearson

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, December 9, 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 6:03 p.m.

Special Recognitions

Resolution of Appreciation – Reggie Cooper

Mayor Littleton noted that Mr. Cooper ran the Salamander Resort & Spa for many years and was instrumental in obtaining its Forbes Five Star rating. He advised that he was an outstanding partner for the Town, had a warm heart and embraced the community. Mr. Littleton opined that few individuals made a more impactful contribution to Middleburg. He read the resolution aloud.

Reggie Cooper attended the meeting virtually. He advised that he truly enjoyed integrating the Salamander Resort with the community and noted that he received more from Middleburg than he gave.

Councilmember Jacobs moved, seconded by Councilmember Kirk, that Council adopt a resolution extending its appreciation to Reggie Cooper for his extraordinary leadership of the Salamander Resort & Spa from October 2014 through September 2021 and for his service on the Middleburg Cultural & Community Events Committee from February 4, 2019 through September 3, 2021.

Mayor Littleton presented a signed copy of the resolution to Mrs. Cooper, along with some Middleburg memorabilia, who accepted them on behalf of her husband.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
 (Mayor Littleton only votes in the case of a tie.)

Resolution of Appreciation – Mark Davis

Mayor Littleton noted that Mark Davis had been a member of the community for decades and reminded Council that he was married to former Mayor Betsy Davis. He noted Mr. Davis’ lengthy career of public safety service to Loudoun County and the Town of Middleburg. Mr. Littleton advised that Mr. Davis was always very friendly. He noted that Middleburg owed him a huge debt of gratitude for his service. Mr. Littleton advised that Mr. Davis was retiring full time and thanked him for all he had done for the community. He read the resolution of appreciation aloud and presented a signed copy to him, along with a Middleburg paperweight.

Councilmember Daly moved, seconded by Councilmember Bernard, that Council adopt a resolution extending its appreciation to Mark Davis for his service as a Police Officer with the Town of Middleburg from September 1, 2017 through December 31, 2021.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.)

Mayor Littleton suggested the remaining resolutions be moved to the consent agenda.

Public Hearing & Action Item

Mid-Year Amendments to FY ’22 Budget

Town Treasurer Staples reminded Council that they had a list of the proposed amendments. She noted that the main reason for them was the allocation of the ARPA funds that were received by the Town and to repay the Health Center Fund for the loan that was used for COVID relief programs. In response to an inquiry from the Council, Ms. Staples advised that once the loan was repaid, the Health Center Fund’s balance would be \$918,650.

No one spoke and the public hearing was closed.

Councilmember Kirk moved, seconded by Councilmember Daly, that Council approve the attached (to Council meeting agenda) amendments to the FY ’22 Adopted Budget.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.) (by roll call vote)

Staff Reports

November 2021

In response to an inquiry from the Council, Stuart Will, of IES, reported that he should be able to assist Ms. Mack in locating a contractor to handle her sewer lateral replacement. He advised that he had asked several contractors from the Shenandoah Valley to provide her with a price. Mr. Will opined that the cost estimates she previously received were too high.

Town Clerk North reported that the Town awarded prizes to eleven property owners as a part of the Residential Holiday Decorating Contest. She noted that a page was created on the Town's website to identify the winners and that contained a driving tour map for those who wished to view the decorations in person.

Town Clerk North reminded the members of Council that they needed to complete the Conflict of Interests Act training by the end of the month if they had not already done so. She asked that they then report the date of their training to her. Ms. North noted that Council would need to take Freedom of Information Act training in 2022.

Town Clerk North reported that she and the Town Treasurer recently met with MCCI to talk about developing a Scope of Work for online renewals of business licenses. She advised that this was Phase 3 of the online payment system and noted that the contract for Phase 2 would be considered later in the meeting.

Town Treasurer Staples reported that the new online utility payment system was working well. She reminded Council that when the system was implemented, fifty-seven accounts were registered to receive e-bills and advised that the number was now one hundred eighty-five, which represented 39% of the Town's bills. Ms. Staples advised that she was impressed with the customers' enthusiasm for the new system.

Business Development & Community Partnerships Director McIntyre reported that she was getting feedback on Christmas in Middleburg and would soon meet with the organizers to discuss it. She opined that the community response to the Hanukkah lighting ceremony was great. Ms. McIntyre thanked Councilmember Daly, the Police Department and the MBPA for helping organize parking for the businesses during Christmas in Middleburg.

Business Development & Community Partnerships Director McIntyre reported that she met with Visit Loudoun and advised that they would bring forth a proposed contract for the Council's consideration in January. She reported that she recently participated in the third marketing content day. Ms. McIntyre advised that the Town's social media followers increased by 10.8% in November, engagements increased by 366%, and impressions increased by 2,300%. She noted that this was the first month the Town had done paid online advertising. Ms. McIntyre advised that EDAC had set goals for audience growth for the coming year.

Business Development & Community Partnerships Director McIntyre reported that a Dickens of a Christmas Celebration was underway. She advised that after selling out, eight carriage rides were added to the schedule. Ms. McIntyre noted that Scruffy's would distribute complimentary hot cocoa over the next two weekends.

Business Development & Community Partnerships Director McIntyre announced that DMV Connect, the Department of Motor Vehicles mobile office, would be in Middleburg on December 20-22, by appointment only.

In response to inquiries from the Council, Chief Panebianco estimated there were 6,900-10,000 people at Christmas in Middleburg, depending on the time of the day. He explained that these estimates were based on square footage and how deep the crowds were. Chief Panebianco noted that motorists parked their cars along the roads in the surrounding counties and walked into town.

Mayor Littleton advised that everyone he had spoken with, including business owners, said this year's event was wonderful and that it was the perfect size. He opined that it was controllable and safe. Mr. Littleton noted that the businesses indicated their revenues were the same as normal, as people stayed in their stores longer because they were not crowded. He advised that he had not spoken with a single store owner who said they wished there were more people.

Chief Panebianco opined that moving some of the food trucks to the east was helpful in spreading the crowd.

Town Manager Davis reported on behalf of Deputy Town Manager Moore, who was away at leadership training. He recognized Facilities Supervisor Tim Cole for his work in preparing for Christmas in Middleburg. Mr. Davis noted that the brackets for the Christmas signs on Madison Street had to be adjusted so they were more easily accessible and advised that the staff would look for alternative locations for some of the signs in the future.

Town Manager Davis reported that the Town received the final set of the site plans for the Town Hall Project earlier in the day and advised that Mr. Moore would review and sign them when he returned next week.

Chief Panebianco recognized Officer Jason Davis, who recently graduated from the FBI Leadership Training Academy. He presented him with his graduation certificate. Chief Panebianco noted that Officer Davis now had the ability to mentor other officers, just like Officer Mark Davis did.

Officer Davis thanked the Town for the opportunity to take this training.

Mayor Littleton advised Town Attorney Crim of a VML Alert that was recently issued regarding legislation that would be presented during the upcoming General Assembly session related to short-term rentals. He advised that the hotel association would fight it and opined that it was bad legislation. Mr. Littleton explained that it would require the transient occupancy taxes (TOT) to be paid to the State, with the State then taking a fee and apportioning the remainder between towns and counties by zip code as they liked. He suggested this would require localities like Middleburg to increase the rate to make up for the lost revenue. Mr. Littleton opined that the Town needed to aggressively engage against the bill due to its negative affect on Middleburg.

Town Attorney Crim suggested the Council consider adopting a one-point legislative agenda for this session.

Town Hall Project Report

Town Clerk North reported that the bid opening for the project occurred on December 8th and noted that the award of a public contract would be discussed in closed session later during the meeting. She advised that the staff anticipated going to closing next week on the nutrient credit purchase that was previously approved by the Council. Ms. North noted that some temporary construction easements were on the agenda for Council's consideration. She advised that once the Deputy Town Manager signed the site plans, the building permit application would be submitted to the County.

Consent Agenda

Mayor Littleton asked that Council add the Resolution of Commendation for Jim Herbert, Resolution of Support for the Middleburg Community Charter School, and the Resolution of Commendation for the American Legion Post 295 to the consent agenda.

- (A) Council Approval – November 18, 2021 Regular Meeting Minutes
- (B) Council Approval – Temporary Construction Easements – Town Hall Project
- (C) Council Approval – Resolution of Commendation – Jim Herbert
- (D) Council Approval – Resolution of Support – Middleburg Community Charter School
- (E) Council Approval – Resolution of Commendation – Middleburg American Legion Post 295

Councilmember Bernard moved, seconded by Councilmember Kirk, that Council approve the consent agenda, with the addition of the Resolution of Appreciation for Jim Herbert, the Resolution of Support for the Middleburg Community Charter School, and the Resolution of Commendation for the Middleburg American Legion Post 295.

Mayor Littleton offered a friendly amendment to remove the temporary construction easements for the Town Hall Project from the consent agenda, which Councilmember Bernard accepted.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson

(Mayor Littleton only votes in the case of a tie.) (on motion as amended)

Action Items

Council Approval – Health Center Fund Donations

Councilmember Kirk reported that the Health Center Advisory Board received donation requests from a number of organizations that the Town had supported in the past, all of which they found to be compelling. She further reported that they were recommending the award of \$41,500 in donations. In response to an inquiry from the Council, Ms. Kirk reviewed the details of each application.

Councilmember Daly moved, seconded by Councilmember Kirk, that Council approve the recommendation of the Health Center Advisory Board to fund the charitable donation requests for Calendar Year 2021 in the amount of \$41,500.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.)

Council Approval – Professional Services Order – MCCI – Online Meals Tax Collections

Town Clerk North reported that she and the Town Treasurer worked with MCCI to develop a scope of work that would allow businesses to pay their meals taxes online. She reviewed the multi-step process that would be required and advised that the cost would be \$8,200 to develop it. Ms. North noted that this system would also be a test, as it would be similar to the one that would be required for online business license renewals; although, that one would be more detailed.

Councilmember Kirk moved, seconded by Councilmember Jacobs, that Council authorize the Town Manager to sign a Professional Services Order with MCCI, LLC in the amount of \$8,200, for the development of an online meals tax payment system.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.)

Council Approval – Bid – Wayfinding & Street Signs

Town Manager Davis reported that an Invitation for Bid (IFB) was issued for the fabrication and installation of wayfinding and street signs. He noted that the latter would involve the consolidation of signs, which would allow for a reduction in the number of poles. Mr. Davis advised that three bids were received, one of which was determined to be non-responsive, with the low bid being in the amount of \$425,100. He reported that the staff met with Councilmembers Miller and Leonard-Morgan to review the bids and advised that they were recommending acceptance of the bid for the street signs and a reduction in the scope of the wayfinding signs by eliminating the vehicle trail blazer signs, one of the information kiosks and the restroom directory sign. Mr. Davis reported that this would reduce the bid amount to \$314,073. He advised Council that between the capital funding that was previously allocated for this project and the funding included in the current budget for Town-wide improvements, funding was available in this amount if the Council was interested in awarding a contract. Mr. Davis noted that other alternatives could be considered if the Council desired.

The Council suggested the discussion of this item be held until Councilmembers Miller and Leonard-Morgan could be present.

In response to an inquiry from the Council as to who was responsible for the street signs, Town Manager Davis advised that the blue street name signs were managed by Loudoun County, the traffic control signs were managed by the Virginia Department of Transportation (VDOT) and the street signs were managed by the Town.

The Council asked that the staff conduct research to determine whether VDOT would accept responsibility for any of the street sign costs, since they were responsible for the streets and sidewalks in Middleburg. They asked that this be determined quickly as they did not want the cost to increase. The Council questioned whether the Town had any other uses for the Town-wide improvements funds.

Town Manager Davis confirmed there were no other uses proposed at this time. He noted that the only other Town project that would require the use of General Fund monies in the foreseeable future was the construction of a maintenance shed; however, that project had been delayed pending the construction of the Town Hall Project. Mr. Davis opined that there may be some sidewalk repairs forthcoming in the future; however, nothing had been identified within the timeline the Council was talking about.

Council asked that the staff research their questions and return to them either during the January meeting or the special Council meeting in December if the information was available by that time.

Council Approval – Temporary Construction Easements – Town Hall Project

Town Manger Davis reported that because of the tight construction limits, temporary construction easements were needed so the contractors could stand on the neighbors' properties during construction. He advised that the Town also needed a stormwater easement from Salamander. Mr. Davis reported that Verizon had approved the temporary construction easement, Dr. Helvey had agreed to it in substance, and that there were ongoing discussions with Ms. Kaye. He reminded Council that the Town had three easements from Salamander that needed to be amended slightly and reported that it had been in negotiations with them for a number of months; however, they had not yet reached an agreement on one of them. Mr. Davis advised that even though Salamander's MUV property and future road would not be impacted by the Town's project, they wanted the Town to pay the future costs related to their road. He reported that the Town was still in discussions with them on that issue. Mr. Davis requested the Council's approval of the easements, subject to final edits that were acceptable to the Mayor, Town Attorney and Town Manager and to the final consent of the property owners.

Mayor Littleton expressed concern that Salamander kept contradicting what it had already agreed to in a letter of agreement in October and noted that the requested changes were substantial. He opined that the change in terms was unacceptable. Mr. Littleton asked that if the Council approved the easements, they do so with the provision that they be as provided by the Town, which was in accordance with the agreement. He reiterated that the change requested by Salamander was material, involved a real cost and was unacceptable to the Town. Mr. Littleton noted that this could affect the timeline of the Town's project. He advised that he asked for the assistance of a representative from Salamander earlier in the day.

Town Manager Davis advised Council that the deed in the agenda packet reflected the Town's language, not that requested by Salamander.

In response to a request for his advice, Town Attorney Crim requested that this be done in closed session.

In response to an inquiry from the Council, Mayor Littleton confirmed they could approve the easements subject to minor revisions as approved by the Town Attorney and Town Manager. He advised that if there were any major changes, this item would be returned to the Council.

Councilmember Bernard moved, seconded by Councilmember Jacobs, that the Town Council authorize the Mayor to sign the following Deeds, subject to the final consent of each respective property owner, with final edits and revisions to be approved by the Mayor, Town Manager and Town Attorney: (1) Deed of Temporary Construction Easement over property of Chesapeake & Potomac Telephone Company of Virginia; (2) Deed of Temporary Construction Easement

over property of Fox Ridge Apartments; (3) Deed of Temporary Construction Easement over property of Howard Kaye, Trustee under the declaration of The Howard Kaye Declaration of Trust and Nathalie Hazard Kaye, Trustee under the Nathalie Hazard Kaye Declaration of Trust; (4) First Amendment to Temporary Construction Easement over property of Salamander Middleburg MUV, LLC; (5) First Amendment to Stormwater Management Deed of Easement over property of Salamander Middleburg MUV, LLC; and (6) Deed of Easement (Public Water Line) over property of Salamander Middleburg MUV, LLC.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.)

Information Items

Mayor Littleton reminded Council of the Employee Appreciation Luncheon that would be held on December 10th.

Town Manager Davis announced that the Loudoun County Board of Supervisors voted to rename Route 50 to the “Little River Turnpike”. He noted that the portion that lies in Middleburg would remain as Washington Street.

Mayor Littleton reported that the Coalition of Loudoun Towns (COLT) presented their vision for redrawing the County redistricting map, which was submitted to the County as a starting point for conversation. He further reported that in a recent news article, the Chair of the County Board indicated she was opposed to the proposed map. Mr. Littleton advised that the members of COLT spoke with her and explained that their goal was to accommodate the communities of interest as best possible and noted that it would not be possible to draw a map to align with the thousands of points of interest that existed. He advised that she agreed to meet with COLT to see what could be worked out. Mr. Littleton expressed appreciation for her willingness to do so.

Closed Session

Councilmember Bernard moved, seconded by Councilmember Daly, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of (1) appointments to public bodies related to the Middleburg Planning Commission, Cultural & Community Events Committee, EDAC, and the Middleburg Strategic Finance Committee as allowed under Subsection (A)(1); (2) briefings by staff members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body related to two requested boundary line adjustments as allowed under Subsection (A)(7); (3) the award of a public contract involving the expenditure of public funds as it relates to the Town Hall Project as allowed under Subsection (A)(29); and (4) for consultation with legal counsel employed and retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding easements related to the Town Hall Project. Councilmember Bernard further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.)

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

Appointments to Town Boards, Commissions and Committees

Councilmember Daly moved, seconded by Councilmember Kirk, that Council reappoint Rachel Minchew and H.H. “Dev” Roszel to the Middleburg Planning Commission for four-year terms, said terms to expire December 31, 2025. Councilmember Daly further moved, seconded by Councilmember Kirk, that Council reappoint Jim Herbert and Michelle Myers to two-year terms on the Cultural & Community Events Committee, said terms to expire December 31, 2023. Councilmember Daly further moved, seconded by Councilmember Kirk, that Council reappoint Sid Abrams and Will Heron to two-year terms on the Middleburg Strategic Finance Committee, said terms to expire December 31, 2023.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, and Kirk

No – N/A

Abstain: N/A

Absent: Councilmembers Miller, Leonard-Morgan and Pearson
(Mayor Littleton only votes in the case of a tie.)

There being no further business, Mayor Littleton declared the meeting adjourned at 8:27 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

December 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)

Rhonda North: We have a quorum and you're good to go.

Bridge Littleton: I will call the meeting to order. First item Pledge of Allegiance.

Everyone: [Pledge of Allegiance]

Bridge Littleton: All right, next item is the roll call.

Bud Jacobs: Bud Jacobs.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Bridge Littleton,

Chris Bernard: Chris Bernard.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Martin Crim: Martin Crim, Town Attorney.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: All right, next item here is we have several items of special recognition. Did we lose Reggie?

Rhonda North: He's still on. He just turned his camera off.

Bridge Littleton: Oh, he turned his camera. Ok, got it. [off mic]

Rhonda North: There he is.

Reggie Cooper: I didn't want to ruin your recording. [laughter]

Bridge Littleton: Don't worry, I'm still here, Reggie. So I've got that covered. All right. So the first item here is a resolution of appreciation for Reggie Cooper. As everybody knows, Reggie recently took a new position with a premier property down in Florida. I will be happy to let you know that he is offered free comp rooms for any citizen of Middleburg for the next five years. [laughter] Reggie, I'll be there. I'll be checking in tomorrow about 4:00 p.m., but no. So Reggie, you know well, Reggie took over Salamander a number of years ago, and apart from doing a fantastic job with helping the resort be successful and running a world class organization, you know, getting the Forbes five star award and all that kind of stuff. I mean, all that stuff is great. It's important. It's important for the brand, Reggie's career. But what Reggie has meant to this community in terms of being a outstanding partner to the citizens, the town, the police, our community organizations. I mean, I have never seen somebody with a warmer heart and a bigger set of arms to embrace the community than the way he did. Any time anybody ever needed anything, Reggie was always the first

one to step up, raise his hand. How can I help? What can we do? Never asked for anything in return. He didn't even need a thank you. And he did it just out of the goodness of his heart because he truly cared about the community and truly cared about, you know who we all are and what the town's all about. And this is just a small token of recognition for all of that love that he showed our community while he was here. And Reggie, I will honestly say there are few people in the list of folks who have done good things for Middleburg, who have made a bigger, more impactful contribution than you in the time that you were here. So, you know, I know myself and everybody on council and everybody in the town can do nothing but say, thank you so much for everything you've done for us and we are so sad to see you go. We wish you the best in the new endeavor. I did hear that new hotel was getting condemned, so if you want to come back up, you know. [laughter] So anyway, just wanted to say that real briefly, I'm not sure if anybody else on council wants to say anything before I read the resolution.

J. Kevin Daly: Is there a proposal?

Bridge Littleton: Well, I mean let's read the resolution as we always do. So what we have here is a resolution of appreciation for exemplary community. I'm going to do this exemplary community involvement for Reggie Cooper. Whereas Reggie Cooper was hired as the general manager of the Salamander Resort and Spa, located in Middleburg, Virginia, in October of 2014. And whereas Mr. Cooper led the Salamander Resort and Spa as it grew into a wonderful tourism asset for the town through his stewardship as its General Manager, develop the resort into a worldwide destination that is one of the few Forbes five star resorts in the world, served on the Board of Directors of Visit Loudoun for over six years, served on numerous volunteer committees in the community, provided free food and volunteers to assist with countless community events such as the Annual Town Cleanup, the MBPA Biz Buzz and holiday activities, and was consistently and directly engaged in community events. Whereas Mr. Cooper was appointed to serve on the town's newly established Cultural and Community Events Committee on February 4th of 2019. And whereas during his tenure, Mr. Cooper helped the committee to review event grant requests from the perspective of their value to the town in terms of visitor and business support and assisted the committee and its review of current town sponsored events, as well as identifying possible new town events for the council's consideration. And whereas Mr. Cooper resigned his seat on the Cultural and Community Events Committee effective December 3rd, 2021 after taking a position at a resort in other state. And whereas the Middleburg Town Council deems it appropriate to express its gratitude for Mr. Cooper for his personal dedication and exemplary service to our community over the past seven years. Now, therefore, be it resolved that the mayor and members of the Town Council of Middleburg Virginia, recognize and express our sincere appreciation for the exemplary service of Reggie Cooper as a member of the Cultural and Community Events Committee from February 4th, 2019 through September 3rd, 2021, and for his exemplary leadership of the Salamander Resort and Spa. Be it further resolved that we express our profound thanks to him and hope for his continued success in life. [applause] So, Reggie, as you're not here to receive I'm assuming the lovely Mrs. Cooper is here to receive on your behalf. All right. If there's anything you'd like to say.

Reggie Cooper: Certainly thank you, Mr. Mayor and Town Council this is really above anything that I would expect or is necessary in any way, but I'm very honored for the support. You know, just over seven years ago, I joined Ms. Johnson to establish Salamander as a nationally recognized resort. And one of the things that we discussed at that time was the need for the resort to be integrated into the community, both from a business standpoint, but also from a community standpoint. And so having done that in every other place that I've lived, I told her that I was willing to make that commitment of my time, maybe time away from home, but time that would be important to help our town, our county and our state in some ways or whatever ways that I could possibly. So it's something that I truly enjoy doing, not for the recognition, but believe me, the work that I, what I see back from places like Seven Loaves and other community activities gives me more than I give into it. So it's really my pleasure. Now, don't come down tomorrow because the resort that I'm opening, we open in the spring. [laughter] So right now [inaudible] a million square feet of space that is in some different level of construction, either from either finished or in still in a place of concrete. But when we do open, you're all certainly welcome and I hope you'll stay in touch with a phone call or an email. Now that I'm in Southern Florida every conversation has to start with a discussion about the weather, which will be 85 degrees this week, and also about what the temperature of the ocean is and which is 74 degrees right now, but really enjoying this area. I wish you and Middleburg all the best. Middleburg's so fortunate to have two incredible mayors that I got to work with and the town staff from Danny to Will to Rhonda that any municipality would be lucky to have them. The commitment to

putting Middleburg first marketing Middleburg and then keeping it going during the pandemic was really incredible. So thank you so much, your friends forever. Much appreciated. [applause]

Bridge Littleton: Reggie, thank you so much. So and if you would like to join us real quick. [multiple speakers] Oh yeah, I always forget that part. Not yet. [off mic] Would someone like to make a motion? Bud.

J. Kevin Daly: We're going to have a fight. Go ahead.

Bridge Littleton: Bud, go ahead.

Bud Jacobs: I'll arm wrestle you for it. I move that. Council adopt a resolution extending its appreciation to Reggie Cooper for his extraordinary leadership of the Salamander Resort and Spa from October 2014 through September 2021, and for his service on the Middleburg Cultural and Community Events Committee from February 4th to 2019 through September 3rd, 2021.

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

Everyone: Aye.

Bridge Littleton: Abstentions. All right. The resolution passed unanimously Reggie. [laughter]

J. Kevin Daly: Can we get another round of applause? [applause]

Bridge Littleton: Ok, now I can officially hand this over. [laughter] You want. Oh, Ali. Ok, perfect. A.J. you're slow on the photographs.

AJ Panebianco: I had to shed that coat, I was sweating.

Bridge Littleton: There you go. [laughter]. [multiple speakers]

Danny Davis: Stand in front of the [multiple speakers]

Bridge Littleton: Oh yeah, Reggie can't see us. We'll do it this way. All right. You ready? All right. There we go. I'll get it with you. [off mic] Oh, in the background. There we go. All right, awesome. [applause] It wouldn't be a Middleburg resolution without an official town paperweight. No, it will cost more to ship it to them. [multiple speakers] So should we expect that a magnet on the back of your car?

Reggie Cooper: Yeah. Thank you. I'll proudly display it. Thanks everybody. [inaudible]

Bridge Littleton: Yeah. And Reggie, I don't know if you could see or not. Betsy is actually here.

Reggie Cooper: [inaudible] And Bundles.

Bridge Littleton: Yeah. Most importantly, Bundles. Ok. Next item is. One second here. I'm going to pull up the. Not that, not that, not that. Where did I leave it to? Oh, there it is. So we have one more resolution of appreciation we need to do. And this one is for all joking aside. Mark Davis. [applause] So as many folks know, Mark Davis has been a member of this community for decades and decades and decades. Through his lovely through his relationship with his lovely bride, former Mayor Betsy Davis. But Mark has given a career of service to Loudoun and to Middleburg, both as a police officer, a member of the sheriff's department and a all around wonderful human being. And the thing that says the most about Mark is no matter where you see him, no matter where you go, it's always a smile. It's always a kind word, except when he gives me a hard time. And as he should, as he should. And Mark has been supporting the town police office here and A.J. and his team in a part time capacity as needed over the years, and we would not have been able to do the public safety and policing that needed to be done for the citizens without Mark's participation. So like Reggie, we owe Mark a

huge debt of gratitude, not only as a part time officer with A.J., but for the decades of service he's given to Loudoun and to this town and his various other roles. So Mark, it is a well-earned, full retirement. We will definitely miss your participation. But as A.J. noted, he can still call on you for the next two years. So don't hang up that uniform quite yet, but no, from everybody on council, we thank you from the bottom of our hearts for everything you've done for Middleburg and that we know you will continue to do as a, you know, as a volunteer. Well, I was going to say volunteer, but really as a as a member of the heart and soul of the community. So and that's through everything. So with that, let me read the resolution. Resolution of appreciation for service as Police Officer Mark Davis. Whereas Mark Davis worked for the Loudoun County Sheriff's Department for twenty three years, where he attained the rank of lieutenant and then for the Leesburg Police Department for 12 years, where he attained the rank of sergeant before his retirement in 2016. Now I'm going to do some math. Twenty three plus twelve [off mic] I was going to say it have to go up one arm and come down the other. That's thirty five years Mark at forty three. How have you been a police officer that long? Ok? Whereas Mr. Davis Mark Davis was hired as a part time police officer for the town of Middleburg on September 1st, 2017, and whereas Officer Davis is leaving the town's employ on December 31st, 2021 in order to fully enjoy his retirement and cater to the important needs of his lovely bride. Whereas during his tenure, Officer Davis assisted in the organization of the annual National Night Out events, many of the dunk tank and helping whatever wherever he was needed performed community service whenever called upon. Made himself available to assist the police department when necessary to man the shifts and mentored many of the younger officers. And whereas Officer Davis has been a constant and integral part of not only the Middleburg police department, but the community, and whereas the Middleburg Town Council deems it appropriate to express its gratitude to Officer Davis for his personal dedication, exceptional service to our community over the past four years. Now, therefore, be it resolved that the mayor and members of the Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the exemplary services of Mark Davis as a police officer for the town of Middleburg from September 1st, 2017 through December 31st, 2021, and express our profound thanks to him and hope for his continued success in life. [applause] Now, I will remember this time. Would someone like to make a motion?

J. Kevin Daly: I move that council adopt a resolution extending its appreciation to Mark Davis for his service as a police officer with the town of Middleburg from September 1st, 2017 through December 31st, 2021.

Chris Bernard: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. All right, passes, Mark. [off mic] [multiple speakers] All right. Well, Mark, again, thanks for everything. You know, it's I you made me think of something you said. There's been a lot of wonderful people and it made me think in that moment, it's incredible the, you know, past, present and future. The people who have been here, the people who are here and the people who are going to be here is what really makes this place so special. And someone like you is what makes it even more special. So thank you. [applause] All right. The other three resolutions, we're going to put those on the consent agenda. So next item here is public hearing. Oh, actually, no public comment. Sorry, I forgot that part. Oh, I'd be getting sued. I feel like being in Lovettsville. Well, it wasn't a public comment thing it was FOIA. This little small stuff. Would anybody. Well, so we'll now open the public comment session. If anybody, any member of the community would like to speak to the town council now, please raise your hand and come to the front. If you'd like to do so, now's the time. Anybody? All right, we will close public comment session and move on the public hearing. Budget amendment I'm rev. Assuming this is going to be Tina. Yep, Tina. Oh, yeah, yeah. Reggie, you're well, actually, your wife is back. Oh, she forgot her purse. Reggie you're more than welcome to stay or whatever you like. We're good.

Reggie Cooper: Many thanks. I've spent some nights in that room already, so I think I'm going to tap out.

Bridge Littleton: Hey, come on back any time. See ya. Yeah, OK. Tina, go ahead.

Tina Staples: Thank you. The amendments are listed out for you. The main reason for the budget amendments at this point are to allocate the funds for the grant money received from the American Rescue Plan. And then to also use some unassigned fund balance for the health center repayment because we couldn't use the grant funding as a way to repay that for the donations that you all gave out during the pandemic. Are there any questions?

Bridge Littleton: Any questions for Tina? The only question I had and I just I was looking, I couldn't see it. What is the balance now that we've put the money back of the health center fund?

Tina Staples: For the repayment?

Bridge Littleton: No, no, I know how much we're putting back. What's the total balance now?

Tina Staples: The fund balance is six sixty eight six fifty six.

Bridge Littleton: No. When we put the money back, what will it be?

Tina Staples: It will be 918,650.

Bridge Littleton: 918. Ok, great. Just under a million bucks. Ok, great. Yeah, I know. I'm sure it's on here. I just didn't see it. Ok, great.

Tina Staples: Try to cram it all in on one page. So that's my call.

Bridge Littleton: Did anybody have any other questions? All right. Is. So I guess we have to open the public hearing now, so we will open the public hearing on the budget amendment. Anybody like to speak, Betsy? I was going to say you faked us out. [off mic] Ok, so yeah, it was a public hearing is the open if anybody like to speak on the budget amendment. All right, we'll close the public hearing any discussion among council. Going once, going twice. All right.

Darlene Kirk: I move that the I got to do. You move? I'm trying. I move that the town council approve the attached amendment to the FY 22 adopted budget.

J. Kevin Daly: Second.

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

Rhonda North: Mr. Mayor this needs to be roll-call vote because it is a budget item. Council Member Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Daly.

J. Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Bridge Littleton: All right. It passes, yep. Next item is staff reports. Stuart, you're up.

Stuart Will: Good evening Mayor, good evening Council. Any questions?

Bridge Littleton: Do you have any questions for Stuart? Yeah, the water came out quick. One quick question Stuart. Last time we were here. Mrs. Mach asked about some solutions to the whatever. Just wondering how that how that went.

Stuart Will: I looked at that personally, and we should be able to help her significantly. I'm going to have some contractors [inaudible] for one, look at it and actually some people from out my way because there's no reason she should be paying the kind of money she was saying she was quoted for that. And as soon as I get them to get some quotes, I'll get them in contact with her. And because they're talking like the lowest quote she was seeing was thirty some thousand dollars and I was that was crazy. That's absurd. She's literally going through pavement from me to you to a manhole that already has a penetration in it. And it's absurd the numbers they're talking to, you know, giving her. So yeah, we should be able to help her out significantly.

Bridge Littleton: That is great. Thank you so much for following up and helping her with that. Really appreciate it. Any other questions for Stuart? Ok, thank you, Stuart. Have a good evening. Have a safe drive home. Ok. Next up is Rhonda.

Rhonda North: Thank you, Mr. Mayor. We, as you know, did the residential holiday decorating contest again this year, and 11 individuals were awarded prizes for their decorations. I like to thank Ali and Estee for helping to judge those. We have created a web page on the town's website that includes the list of the award winners, some photographs, as well as a driving tour map for anyone that would like to go around town and see the decorations. I'd like to remind council that anyone who has not done so needs to complete your COIA training by the end of this year, so I've got three individuals that still need to take that. And then in January, I'll start reminding you it's time to take your FOIA training. Yeah, again. And then finally, the town treasurer and I met with MCCI since our last meeting to talk about developing a SOW for phase three of our online payment system, and that would be for the business license renewals. So you do have the contract for phase two, which is the meals tax on your agenda for discussion later tonight. So we're continuing to to move forward with that.

Bridge Littleton: Great. Thank you. Any other questions for Rhonda?

Darlene Kirk: [off mic]

Rhonda North: On the website? [off mic]

Danny Davis: Is it the news flash on the front page

Rhonda North: If you click on it.

Danny Davis: There's another link that says winners and tour map at the bottom.

Darlene Kirk: Thank you.

Bridge Littleton: Problem solved. All right, next treasurer's report. Back.

Tina Staples: Again, yeah. So you have my report, I did highlight that we're obviously working with Invoice Cloud on the utility billing to get everyone used to the new system and getting them rolled and registered and our efforts to get more of the residents on the E bill format. So we started off with just fifty seven accounts, as I said, in here and now we have one hundred and sixty six. So we're at thirty four percent and actually as of today, it's now thirty nine percent or one hundred and eighty five. So I think it's great I'm really impressed with everyone's enthusiasm to try out a new software system to try a new payment system. It seems to be working really well.

Bridge Littleton: Excellent. Any questions for Tina? All right, thanks, Tina.

Tina Staples: Thank you.

Bridge Littleton: All right. Next item here is Ali.

Ali McIntyre: Thank you. All right, so you guys have my report, but I just wanted to go over a few of the kind of key takeaways Christmas in Middleburg weekend, as you guys know, just past. I can. I'm continuing to get feedback from business owners, attendees and various community members and plan on sharing them to enhance and improve next year's event. We will have a meeting scheduled with a Christmas Middleburg organizers. I also wanted to recognize that there was a great community response to the town celebration of Hanukkah, organized by Mark Metzger at the pink box. There is over 50 guests the first night, so that was really great. Also, when I think Council Member Daly for helping along with the MBPA and the Middleburg Police Department for helping and organizing the parking for businesses on parade day, we ended up having I originally put sixty eight, but we actually had ninety one total total parking spaces, which was really great. We got good feedback there and thank you, Mayor Littleton, for creating the map for that. Per previous Council meeting the town manager and I met with Beth Erickson, a visit Loudoun to review and update our agreement and she'll be here to present to council in January. Additionally, our marketing firm was in town today, we completed our third content day, and they also reported back on November numbers so I didn't include these, but I did want to share them with our audience and our followers on our social media platforms have increased just in the month of November by ten point eight percent, engagements by three hundred and sixty six percent and then impressions by two thousand three hundred percent. Now I will note that this is also the first month that we did paid advertising, so they've only been with us for three months, as have I. So it's a really great start. And with the guidance of EDAC, we've set realistic and aspirational goals as it pertains to audience growth for the next three, six and 12 months. The Dickens Festivities are officially underway. We have the dickens of a dog pet costume contest this Saturday and run like the Dickens 5K on Sunday. We've sold out of carriage rides, but we actually just received word from our vendor and they were going to add on eight more for Sunday, the 19th. So it's an additional two hours. So yeah, they kept us at top of mind, which I thought was very kind and Scruffy's will continue to give out the complimentary hot cocoa the next two weekends. Last but not least, we just put it up today, Rhonda, put it up on the website. Thank you. And we shared it to our social media about the DMV Connect that Supervisor Buffington's office helped bring to Middleburg. So the twentieth, the twenty first and the twenty second They'll offer services such as Real ID titles and registration, so you can check that out on our website and our Facebook page.

Bridge Littleton: Any questions for Ali?

J. Kevin Daly: The mobile DMV is by appointment?

Ali McIntyre: Yes, by appointment only, yeah. And those those links are online as well.

Bridge Littleton: Are you located at the American Legion Post 295?

Ali McIntyre: That's correct. [inaudible]

Bridge Littleton: With the approved signs. [off mic] Chris.

Chris Bernard: Question. Since we're talking Christmas in Middleburg, do we have a number? Do we know how many people were there? Anybody?

AJ Panebianco: I don't actually have the memo in front of me, but depending if you go high or low, it's somewhere between sixty nine hundred and maybe as many as ten thousand. Two separate parades. [multiple speakers].

Chris Bernard: That's based on?

AJ Panebianco: Square footage as I go down the parade route. I take notes of how deep the people are and try to average it up and then do square footage. It's a good guess.

Bridge Littleton: I'll say it's a guess.

AJ Panebianco: It's better than most.

Bud Jacobs: Chief, I thought you were going to say you use the Jacob's method.

AJ Panebianco: It was the Jacob's method. [laughter] It certainly was.

Bridge Littleton: I was, Bud I was expecting an Allen Deviation, you know, calculation. So, so so I make this comment every year when these numbers come in. If we had a thousand parking spots and Salamander had 300 and MCCA had 100 and the other brewery had one hundred and then probably 100 or 200 in town sprinkled here and there, and every car had an average of three. That gets you to like 5000. So where are the cars for the other 5000 people? [off mic] Where are the cars? I mean, that's the problem.

AJ Panebianco: They were parked on the Plains Road as far as they could go. Landmark Hill School Road past Sullivan's Mill Road. [inaudible] Once you got passed over, they were parked as far as you could see them. And on this side of Town, parked as far as you could see them. [off mic]

Bridge Littleton: I get I get it. I get it. But you know, one year it was an estimate of twenty four thousand. It's like, OK. So I'll say this, and it's actually the comment I wanted to make. Every single person I have talked to have said has said that it was a wonderful event. That size was perfect. Don't ever have more people than that. I mean, it was great. I mean, it was controllable. It was safe. Everybody had some space. Every business owner that I've spoken to, which is maybe half the restaurants and a quarter of the retail stores, said their sales were right about the same as they were when we had 30 percent more people because people like actually stayed in the store longer, they didn't feel rushed. It wasn't all jammed and crowded. The restaurants were full, right? So I think I haven't had a store owner yet tell me that they wish there was more people.

AJ Panebianco: Well, and I will say one thing that made a difference this year, moving some of the food trucks to the East End, really, we've never had as thick of a group of people really passed where Chloe's is as we've had this year. It was very consistent all the way down. Instead of all being grouped up there on the West.

Darlene Kirk: [off mic]

AJ Panebianco: That's part of the parade organizers thing. And we're going to we'll meet with them this week or in early January to see what's going on and what we can do to [inaudible]

Bridge Littleton: Because I did have some people complain like, Oh, there was no Santa. I'm like, I saw the pictures of him. Yeah, he was there and they're like, That's what it was. People waited and he left, or they thought he wasn't. It was OK. I got it. And now I know.

Chris Bernard: [off mic]

Bridge Littleton: They thought it was over. Ok, I got it. All right. Well, that's good. I got, I see the boots. Ok, but no other than that. I mean, you know, we lucked out with great weather and all that kind of stuff, but I thought it was a it really, really went well. So OK, who's next? Oh, Will Moore.

Danny Davis: Mr. Mayor, Mr. Moore is at training this week. He's at a great executive leadership conference at UVA, and so he will be back on Monday. You do have his report, obviously a lot of work going into Prep for Christmas in Middleburg. Tim did a great job just, you know, some of the ornaments on Madison Street. They did adjust those brackets so that they're more easily accessible in past years or only accessible by bucket trucks. And so thankfully, we've moved those down and we're looking at alternate ideas for those and others in the future as well. And then Mr. Moore does continue working on some of the applications, as shown here. And just, you know, we did receive the final signature set for the town hall site plan today, so that is ready for Mr. Moore's signature upon his return.

Bridge Littleton: Any questions for Danny? All right, A.J..

AJ Panebianco: You have the report, but more importantly, I'd like to get Jason up here because Jason accomplish something that hasn't been done in Middleburg as of yet. So want to say kudos to Jason for one, the desire to continue his learning experience in policing and becoming more of a taking it a direction of not just policing, but in leadership as well. So he had expressed years ago an interest to get into the FBI [inaudible] School, which is a leadership school put on by the FBI. It's a three part school and November 19th, he graduated that third session of that school, so he has completed the entire trilogy. He learns and I have to put my glasses on. He learned he he experienced leadership command, leadership and executive leadership courses. Some of the topics that were covered include trends in law enforcement, implications of the twenty first century policing report, public trust, legitimacy, bias and diversity, employee wellness, transformational leadership and social and emotional intelligence, among many other topics. It is not an easy class. It is not a class that everybody gets to attend and then to complete the trilogy is a big accomplishment. So here is Jason's graduation award for the third part of the class. And I'm going to give you that, and then I'm going to give him his trilogy award because very few people get the Trilogy Award, which means they completed all three courses. So thank you. We're going to turn around this way. Get a picture. [applause] And I'd like to just, you know, take the opportunity to say thank you to Jason. Also, thank you to the rest of the staff because they are very excited about making Middleburg and the Middleburg Police Department a better place. And they know the way to do that is through education and mentoring. We saw Mark Davis, who served as a mentor for so many of us, of the officers. And Jason has that ability now. At one point, Jason was the youngest police officer we have, but Daniel got hired so so he's no longer.

Bridge Littleton: No, Jason got older. [laughter]

Officer Jason: Yeah, it's true. I'm almost 40 now.

AJ Panebianco: That age comes experience, and with that experience comes a better officer for our community. So thank you for having the interest to complete the external trainings that you're doing and the zeal to make this community better. So thank you.

Officer Jason: Thank you, sir. I appreciate each and every one of you as well. Thank you for our opportunity for [inaudible]. It was an amazing class and seriously. Thank you.

Bridge Littleton: Congratulations. [applause]

AJ Panebianco: Jason is off today, so I wanted to make so he came in specifically for this so.

Bridge Littleton: You don't get every time for that. Just because you got the uniform on, you don't get overtime for that. [multiple speakers]

AJ Panebianco: Are there any questions about the report? But that's kind of the big news of the day.

Bridge Littleton: Any questions for AJ? All right. Thanks, A.J. And Mr. Crim.,

Martin Crim: Thank you, Mayor. Yes, you have my report. Stand ready to answer any questions,

Bridge Littleton: Any questions for Martin? Ok. VML legislative alert on the Airbnb. Have you seen that? You need to see it. Ok, I will forward it. Michelle Gowdie sent it to me yesterday. I will forward you the updates on it. I talked to Prem already because he's on the board of the National Hotel, whatever association they've been fighting these same legislations in multiple states. So the part about it that's really bad is that our TOT tax gets paid directly to the state. There's no accounting. They have the authority to take a fee. It's it's coming back, but it's worse. And then they paid the TOT out by the zip code. So 20117 is more than just the town of Middleburg. So they would yeah, they would have the authority to apportion it among the town and the county, however they like. So, you know, the point I made to I mean, you know, I spoke to Prem about it and I said, you know well, and to Michelle, my point to Michelle was, you know,

you're going to force localities like Middleburg to raise the rate to make up the difference. Right, I mean, if all of a sudden the state decides, well, we're going to give half of it to Loudoun, you know, even though it's Middleburg's TOT, well half of our TOT just disappeared. Well, you know, we've got to make it up somehow. So this thing is just bad all through and through. So I will send you her, I'll forward it to you later. But we definitely need to reach out. And, well, I make this recommendation to council. We need to aggressively engage on this because it would affect us so much. You know, given what the state could do.

Martin Crim: So I would suggest that that's probably your one bullet point legislative agenda for this coming General Assembly.

Bridge Littleton: Yeah, good point. Ok, any questions for Martin? All right. And Danny, anything from you?

Danny Davis: Thank you, Mr. Mayor. Nothing at this time.

Bridge Littleton: Ok, so. Let me see here real quickly. Ok, Rhonda.

Rhonda North: Thank you, Mr. Mayor. As you're aware, we did the bid opening on the Town Hall project yesterday and we will be discussing the award of a public contract later on this evening in closed session. Council approved at its last meeting the nutrient purchase, and we anticipate going to closing on that next week. The temporary construction easements are on the agenda for later this evening for council's consideration. And as Mr. Davis mentioned earlier, the final site plans have been received, and once Mr. Morrison signs those, then we will be able to submit our building permit application to the county. So we anticipate doing that next week. And that's all I have

Bridge Littleton: Any questions for, Rhonda. All righty. Next is the consent agenda. Would anybody like to have anything added or deleted to the consent agenda? Yep.

Bridge Littleton: I would just make a motion to do the consent agenda, adding MCCS, Jim Herbert and Legion resolutions.

Chris Bernard: I move that we adopt the consent agenda as proposed with the addition of resolutions of appreciation for Jim Herbert, the Middleburg Community Charter School and the Middleburg American Legion Post 295.

Darlene Kirk: Second.

Bridge Littleton: Any discussion?

Danny Davis: Yes, Mr. Mayor, I'd just like to make sure you're still comfortable with the temporary construction easements on consent.

Bridge Littleton: Is it on there?

Danny Davis: Yes, I sent it about like 20 minutes before the meeting, so we can pull that off. If you'd like to discuss

Bridge Littleton: That, yeah, I'd like to make a friendly amendment that we remove the discussion of temporary construction easement.

Chris Bernard: Accepted.

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

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. Ok, good to go there. Next item Health Center, what's that?

Danny Davis: Would you like to go and talk about that now or save that?

Bridge Littleton: No, let's just let's knock this other stuff out and put all and do that right when we right before we go to the then the bigger discussion about the contract award, OK? Next item is Health Center Advisory Board. Darlene and. So, Darlene, over to you.

Darlene Kirk: We got letters we have requests from a number of organizations that we've supported in the past. Not all of them [inaudible] but we went over every request and we found them really compelling and really should assist with all the things that we're doing. Once we had the amount of Forty One thousand five hundred dollars that we'd like to donate. Any questions?

Bridge Littleton: Anybody have any questions on on the requests or the recommendations?

J. Kevin Daly: Just for the record, could you run through them real quick?

Darlene Kirk: [off mic]

Bridge Littleton: Cool. Any other questions? Darlene, you guys did a great job. So is there a motion to approve?

Darlene Kirk: [off mic]

J. Kevin Daly: I move that the Town Council approved the recommendations of the Health Center Advisory Board to fund the charitable donations requests for calendar year 2021 in the amount of forty one thousand five hundred dollars.

Darlene Kirk: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. All right. Next item. MCCI statement of work. I see three names on here who's taken this? Rhonda? you're first. You're up there first.

Rhonda North: Thank you, Mr. Mayor. So the town treasurer and I worked with MCCI to develop a statement of a scope of work in order to allow businesses to pay their meals tax collections online. It would involve an online form that they would fill out and submit that would go to our town treasurer for her records. It would automatically be archived in our archives and then they would move into the invoice cloud system where they would make the actual payment. So it's a multi-step system, and they proposed to perform that work for eight thousand two hundred dollars. And this will sort of be the test for that type of system because when we do the business license one, it'll be similar, but a little more detailed. So we thought by doing this one first, it'll allow us to work out any bugs that may occur before we move to phase three.

Bridge Littleton: Any questions? It sounds good to me.

Bud Jacobs: You'd need a motion, Rhonda. [off mic]

Darlene Kirk: I moved the council authorize the town manager to sign a professional services order with MCCI LLC in the amount of eight thousand two hundred dollars for the development of an online meals tax payment system.

Bud Jacobs: Second.

Darlene Kirk: Thank you sir.

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

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. Ok. Next item? Oh boy, wayfinding. Mr. Moore. Will?

Bridge Littleton: Yes, sir. Hello, Will. I think it's more Mr. Mayor. [off mic]

Danny Davis: Mr. Mayor Council. As you know, we issued an IFB invitation for bids for our fabrication and installation of wayfinding signage and the consolidated street signage program. This is the combined effort of the wayfinding, as well as replacing all of the street name signs, route signs and stop signs within the town so that we can reduce the number of poles fix and replace the ones that are aging, rusted, falling down and have them hopefully as streamlined as possible. We did receive three bids. We determined that one bid was non-responsive, and so the low bid, as you see here, is Bright Light Signs and the amount total amount for the contract of four hundred and twenty five thousand one hundred dollars. After receiving those numbers, Mr. Moore and I met and Estee and I met with council members Leonard Morgan and Miller, who were the wayfinding committee liaisons to go through the proposal and recommend or consider where there could be reductions made to help limit that cost. As of this time, they recommended keeping the entire consolidated street signage program to replace all of those street name signs as it were throughout the town. And that in and of itself is approximately two hundred and ten two hundred and twenty thousand dollars for that component of the project. As for the wayfinding project, the group decided to reduce the scope by taking out the vehicular trailblazer signs. Those would be the standalone signs that point you to the Hill School Theater, that point you to the library, the community center, et cetera, taking out one of the information kiosks, as well as a hanging sign indicating there's restroom at the public restroom facility. As of this time, they recommend keeping the gateway signs. Those would be the entry signs. The pedestrian directory signs. Those are standalone signs with blades that point you to more shopping and dining down Madison Street. It sends you with, the pedestrian signage towards, say, Sporting Library Museum, Community Center, things like that. So it is a pedestrian focused type sign in a smaller blade type effort. With those reductions, the total cost of the project at this time would be three hundred and fourteen thousand seventy three dollars. There have been prior funds allocated for this project that we have spent about sixty thousand dollars' worth. So there is approximately one hundred and twenty thousand in our capital line item budget for this, but it would require an additional almost \$200000. The Town Council has approved a general CIP line item of town wide improvements in the amount of two hundred and fifty thousand dollars, so there is funding available if council is interested in still pursuing it. There are alternatives in front of you that could be to do only a portion of the wayfinding program, which could be just the gateway signs. It could be to do only a portion of the consolidated street sign program, but if that were the case, we'd we'd like to have a conversation about where to to begin that program because we could phase it in, but but would want to try to tackle the whole town at some point. With that, we're happy to discuss this answer questions about the particular sign program or anything else you might like to ask.

Bridge Littleton: Chris.

Chris Bernard: Just before we get too deep into it, I'm under the assumption that we're going to be having another meeting soon. Should we talk about this when the two gentlemen who are part of that discussion are here, I assure you they might have more context.

Bridge Littleton: Do we have to decide anything tonight because the next meeting is not until January. A month away. [off mic]

Danny Davis: Yeah, you can add anything to a special meeting as long as there's the appropriate notice. That's fine. There's there's no immediate rush.

Bridge Littleton: How long is this quote good for?

Danny Davis: I'd have to go back and look, but I don't have any concerns about delaying it till January or till the next meeting. Ok.

Bridge Littleton: Tina? Oh, I thought you, I thought, you OK. Sorry. [off mic] Clearly, her cell phone's dead. Ok. No, Chris, it's a good point. So, but no, any other questions? So let me. I got a couple of quick questions. I thought about this. So. At the end of the day, if we don't have a sign program, who is legally responsible for signs. And I get it. We're buying our own because we want them to look a certain way. If we weren't doing that and you're in the town of Middleburg, is that a VDOT responsibility?

Danny Davis: So if it comes down [off mic] Yeah, exactly. So the blue signs in Loudoun County, interestingly enough, are actually managed by Loudoun County. VDOT does not, from what I understand, does not pay to replace the Blue Street name signs in the neighborhood. My understanding is that VDOT would take care of the traffic control signage, of course, if it's a stop sign. But anything that we have in our town that is the name of a street,

Bridge Littleton: So Walnut Street. So I'm looking for a very easy, quick answer we beat out is not responsible for Walnut Street sign.

Danny Davis: That is my understanding and I would I don't have one hundred percent answer on that, but I think that's 98%.

Bridge Littleton: I don't know. I mean, Martin,

Martin Crim: That's never come up. I don't know the answer.

Bridge Littleton: Ok, OK. Well, I would say this. Is there or this is the second question, any of the signs that we are replacing or putting up are any of them currently and legally, if we did nothing, the responsibility of VDOT? If you don't know, just say you don't know. Ok, let's research that and see, right, if we're [inaudible] on something, you know, maybe we can go to VDOT out and say, Hey, guys, we're doing this. We're saving you money. Give us what you would have done. And there's an offset. And you know, it could be a very it could be a wild goose chase because it could very well be like you're saying they do stop signs, they do caution signs, but directional signs or whatever. They're not responsible for. I get it. But this thing has gone up in cost by 300 or 200 percent. So I don't think it's a bad idea to look and see if there's anything that they're supposed to do.

J. Kevin Daly: Yeah. As a counter, yeah, I'm just thinking back how it's like pulling teeth to get VDOT to do anything. And when they do do it, it's without any coordination or forewarning that they're going to do it.

Bridge Littleton: Yeah, no. I'm thinking back to when we did the streets and the sidewalks, right? They were responsible to provide, you know, concrete and asphalt. But we wanted, you know, what was it, granite and brick? And they paid for some of it, but we had to pay what the extra was. So there's any of the portion of this project, which is that's the deal, like, hey, you know, we budget eighty two dollars per sign and our signs cost three hundred. You know, we should be going back to them and saying, well, give us eighty two eighty two bucks. We'll pay the difference. But I mean, I get it. They may not be responsible for any of it. So it's a but I would imagine you'd call somebody the sign department and beat out and find out pretty quick. Well, yeah, no, that's just getting your driver's license renewal. Ok? Anybody have any other questions or concerns?

Darlene Kirk: [off mic]

Bridge Littleton: Well, I mean, Kevin and Philip and I in our first meeting on council, this was an item on it. [off mic] Oh, I know. I mean, it was like, well, in the plan for that. [multiple speakers]

Chris Bernard: The for the I think you said two hundred and fifty thousand dollars that we have kind of just set aside for community projects. What other projects are we thinking about using that fund for, because that would be most of it.

Bridge Littleton: All of it.

Danny Davis: would be, you know, almost all of it.

Chris Bernard: I just wonder if there's anything else that that would [inaudible]

Danny Davis: So we had set that aside as honestly, a fairly general or generic line item with no specific plan behind it one. One initial idea was if we had any future activity related to the maintenance shed that we had talked about at one point, but we've kind of put that on hold to get through the town hall project and then the other was if there are things such as sidewalk like repairs that need to occur or any significant project, but a project would take more time than we had anticipated. So no, there's no other project we have identified in a timeline for those funds.

Bridge Littleton: Is it? Yeah, Bud, go ahead.

Bud Jacobs: I was going to let council know that I choked quite a bit on the the cost aspect of this when I went through it. I've gone through it in a more detailed manner. I think the committee did a really good job of narrowing the scope, and it looks to my untrained eye, like the bottom line. The three hundred and fourteen thousand or whatever it is, is probably a reasonable cost. And I sort of share Darlene's concern that we really need to get this done and move it off the agenda and not have to spend an additional 10000 or more if we mess around until next time sometime next year. Perfectly willing to wait for Peter and Philip to be here, but it seems to me it's it's if you'll pardon the pun shovel ready.

Bridge Littleton: Yeah. What? So I would say this lets those two outstanding questions. First meeting in January. Let's be prepared that whatever we find out great, but that we want to move forward. Yeah, yeah.

J. Kevin Daly: What if we have a meeting before January?

Bridge Littleton: Or yeah, if there's one before. Yeah, that's fine. One quick question. That budget that we put in there. One hundred and sixty thousand. That number was from a couple of years ago. And OK, right. That's not a recent budget. Ok, got it. Ok.

Danny Davis: Can I ask? We were going to ask VDOT about responsibility for the signs if there's any other costs that they would offset or replace.

Bridge Littleton: That they would normally be responsible for.

Danny Davis: Was there a second question that we were going to answer for you?

Bridge Littleton: Just Peter and.

Danny Davis: Oh, just having them here.

Bridge Littleton: Having them here to, you know, give you any of their input. Just like Chris said, they were the ones who ran it. [off mic]

Danny Davis: Yeah, I would not want to speak for them, but I will say they in our meeting, they wholeheartedly wanted to keep moving forward and supported the plan as reduced.

Bridge Littleton: Got it. Ok. All right. Next item is going to be the temporary easement discussion. Danny, do you want to take that?

Danny Davis: Sure thing. So for those who are using their own devices, I did email this out at about five thirty five forty, something like that, right? It is also loaded in iLegislate as one combined file. It's a memo and then additional files behind it. So it is therefore your consideration as as I think we've discussed briefly, any time you have a construction project, especially when you have a tight limits of of boundaries, you will often need easements for temporary construction easements, which would mean that my that the contractors can stand on someone else's property we might

need offsite in this case, water line easements for relocating the water line, stormwater easements and things like that. The majority of these are discussing temporary construction easements with our immediate neighbors. In the last couple of months, we've been speaking with each of the property owners. The Verizon building next door has signed off and agreed to the easement and the deed. We are working with Dr. Helvey next door and he and I would say in substance has agreed to the easement. We've agreed to do some additional landscaping for him as part of our project, and I believe that we are pretty much at an agreement standpoint with that. We are still discussing with Ms. Kaye Natty Kaye about encroaching on her property and the trees there as we need to for working on our piece of the property. Those conversations are still ongoing.

Bridge Littleton: And to build her wall.

Danny Davis: And to help build the fence that will be we agreed to do when we acquired the property from her. That is correct. And then we need three easements from Salamander. We already have essentially three of these in hand. We needed to amend the the the extent of the easements very slightly after final engineering was completed through that. There have been a number, let's say months. It's been almost two months' worth of negotiations with them to try to get them to agree to these additional easements that we need. We are still not in final agreement on one of those easements that we need from them. In late October, the mayor and I worked with them to come to a general agreement on certain aspects of items that they were asking of us and had concerns about. Salamander is wanting from from their perspective to protect their future interests in the MUV and their development of the future roadway, from our perspective, we're stating that we're not impacting their future development. We are only impacting our property and that what happens in the future, such as building a road, they have sufficient width to build that road. They have continued to try to say that we should be on the hook for paying costs related to aspects of that future roadway. That being with with that, we. Are in final discussions on that particular easements. We don't have consensus on the language, but I hope that we will be somewhere close and somewhere soon we would still like council to move for or give us authority to move forward with these easements. Subject to final revisions and edits that are acceptable to the mayor, the town attorney and myself and again also subject to final consent of each of these property owners. So. Those discussions are still ongoing, but we're near the end zone for most of these.

Bridge Littleton: Danny is very generous. So my concern is, and we won't get into the nitty gritty details because everyone will fall asleep. But my concern is we can't deliver an agreement with Salamander, the Salamander team in October. And literally yesterday, as we're trying to negotiate the final easement. And the second revision we get. It completely contradicts something that we completely agree to in a letter of agreement back in October, and it's substantial and it's material. And it's really unfortunate. And I think Danny's position and Martin's position and my position is it is the the change in terms and the change in the good faith agreement that we made in October is unacceptable. So, you know, I would say if we're going to approve anything tonight, what we approve is the easements substantially as we provided them that are in conformance with the letter of agreement and the good faith agreement we had with Salamander. You know, and they need to tweak things here and tweak things there. That's fine. So Danny's point about as long as they're in compliance with, you know, the town attorney and Danny and myself. But you know, this term that they're changing. And again, if you wanted to go into details, we can go into details. But it's material. It's substantial, it's real and involves real cost. And again, something that we agreed already would not be done that if it's, you know, that is not an acceptable term that council approves. So and you know, I'm a little upset because here we are at the 11th and 11th hour and fifty eighth minute trying to get this stuff done, and we're going to go into closed session to review bids because we want to award a contract because of the timeline to get all this stuff done. And this is a key piece of it that we can't move forward without. And, you know, literally the day before, I don't know where you know this hits so. I don't understand it, but it is what it is. I did speak to Salamander earlier today and said, you know, there was one person who's working on it directly with Danny and Martin. There's another person who I called and said, Hey, we're having this issue. We really need your help and we really need to respect the agreement we came to in October. Please help me out. Haven't heard back from anybody. So, you know, is what it is. I know, you know, one day, six hours' notice to him is not that fair. But then again, we got this yesterday afternoon, so, you know, at the last minute. So it's unfortunate. But it's an issue. Yeah.

Danny Davis: And very quickly, we did include that agreement. This the last two pages of the PDF. If you want to see that at some point, the proposed deed related to that one does incorporate our language, which reflects that agreement. The proposal in front of you for consideration is not their language. Just just so we're clear.

Bridge Littleton: Yeah.

Darlene Kirk: [off mic]

Bridge Littleton: No, I mean, I, you know, I spoke to, you know, I spoke to Prem this morning and he was going to look into it and get back to me. So I trust Prem at his word. And so, you know, he's driving into the detail. He was unaware of it, which I totally believe because being worked behind the scenes by some other folks. So we'll wait to hear back from him. And if we get there, great. But if not, you know, we're going to be coming back probably next week in a special meeting or something like that. We're going to have to add that to the agenda item as well. Martin, I don't normally normally do this, but do you have any input?

Martin Crim: I have some input, but I would prefer to give it in close session.

Bridge Littleton: You know, that's a good idea. Advice of counsel. I like that. All right for the council. Ok, that's the deal with that. Oh, go ahead. Sorry.

Bud Jacobs: Just a question, Mr. Mayor, is it helpful to you guys for us to go ahead and approve this slate of amendments tonight? Is that what you want us to do or should we hold?

Bridge Littleton: I think let's absolutely do that subject to minor tweaks that Martin and Danny are good with. But again, if it's this other thing and we get to an impasse, they say, that's it or nothing else, then no, we should not have authority to move forward on it. We need to bring it back to council. Yeah. Well, I mean.

Martin Crim: I think the motion that appears in your packet is the appropriate motion.

Bridge Littleton: So what anybody like to make that motion? [multiple speakers]

Bud Jacobs: Younger person, Chris.

Chris Bernard: I moved that the Town Council, authorize the mayor to sign the following deeds subject to the final consent of each respective property owner, with final edits and revisions to be approved by the mayor, town manager and an attorney. Deed of temporary construction easement Over property of Chesapeake [inaudible] Telephone property of Virginia. Deed of temporary construction easement over property of Fox and Bridge Apartments. Deed of Temporary Construction Easement over property of Howard K. Trustee under the declaration of the Howard K. Declaration of Trust and Natalie Hazard K, Trustee under the Natalie Hazard Declaration of Trust. First Amendment to Temporary Construction Easement over property of Salamander Middleburg MUV LLC. First Amendment to Stormwater Management Deed of Easement over property of Salamander Middleburg MUV LLC, Deed of Easements Public Water Line over property of Salamander Middleburg MUV LLC. [off mic]

Bud Jacobs: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed.

Darlene Kirk: [off mic]

Bridge Littleton: You're good. Opposed abstentions. Ok? any discussion or information items for anybody. What's that? Oh yeah, tomorrow's the employee lunch noon at the Parish House. Danny.

Danny Davis: You may have seen the news. The Loudoun County Board of Supervisors did approve the renaming of Route 50 [multiple speakers], so that will take some time for it to get finally approved and naming and all that, but.

Darlene Kirk: [off mic]

Danny Davis: So in the town of Middleburg, it will still be Washington Street so we [multiple speakers] roadways inside the town.

Bridge Littleton: Yeah, yeah, right. Yeah, exactly. So the only thing I was going to mention was you all may have noticed in the paper. Last week, the Coalition of Loudoun Towns had submitted its vision on a redistricting map. And you know, again, this is a long this is going to be a six month process for the county to draw the new lines and stuff like that. I won't. If anybody wants a copy of the map or the copy of the briefing that we submitted by all means, let me know. We worked very closely with the Loudoun County Conservation Preservation Coalition, the Historic Village Alliance, the Aldi Heritage Group, PEC. All those folks to try to come up with, you know, a vision of, you know, what districts could look like to protect, you know, the communities of interest that we're all responsible for. By no means was that map something in some something that was this is what we want, and it's this or nothing. I mean, these maps and these inputs that the community are giving from all different sides are the starting point of a conversation of, you know, how do we balance all the needs that need to be accommodated? We submit it to the Board as well, you all may have seen there was an article in the paper that came out, I think the next day where the chair, you know, expressed her opposition to the map, you know, and it said it's a no go and stuff like that. And so and you can read the article. It was it was, you know, her view, which is fine. Everybody's going to have their different views. Everyone can have their different maps. COLT had a call today with the chair to talk about, well, it's a we have a every two week call with the chair anyway. And so we talked about the map and I actually make it about the map. We talked about redistricting and, you know, with the goal of trying to with the goal of trying to accommodate the communities of interest as best as possible, and one of the points I made on the phone call was, look, there's going to be a thousand communities of interest that have priorities that want representation, and there's no way that you can draw in nine boxes on a map that perfectly aligned with everybody and their desires in every single way. So there's going to be choices and there's going to be pluses and minuses. And there's, you know, it's just going to come out that way. It's too complex to be just, you know, black and white. So, you know, we, you know, disagreed with the some of the statements in the article, but we all agreed to get together with the chair and all seven mayors and look at the map and look at our goals and our desires and our hopes and dreams and aspirations, and try to see what could be worked out. So hopefully it goes somewhere. It's a much more positive direction than it started off in the paper a week ago. But you know, I do appreciate the chair and I appreciate all the members of COLT you know, putting the putting the rancor aside and, you know, seeing if we can figure out how to work things out. I think it's as contentious as things got so quickly with the maps going in, it's going to be an interesting six months. So I will keep you guys up to speed as that happens. But and if you want, like I said, you want the details or the maps or anything, I'm happy to send it to you guys. That's it. Any other information or discussion items before we go to close session? All right. Who's reading the motion? [off mic]

Chris Bernard: So I move that the council go into closed session as authorized under section 2.2-3711 of the Code Virginia for discussion or consideration of 1) appointments to public bodies related to the Middleburg Planning Commission, Cultural and Community Events Committee, Economic Development Advisory Committee and the Middleburg Strategic Finance Committee, as allowed under subsection A1. 2) briefings by staff members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture. Sorry, I thought Martin was waving at me of the public body related to the two requested boundary line adjustments as allowed under subsection A7. 3) the award of public contract involving the expenditure of public funds as it relates to the Town Hall Project, as allowed under subsection A29 and 4) for consultation with legal counsel employed and retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding easements related to the Town Hall Project, I further move that the council thereafter reconvene in open session for action as appropriate.

J. Kevin Daly: Second.

Bridge Littleton: All those in favor say aye.

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. All right. Closed session. We are. [off mic] Oh God, please. Does the phone not need to be on. I got it. All right. All right. All right, guys. I ask that council certified to the best of each member's knowledge, 1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and 2) only such public business matters as were identified by the motion by which the closed meeting were convened was heard, discussed or considered in a closed meeting. I would like to remind those present for the closed session that any discussion that occurred within it should be treated as confidential. Bud. That's my fault.

Bud Jacobs: Aye.

Darlene Kirk: Aye.

Bridge Littleton: Yes.

Chris Bernard: Yes.

J. Kevin Daly: Yes.

Bridge Littleton: All right. Is there a motion on appointments? Kevin.

J. Kevin Daly: I move that council reappoint Rachel Minchew and HH Dev Roszel to the Middleburg Planning Commission for, was that a friendly amendment? Yes, OK, I accept the friendly amendment for a four year term, said terms to expire December 31st, 2025. I further move that council reappoint Jim Herbert and Michelle Myers to two year terms on the Cultural and Community Events Committee said terms to expire December 31st, 2023. I further move that council reappoint Sid Abrams and Will [Inaudible] to two year terms on the Middleburg Strategic Finance Committee said terms to expire December 31st, 2023.

Chris Bernard: Second.

Bridge Littleton: Okay, any discussion? All those in favor say aye.

Everyone: Aye.

Bridge Littleton: Opposed. Abstentions. Ok, any other business matters? Meeting adjourned.