



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, January 27, 2022



PENDING APPROVAL

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

STAFF: Danny Davis, Town Manager
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Ali MacIntyre, Director of Business Development & Community Partnerships
Tina Staples, Town Treasurer/Finance Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, January 27, 2022 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m. Councilmember Pearson announced that she was participating remotely from home, as she was recovering from surgery.

Public Presentation

Memorandum of Agreement – Visit Loudoun

Beth Erickson, President of Visit Loudoun, reminded Council that they received a “report card” on the core tourism services that Visit Loudoun was required to complete as a part of their MOA and advised that all of them have been verified as being complete. She reviewed their quarterly report summary and provided a compilation of their key findings since their Middleburg website page was revised in 2019. In response to an inquiry from the Council as to how this data compared to other localities, Ms. Erickson confirmed it was strong. She reviewed the social media highlights associated with Middleburg; the geolocation data for visitation, source market and visitation trends; the impact of the COVID pandemic on travel and tourism; and, media wins for Middleburg, including digital and print articles.

In response to an inquiry from the Council, Ms. Erickson confirmed the numbers identified in media wins included the number of people that could be reached by the articles, not the number that actually saw them. She reported that the ad value totaled \$815,000 if advertisements had been placed in those print publications.

Ms. Erickson reviewed the upcoming events. She identified Visit Loudoun’s next steps, including their plans to update their three-year strategic plan; to host a Certified Tourism Ambassador Training class at the National Sporting Library & Museum on February 26th; to participate in the DC Wine Country Brand Study; and, to host their annual meeting on May 5th. In response to inquiries from the Council, Ms. Erickson advised that Visit Loudoun would continue to use the same strategic pillars – VISIT, which stood for embrace Variety, Involve the community, Support music/the arts, Inform infrastructure; and, create Themed experiences. She confirmed their annual meeting would be done the same as in the past, including the presentation of tourism awards.

The Council and Ms. Erickson held some discussion regarding the Transient Occupancy Tax (TOT) legislation that had been introduced by members of the General Assembly. Ms. Erickson advised that Visit Loudoun was tracking them. She opined that some of the legislators understood the importance of keeping this revenue at the local level. Ms. Erickson further opined that short-term rentals needed to work for municipalities. She noted that hotels did not send their TOT taxes to the State and questioned why a different method would be used for intermediaries who handled short-term rentals.

Council noted the loss of revenue for the Town if TOT taxes were divided by zip code and advised that Middleburg's revenues would be split three ways – with the Town, Loudoun County and Fauquier County.

Ms. Erickson expressed concern about the lack of transparency should the State handle TOT collections. She opined that short-term rentals were important for tourism and noted the need to make sure they thrived. She advised, however, that localities needed to know where they were located.

Council expressed a desire for the intermediaries to have a stake in the towns in which they operated. They noted that under this legislation, they would have nothing to do with the localities.

Town Manager Davis advised Council that the staff was asking that they update the Memorandum of Agreement (MOA) with Visit Loudoun and noted that this had not been done since it was approved in 2020. He further asked that the update run through FY '23.

Council agreed and noted that the Town and Visit Loudoun had worked hard on the MOA before the COVID pandemic.

Councilmember Miller moved, seconded by Councilmember Daly, that Council approve the Memorandum of Agreement with Visit Loudoun for FY 22 and FY 23, effective January 27, 2022.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Discussion Items

Additional Financing – Town Hall Project

Town Manager Davis reminded Council that they approved a contract, which after value engineering, totaled \$10.688 million. He noted that this was \$2.6 million over the estimate. Mr. Davis reported that the Strategic Finance Committee reviewed the appropriate way to fund the shortfall, which could either be with cash or debt, and recommended the Town pursue up to \$2.5 million in financing. He noted that this was recommended by Davenport as being a viable option that would allow the Town to be flexible with its finances.

David Rose, of Davenport, advised Council that the Town was well run, with its reserves exceeding its financial policy recommendations. He noted the continued uncertainty due to the COVID pandemic. Mr. Rose advised that if the \$2.5 million was taken from the fund balance, the reserves would be at or just below the policy recommendation of having 125% of expenditures in reserve. He suggested the Town borrow \$2.5 million on either a long- or short-term basis and that it preserve its cash for the next several years.

Mr. Rose reminded Council that the Town finished the last fiscal year in a strong position and advised that he anticipated it would add to the undesignated fund balance again this year. He opined that if something happened to the Town's revenues, it would still be in a position where it would not have to struggle. Mr. Rose reiterated his recommendation that the Town go to the marketplace to seek a loan and noted that this could either be through a bank or the Virginia Resource

Authority (VRA). He reminded Council that the initial \$8 million in bond debt contained very flexible terms, with the Town having the ability to pre-pay it with almost no penalties. Mr. Rose expressed hope that this could be done within the next three years. He reiterated that if the Town borrowed the \$2.5 million, it would still comply with its financial policies, and noted that the Strategic Finance Committee agreed with this recommendation.

Mr. Rose advised that if the Town borrowed the \$2.5 million over twenty years at 3% interest, the debt service payment would be \$165,000. He confirmed the budget could absorb that without an adverse impact. Mr. Rose advised that the Town debt was currently at 12.5% of the budget and that it would increase to 17% if an additional \$2.5 million was borrowed, which was still within the Town's financial policies. Mr. Rose advised that he would try to structure this new debt so it could be paid down early. He suggested that if this was not possible, it could be long-term debt through VRA and the Town could pay down its existing bond debt.

In response to an inquiry from the Council, Mr. Rose advised that the 20% number was calculated based on an annual 2% increase in expenditures. He confirmed the debt-to-assessed value ratio would not exceed 3%. Mr. Rose noted that this would not allow for a large margin should the Town need to borrow money for another project; however, he believed the Town could pre-pay the debt beginning in 2024, either in total or incrementally.

In response to an inquiry from the Council, Mr. Rose explained that the real estate assessed value was not the same as the tax rate. He further explained that this was the overall value of property in the town. Mr. Rose acknowledged that assessed values could drop; however, he opined that this would not happen. He noted that even if it did, the Town would simply be in breach of its own financial policies.

In response to an inquiry from the Council as to whether \$2.5 million was enough, Mayor Littleton reminded Council that this was a fixed price contract. Town Manager Davis advised that if there was any additional cost, it could be funded with cash. He noted that the issue was future projects; however, he reminded Council that there were none listed in the Town's capital improvement plan. Mr. Rose advised that the Town only needed an additional \$2 million for the project; however, the Finance Committee recommended it borrow \$2.5 million so it would have a project contingency.

Mr. Rose reviewed the next steps and advised that a public hearing needed to be held to issue general obligation bonds. He advised that this could occur during either the February 24th or March 10th meetings. Mr. Rose noted that he would work with the staff to get quotes from banks for a short-term loan and, if that failed, would pursue long-term financing through VRA. He advised that if none of that was acceptable, the Town could always cover the cost with cash. Mr. Rose noted the need for the consensus of Council to advertise a public hearing and solicit bids.

Councilmember Miller moved, seconded by Councilmember Daly, that Council authorize the Town Manager to pursue additional financing in an amount up to \$2.5 million through direct bank loan and/or the Virginia Resources Authority and return to the Town Council for a Public Hearing on February 24, 2022.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Staff Reports

Project Status Report

Deputy Town Manager Moore reported that the Town Engineer was reviewing the results of the corings taken from Pinkney Street and would reach out to the Virginia Department of Transportation (VDOT) to identify a path that would allow VDOT to accept the street for maintenance. He advised that he anticipated receiving the engineer's report by March 1st and would then present the options for moving forward to the Council.

Deputy Town Manager Moore announced that the Notice To Proceed had been issued for the wayfinding and street signage and advised that it would be installed by May of 2022.

In response to concerns expressed by Council regarding a house being constructed on Sycamore Street, with the construction traffic blocking the street, Deputy Town Manager Moore advised that he would visit the house and address the street closure. He noted that he planned to watch this project closely. At the request of Council, Mr. Moore confirmed he would document the project weekly with photographs that could then be used in the discussions on the zoning text amendments.

In response to an inquiry from the Council regarding the cost estimate for Pinkney Street, Deputy Town Manager Moore advised Council that if they opted to pursue the option that would provide for VDOT's maintenance of the street, the amount would be high; however, if they agreed to allow the Town to continue to maintain it, the project would simply involve milling the asphalt and putting down an overlay, which was estimated to only cost \$30,000.

Town Manager Davis noted that the \$30,000 estimate was a calculation he prepared based on the cost of the Chinn Court improvements.

Consent Agenda

Mayor Littleton asked that Council add the Resolution of Appreciation for Anne Marie Paquette to the consent agenda, to which the Council agreed.

- (A) Council Approval – January 13, 2022 Regular Meeting Minutes
- (B) Council Approval – Resolution of Appreciation – Anne Marie Paquette

Councilmember Bernard moved, seconded by Councilmember Daly, that Council approve the consent agenda as proposed, with the addition of the special recognition for Anne Marie Paquette.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Discussion Items (continued)

Legislative Agenda

Town Manager Davis reported that he was tracking numerous bills currently before the General Assembly, including a number of transient occupancy tax (TOT) bills that were crucial for Middleburg, as the Town received a quarter of its revenues from that source. He advised that all had been referred to committee and noted that the VLRTA and Virginia Commissioners of the Revenue Association were applying pressure and presenting localities' positions on the bills.

Town Manager Davis reported that there were numerous taxation bills that would be egregious for the Town. He noted that bills to eliminate the business license tax were submitted on a regular basis and had always been defeated. Mr. Davis advised that HB 1010 would require a referendum if increased real estate assessments would result in tax revenue of more than 101% from the previous year. He explained that this would require the public to vote on whether to increase the tax rate above the equalized rate and did not make sense from a budget schedule standpoint. Mr. Davis noted that pressure would be applied to allow localities to continue to have authority related to local taxation, as well as zoning. He advised that the Town was also opposed to the bill related to local authority regarding communications towers. Mr. Davis noted that a lot of FOIA bills had been submitted, some of which had already been defeated.

Town Manager Davis reminded Council that discussions on the budget bill were ongoing and noted that the Town had requested funding for a project; therefore, he was tracking it closely.

In response to concerns expressed by the Council regarding a FOIA bill that would place a burden on town clerks, Town Manager Davis advised that it was sent to sub-committee for consideration. He acknowledged that it was intended to assure public access to records; however, he advised that the issues were that (1) in limiting the fees charged for accessing public records, it assumed all localities had a standardized rate of pay and (2) it assumed that localities could freely give away a couple of hours of staff time with each request.

In response to an inquiry from the Council about the status of hiring a lobbyist to fight the TOT legislation, Mayor Littleton reported that he discussed this with Senator Vogel, who advised that most of the proposed legislation would be consolidated under her bill. He opined that the intermediaries were using the threat of having the State serve as a central collection agency for lodging taxes to get what they wanted on other legislation. Mr. Littleton reported that Loudoun County Commissioner of Revenue Bob Wertz was working with Senator Vogel on the TOT bills. He advised that the Commissioners of the Revenue Association and intermediaries were scheduled to meet next week, at which time, more would be known. Mr. Littleton advised that Michelle Gowdy, of the Virginia Municipal League, believed the Commissioners of Revenue Association would get what they wanted, which was data.

Mayor Littleton advised Council that he would send them the latest version of Delegate Bell's communications tower bill, which would remove zoning authority over them. He opined that this bill was presented in retaliation for the Loudoun County Board of Supervisor's vote to deny a cell tower in the County. Mr. Littleton noted that COLT and Loudoun County Chair Randall were fighting the bill. He opined that it would be moved to a study and noted the need to follow-up on it so the legislators would understand the pain it would cause.

Information Items

Single-Use (Plastic) Bag Tax

Vice Mayor Leonard-Morgan advised Council that the Loudoun County Board of Supervisors approved a five-cent tax on single-use (plastic) bags, effective July 1, 2022. He noted that the Middleburg Sustainability Committee would work to get re-usable bags to the residents before the tax took effect.

Passing of Former Councilmember Eura Lewis

Mayor Littleton announced that former Councilmember Eura Lewis passed earlier in the week. He asked the Town Clerk to send a letter of condolence to her family from the Town.

Loudoun County Re-Districting Maps

Mayor Littleton reported that he was meeting with groups in an effort to promote the Coalition of Loudoun Towns' (COLT) redistricting map. He opined that some Supervisors were willing to listen and suggested the Town include information in its eNewsletters while the County was accepting citizen input. It was noted that the Supervisors would accept input until April and would vote on the maps in May. The Council agreed with this suggestion.

Snow Removal

Councilmember Miller noted that Middleburg promoted itself as a walkable town. He further noted that, following the last winter storm, he noticed that a lot of businesses and residents did not shovel the sidewalks. Mr. Miller advised that they were treacherous. He suggested the Town should incentivize prompt snow/ice removal or it should provide those services.

Town Manager Davis advised that it would be a challenge for the Town to take over responsibility for the sidewalks in the commercial areas, both in terms of the ability to do it in a timely manner and cost. He suggested the Town use the authority already available in the Town Code, which allowed the Town to remove the snow/ice if the property owner did not do so and bill the property owner. Mr. Davis advised that other localities that did this found that the property owners quickly realized they could do it on their own cheaper. He noted that this would assume the Town's contractor would be available. Mr. Davis advised Council that during the last event, the Planning & Project Associate posted flyers on the doors of businesses that had not removed the snow/ice and noted that while the response was not perfect, it was good.

In response to an inquiry from the Council, Town Manager Davis advised that the staff would need to research whether there was enabling State legislation giving towns the authority to impose civil fines, and if so, the amount of such a fine.

Council asked that the staff conduct the research and return with a list of tools that were available, not only for the commercial districts, but also for residential ones.

Deputy Town Manager Moore noted that while he agreed with the Council, he recommended the Town first try talking with the property owners when there was an issue.

Council questioned who would be liable if someone were to slip and fall on a sidewalk that had not been cleared – the Town or the property owner. It was suggested that the Town Attorney be present when this was discussed so he could answer questions such as that. It was noted that any Town Code changes would most likely apply to the next winter.

Animal Waste

In response to an inquiry from the Council, Town Clerk North confirmed the Town Code contained provisions that required dog owners to pick up their dog's waste. She noted that the Town periodically put articles in the newsletters reminding pet owners of this requirement.

Deputy Town Manager Moore suggested the Town could also add signage in those areas where this was a problem.

Council suggested that doggie waste bag stations also be added in those areas.

Closed Session

Councilmember Miller moved, seconded by Councilmember Kirk, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of appointments to public bodies related to the Economic Development Advisory Committee and the Cultural & Community Events Committee as allowed under Subsection (A)(1); and (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). Councilmember Miller further moved, seconded by Councilmember Kirk, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: N/A

(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 Cultural & Community Events Committee

Councilmember Bernard moved, seconded by Councilmember Kirk, that Council appoint Lauri Salama and Stephanie Burget to the Cultural & Community Events Committee to fill unexpired terms, said terms to expire December 31, 2023.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Information Items (continued)

Town Manager Davis advised Council that the staff ordered “no through construction signage” for the Ridgeview area in anticipation of the Salamander and Town Hall Projects. He noted that they would be installed within the next couple of weeks.

In response to an inquiry from the Council, Deputy Town Manager Moore confirmed they would not affect permitted construction projects in Ridgeview.

There being no further business, Mayor Littleton declared the meeting adjourned at 8:07 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

January 27, 2022 Middleburg Town Council Meeting

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

Bridge Littleton: Ok, it's six o'clock. [off mic] All right. We will call the January 27th meeting to order. The first item is the Pledge of Allegiance.

Everyone: I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands one nation under God, indivisible with liberty and justice for all.

Bridge Littleton: Ok, the next item is the roll call.

Chris Bernard : Chris Bernard.

Bud Jacobs: Bud Jacobs.

Philip Miller: Philip Miller.

Darlene Kirk: Darlene Kirk. [laughter]

Bridge Littleton: What?

Darlene Kirk: I don't know, Rhonda told me to speak up.

Bridge Littleton: Bridge Littleton.

Peter Leonard-Morgan: Peter Leonard-Morgan

J. Kevin Daly: John Kevin Daly.

Cindy Pearson: Cindy Pearson. I'm attending from my home, recovering from surgery.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: All right. Next item is Special Recognition is the.

Rhonda North: I don't see Anne Marie here.

Bridge Littleton: Ok, then we will put a hold on that, whoops, and go to one second here, Public Comment. So public comment anybody can address the town council for up to three minutes. And if you would like to do so, come to the microphone, state your name, address, and address the council. So we will now open the public comment. Would anyone like to address Town Council? Going once, going twice. All right. We will close the public comment and move on to public presentation from Beth Erickson from Visit Loudoun.

Beth Erickson: Thank you so much. Good evening, Mr. Mayor, Council Members here and remote, hopefully she can see me. All right. Thank you so much for having me this evening. Let's see if it's working.

Danny Davis: Hold on. It didn't like me going full screen. So there we go.

Beth Erickson: There we go.

Danny Davis: Ok, that works.

Beth Erickson: Terrific. So we do have a lot of content to cover, and I'm going to try to do it very quickly. If you have any questions, please let me know as we go through. I'm here this evening to give you an update on core tourism services that Visit Loudoun provides as a part of our MOA with the town. We're going to go over some key data that I think you'll be very interested in, and it's very important for us to go over. Some key media wins, key initiative updates and what's next. So I think the good news is, as you know, as a part of our MOA with the town, we have a report card that we work with Danny and his office to go through to let you know that we are on track and those that initiatives have been outlined have been accomplished. So you have a copy of that in your packet. So part of the MOA has the council receiving quarterly reports and this is data that we get from both outside services and also internally. So I've asked for a compilation of some of those key findings. First is one of the most important things that we've seen is since we redid our Middleburg page in 2019. I'm sorry, is it a little [multiple speakers] Ok. We created a page for Middleburg in 2019 and we have seen incredible increase in engagement on that page. And one of the things that we've seen that we like very, very much is, of course, it allows us to track the effectiveness of messaging and advertising around key events, which is a part of our MOA. And you'll see that when we talk about within quarter three and four, which is where your majority of events happen, where we see some of those spikes begin to go in April 2021, the town entered into an advertising relationship and the any of the click throughs or any of the information was driven back to our page and you can see the effectiveness of that with the green line going up and in terms of how we saw big spikes and that continuation. So that was a very key component of looking at the effectiveness of advertising and referrals back. We also want to track those that go from our website directly to your businesses. So those referrals out there have been over 15,000 referrals for event and listing listings going directly to businesses since we started the page in 2019. There are over 842 monthly hit throughs, which is again a very nice, very, very good result. The top events include Christmas in Middleburg, Oktoberfest and Cocktails with Cupcake. That one always goes up very, very high any time we talk about cupcake. Top listings and businesses include Upper Crust Bakery. Our website has one of the top spots on Google's when you search for the Upper Crust, Salamander, Red Fox Inn, King Street Oyster Bar and Lost Barrel. So it's hard to see. Yes, sir.

Bridge Littleton: Can you go back one slide?

Beth Erickson: Yeah.

Bridge Littleton: Here's my question. So what is this relative to anything else? So like three thousand, I don't know if that's good, bad, indifferent. I mean, like compared to Purcellville or Middleburg or or Leesburg or whatever.

Beth Erickson: But it is strong and I have some more of that data coming up.

Bridge Littleton: Ok.

Beth Erickson: In terms of how you are positioned against other towns.

Bridge Littleton: Ok.

Beth Erickson: So it's a little tough to see this the map, but I know you have this in your packet. One of the things that we wanted to do when we started this program is really taking a look at some of those demographics of what we're able to capture. So 60 percent of the website users that go to the Middleburg page are female users are spread evenly between the ages of 25 and 64. The largest percentage at 22 percent are between 25 and 34. Most of the users are in the mid-Atlantic area, which really correlates well with our targeted advertising. So let's take a look at a couple of those social media highlights. Instagram and Facebook organic reach increased 14 percent from 2020 to 2021. I've given you a couple of examples of some of those posts, but I want to dive into the one specifically regarding the Middleburg video that we

put out this year. So the engagement this the video reached probably nearly 53,000 people. But what was really impressive was the level of engagement, meaning those people that liked it, commented on it, shared it. 26 percent of those who saw the video engaged with the video, and from our perspective, those numbers are off the charts. We usually see between 1 and 7 percent when people engage with our social media content. So talk a little bit about some geolocation data. This one, I think, is going to be important in terms of what we saw from people who are in the destination and where they went. So this is where we're going to get a little bit to that comparison with other towns. So where we saw during the pandemic is a drop of about 16 percent of visitors coming into Middleburg, those that were tracking through their cell phones. To put that into perspective, Leesburg was 27 percent down from 2019. Purcellville was 21 percent, down from 2019. Wineries were 36 percent down from 2019, so the fact that Middleburg was as strong as it was during this time frame really talks to the fact that there was foot traffic here and that people were engaging and coming into the town. Hmm. We're going to hang on this one for a second.

Bridge Littleton: Well here, there we go.

Beth Erickson: Okay, great. So when we take a look at where people are coming from, when they come into Middleburg, this is we track visitors from beyond 50 miles. And Virginia is a key driver, as would be not surprising, D.C. But we see a lot of traffic coming in from Richmond, from Blacksburg area from D.C., lower lower Maryland. But some of the top states that were included outside of Virginia, of course, Maryland. But Florida and not a surprise when you track the equestrian coming back and forth, we know that there's a lot of traffic coming between Middleburg and Florida. When you look at what type of a market Middleburg is, we see, of course, your biggest peaks are going to be on the weekends. One to two days of people coming in, which again really speaks very well for the businesses in downtown Middleburg. Let's talk a little bit about what we're seeing from COVID recovery. I will tell you that Middleburg is in an enviable position, and I think that you certainly know that when we take a look at lodging, we have seen tremendous declines across the board, Salamander is a unicorn and has done very, very well. But when we take a look at some of those larger, what we're seeing is that even though some of the most recent Omicron really impacted travel, it's begun to start going down. Confidence is coming up, 91 percent of Americans are saying that they have got a vacation booked and will begin to start moving again. That is the highest level in two years. 80 percent already have those vacations booked, and we are seeing leisure hitting at record from since the beginning of the pandemic. Middleburg is a really strong leisure destination, I know that that is not a surprise. We are working on national plan for Vacation Day, which was just marked this year. I mean, this week where we're really talking about people getting out and planning their vacations. There are certainly pent up demand for travel. 45 percent of travelers said that they expect to travel more in 2022 than they did in 2021. He is at most of those travelers are looking for leisure travel and that there are not those budgetary parameters that have held people back in the past, and at 27 percent are financially better off than they were before. So let's talk a little bit about some of the media wins, which is one of our key aspects of pushing out messaging about Middleburg. So we had 87 articles from January 2021 through December of 2021. That's an average of 7.25 articles or media hits per month. When you go through and take a look and I've got a few examples of what they are. We've reached over 30 million visitors or eyes with Middleburg messaging, and it's always tough to take a look at that estimated ad value because of the difference between digital and print. But from print alone, that's about over eight hundred thousand. So we had yes.

Bridge Littleton: Ok, so but that's not actually that we know they read anything about Middleburg. That's just that they've got the periodical that had Middleburg in it.

Beth Erickson: Well, actually, no, it depends because with digital you'll also know that there is sharing information that engagement. But yeah, you had placements in those publications that could reach that number of eyeballs. That is absolutely true.

Bridge Littleton: Ok, so it doesn't mean that 28. It reached 28 million eyeballs. What it means is it was a digital publication that 28 million eyeballs could have seen when they were going through.

Beth Erickson: That is true.

Bridge Littleton: Ok. So I mean, I just I'm just trying to put a perspective on it because so what that means is that's eight hundred and thirteen thousand dollars of of add value if 30 million people had viewed it.

Beth Erickson: Other side of the coin is eight hundred and thirteen eight hundred thousand in add value if you placed ads in those publications.

Bridge Littleton: Got it! Ok. Ok, got it.

Beth Erickson: So let's take a look at some of those publications and some of the digital. Martha Stewart was a huge win. Any time that I think you can get into Martha Stewart, both digital and print, that is key. So this was leisure. Looking at the leisure market, travel and leisure identifying Middleburg as one of the 12 best towns small towns in Virginia to add to your travel list is key. Both print and digital and leisure, Northern Virginia magazine is key because you're going to have people coming in from a key target market. Food and Wine, we see a continued presence of Middleburg ranking up in a really strong culinary publications. Hemispheres, this was project that we worked on with United Airlines and Virginia Tourism Corporation to talk about Middleburg and to feature an itinerary of what you should do when you are here. One of the things that we had as a key core objective of our strategic plan this year is to look at diversity in our outreach, and we were very excited to have a hit in Essence magazine talking about Salamander. In the meetings market, which continues to be important to drive awareness of Salamander as a meetings destination, corporate event news was key. We also produced our new visitor guide this year for the first time, or the first in a couple of years, and this is the coverage for Middleburg, plus a lot of the businesses that are included within the visitor guide. One of the things that we did, which actually was a concept that was sparked here in Middleburg with Creme de la Creme. Is we did a cicada promotion as the cicadas Brew 10 was coming out and started with experiences from being able to have a cicada cocktail up at Salamander, to fly with the cicadas, back behind Salamander on the ropes course to buying ceramic cicadas at Creme de la Creme. Brood X beer was brewed at one of our partners Old 690. It was a great concept and you could actually have cicada tacos in Leesburg. That garnered over fifty seven million impressions. We had I did reach out to, before I came in, I did reach out to West Federal to find out how the promotion went with them and very nicely Christina responded back, saying We saw a large increase in our cicada sales went through and it said they finally have some back in stock. But it went. They said that they had people calling the store and walking in asking about the cicadas, which was wonderful. So again, a great response back from a Middleburg business. So a quick update on a couple of our key initiatives, we are in the midst of our strategic plan, we're at the end of our three year strategic plan, I believe the mayor has received outreach to participate as a key stakeholder in our next strategic plan. We've already met with Danny to talk about outreach into the Middleburg business community to get as many opinions on what we should be doing next. I have brought for you and we can give them to you afterwards. Our strategic plan at a glance, you'll have a good chance to take a look at what are both our key anchors and what we look to do, as well as what our key initiatives are this year and our last year of our strategic plan. Those feed into our marketing plan, which we are sharing with your marketing agencies of record. And this year we went through and did a fantastic DEI, which is optimizing inclusion, and that is feeding into a tremendous amount of both programming, but also tools. This is one of our corporate ads on the left. It's a new campaign where we are blending experiences from both the East and the West. We're blending experiences from, in this instance, work and play. And we had a really fantastic event at Salamander as a part of the family reunion, which was a day long tourism and hospitality industry focus on diversity and the power of diversity in travel. We also put together and I have copies, which we can also share with you afterwards a toolkit for our businesses to know how to engage with Visit Loudoun everything from how do you upload your events to how do you engage on social media? How do you sign up for an industry newsletter and how do you sign up for our certified tourism ambassador program? We will be doing in February a CTA training program here in conjunction with the town for Leesburg businesses. So what's next, as I mentioned, we are in our getting ready to, well, we're starting our third year. I'm sorry, we are starting our new three year strategic plan. Just Wednesday or Tuesday, we had our one year check in with our advisory council on our efforts on diversity, equity and inclusion and received very high marks. We are also going to be doing a brand study for D.C's Wine Country, which we're very excited about. The brand has been in place for 12 years, so we're going to take a look at it, understand its effectiveness and what is next for that brand. And we are having our annual meeting on May 5th and we are very excited to be bringing the industry back together. If there is ever an industry that deserves recognition, support and a little bit of celebration, it is a tourism and hospitality industry which has been very battered, so we are looking to have that on the 5th. We had today, and Danny and Ali did a great job of helping us push it out, we had a webinar on influencers and then on the 3rd we have a webinar scheduled on diversity in hospitality for front line workers. So the events keep getting scheduled with great effectiveness. And thank you very much for your time. I'm happy to take any questions.

Bridge Littleton: Who has questions for Beth? Peter.

Peter Leonard-Morgan: Probably a really silly question, Beth, but what is CTA?

Beth Erickson: Certified tourism ambassador.

Peter Leonard-Morgan: Ok, thanks.

Bud Jacobs: When is that training?

Beth Erickson: It is, I think, the 26th of February.

Danny Davis: That sounds right at the National Sporting Library.

Bridge Littleton: Questions for Beth, anybody? I thought we were listed as one of the 10 top, not 12 top small towns to visit.

Beth Erickson: I will call them sir as soon as I leave.

Bridge Littleton: Slipping.

Beth Erickson: Of course,

Bridge Littleton: I think that was the survey from USA Today. Like a year and a half ago, it was the 10 best small towns in America or something.

Beth Erickson: The list, different publications, different rankings, yeah.

J. Kevin Daly: I think we're listed as the next hallmark.

Beth Erickson: That was true.

Bridge Littleton: Bud.

Bud Jacobs: I know you're it's early days for your next iteration of your strategic plan. Could you give us a whiff of what your goals might look like in that plan?

Beth Erickson: I am excited to tell you and I'm happy to share with you. We had five pillars in our last strategic plan. I imagine they're going to stay within the same pillars. We're looking to continue to tweak and modify as we go through. They happen to spell out visit. So the first one is V, which is embracing the variety of all that Loudoun County has to offer. Second is spreading the word to the community. So community engagement, which has been key, which is things like the partner toolkit our webinars, our training. Supporting the music and the arts as a core driver for tourism to Loudoun county, and forming infrastructure. And that's one of the things I'll come back to that in just a moment. But whether it is destination Hanson enhancing development legislation, supporting the industry both locally, state and federally, and then creating thematic experiences. And that's where we we're seeing a lot of traction on creating trails and products and experiences in Loudoun county that keep people here spending money. So I did want to come back. I'm heading down on Monday to Richmond for the legislative session. I know that we are tracking some key legislation of interest to the council and it's of great interest to us as well, which is short term residential rental legislation. There are five bills that have been dropped. There is one regarding taxation that we are supporting and really pushing forward, and that is keeping transient occupancy tax at the local level. That's a hyper local tax that needs to remain at the locality. The other is really moving forward on the legislation that we helped pass a few years ago, which helps to strengthen the definition of what a short term residential rental is. And that's key. There are also a few other initiatives that we are

tracking. I believe that Bell's bill may end up being one of those as well. So I'm expecting a very exciting session. It should be. It's going to be one unlike any that I've seen before, so we'll see.

Bridge Littleton: I've had some difficulty tracking those bills as they have dropped. Have they all been referred to committee? Do you know off hand.

Beth Erickson: I think they're varying. So I have been supplying to Danny, a bill tracker. When we finish every Friday, we have a meeting looking at a lot of those key pieces of legislation I forward on. I pull out things that are, I think, that are really germane to the towns, in particular Middleburg. So I share that and I'll continue to do so.

Bud Jacobs: Thank you.

Bridge Littleton: Cindy, you have a question.

Cindy Pearson: Yeah. Hi, Beth. I was just wondering on the annual meeting in May, is it going to be like the other annual meetings have been where you have nominees for different.

Beth Erickson: We do.

Cindy Pearson: Um.

Beth Erickson: Tourism awards. Yes, Cindy served on as many years on one of our Tourism Award committee. So yes, we do, and we've just revamped those and the press release should be going out this week with more information on that.

Cindy Pearson: Okay, good.

Beth Erickson: Thank you.

Cindy Pearson: Great. Okay, thank you.

Bridge Littleton: Any other questions for Beth. Beth, what do you? My question is on the legislative stuff, so the last I heard is everything's been consolidated under Jill Vogel's bill. Is that what you've heard?

Beth Erickson: That is not what I understand. Because there are there are different components that I can't speak to that because I know that the one that we are tracking, I doubt, will go under Jill Vogel's Bill.

Bridge Littleton: Ok. So is the one you're tracking, the one that does centralize collection of DOT?

Beth Erickson: Yes. And well, we are not in support of [multiple speakers] collection, correct? [off mic]

Bridge Littleton: Ok.

Beth Erickson: So let me pull up, let me look at my notes on that specifically. So HB seven is the one that we are supporting. And to your to your answer sir referral is pending on that. It went through committee referral in the House and [inaudible] also has a bill, SB 602, and that's the one that's helping to define really what short term residential rentals are. But [inaudible] bill is really the one that we are promoting and supporting. That is the one that I believe we have [inaudible] in support of. [inaudible] is in support of, VARLTA Virginia Restaurant Lodging and Travel Association, and that is the one that we've been having the majority of our meetings focused on. And there have been very few exceptions with the legislators that we've spoken to that don't understand the importance of keeping that tax at the local level.

Bridge Littleton: You're saying they mostly do understand it or they mostly don't understand?

Beth Erickson: They do understand it.

Bridge Littleton: Ok, good.

Beth Erickson: They do understand it.

Bridge Littleton: All right.

Bud Jacobs: Are they also receiving contributions from Airbnb and verbal and other outfits?

Beth Erickson: That I cannot speak to, sir. But I do know, and we've been waiting for a couple of years for some of these bills to hit because I think the legislation that went through a few years ago that confirmed the rights of the localities to really handle short term residential rentals within their communities for a way that benefits their communities. The goal is never to have a one size fits all or the Commonwealth of Virginia. We are not that type of a state. And short term residential rentals look different in many of our municipalities, so it needs to work for our municipalities.

Bridge Littleton: Yeah, I think our biggest concern and I've been going back and forth with Michelle a lot is that whole central collection thing is just a disaster.

Beth Erickson: It's a lack of transparency. And one of the comments that that I certainly will share with you that I share with legislators is our hotels do not send TOT up to the county. I mean, the state and then it sent down, why would you have a different set of taxation for the exact same business? It makes absolutely no sense. I think it's very, very poor policy.

Bridge Littleton: Well, and then the worse thing is they send it up and then they distribute it back by zip code. So if you think about Middleburg, our zip code is 20117. That is in Loudoun county, it's in Middleburg and it's in Fauquier. So they split it up three ways and off it goes.

Beth Erickson: And I'm also very concerned on lack of transparency. Yeah. I think that municipalities, you know, let me back up just to make sure that I'm very clear on it. Short term residential rentals are a very important part of the ecology and the ecosystem of tourism and hospitality, just like people want to stay in a Hampton Inn or a Marriott. People are going to want to stay in Airbnb's. So we need to make sure that they can thrive within our communities. And the way that they thrive is by also knowing where they are being able to help support them, making sure that they are following all applicable zoning ordinances. And from my perspective, collecting and remitting the the applicable taxes. I am not comfortable having that go up into a cloud and then just being sent back down to say, trust us, this is right. It's just it's poor. It's not. It doesn't serve anybody.

Bridge Littleton: Well they tried that back in what, 16 or 17 tried the exact same thing and went into some big government and went to some big state pot. They would take an administrative fee, but you could never audit it. You could never see what it was and then you'd get back what they determined [inaudible]

Beth Erickson: We're allowed to audit year. But it was not going to be an easy, easy process, but that's why we've been waiting for these bills to come back. So but to have five hit was a surprise, so we shall see. So perhaps three of them have gone under Jill Vogel's bill, but I will certainly.

Bridge Littleton: I think that's I think that's right. [off mic]

Bud Jacobs: We like to think that businesses involved in our community have some sense that they've got skin in the game in our community and it to my eye, and it could go any way, it looks like for a lot of the accommodation intermediaries who would benefit from some of this legislation, in fact, have nothing to do with our communities.

Beth Erickson: That is very true. Council Member they are. There are platforms.

Bud Jacobs: Right?

Beth Erickson: And we fought last year to close the loophole on OTAs, which are online travel agencies because they were not collecting or remitting the correct taxes based on what they bought the proper the the unused inventory of rooms and then what they sold them for. So by closing that gap, we're already seeing that additional TOT coming in in a more applicable way. And one of the things I will also share with you because we are working on it currently within the county is what the ordinances are going to look like for short term residential rentals. So over the course of the past three years, we've been working with a lot of short term residential rentals, and I will tell you that with very few exceptions, if any, they recognize that there are part of the community and they want to be an active part of the community. They want to really do the very best that they can. I truly believe that I can't say that across 100 percent. But for those that have been engaged with us in the process, they're doing it with the very best of intentions. So I've not heard anybody pushback on the desire not to pay those taxes. They understand it's a pass through tax and consumers are used to paying it.

Bridge Littleton: As we always said, collect and remit and remit.

Beth Erickson: Collect and remit.

Bridge Littleton: Anybody have any questions for Beth? Ok, Danny,

Danny Davis: We would ask Mr. Mayor and council members if you're open to this. We have not updated the MOA since it was approved in September of 2020. We failed to bring it to you last year in September 2021. So for current fiscal year, we would ask if council would authorize approval of the MOA for current year. And we're also asking go ahead and extend it for fiscal year 23 since we're already this far along into this current fiscal year and that's in the agenda packet as well.

Bridge Littleton: All right, Chris and Phillip since you guys are on [inaudible]. Any other feedback or input or anybody have any questions or concerns with doing it? [off mic]

Peter Leonard-Morgan: I think we worked hard on the MOA for quite a long time, and we got this thing called the pandemic got in the way for a bit, but I'm all for it.

Bridge Littleton: All right. Anybody want to make a motion?

Philip Miller: I move that the town council, approved the memorandum of agreement with Visit Loudoun for fiscal year 22 and fiscal year 23 effective January 27th, 2022.

Everyone: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed, abstentions? Yeah, Cindy voted twice.

Chris Bernard : One for each year.

Bridge Littleton: Ok, the motion passes. Beth, thank you very much.

Beth Erickson: Thank you very much.

Bridge Littleton: Take care.

Beth Erickson: And I'll update you after Tuesday.

Bridge Littleton: Sounds great.

Beth Erickson: Thank you.

Bridge Littleton: I am going to move something around real quickly since we have David here with this, I'm going to bring his item up so he doesn't have to sit here until 11 p.m.. [off mic] What's that? Because we're paying him for his time [laughter].

Bud Jacobs: He's got a house facing the country club.

Bridge Littleton: Exactly, yeah.

Bud Jacobs: Maybe we've been paying him too much. [laughter]

David Rose: [off mic] I'm old fashioned, as you can tell, I'm old.

Bridge Littleton: But your your fashion isn't?

David Rose: Well, thank you. Thank you. It's because my wife dresses me. [laughter] She's she makes sure.

Bridge Littleton: Alright Danny, you want to kick it off?

Danny Davis: Absolutely. Thank you, Mr. Mayor and council members, as we've brought to you previously and we've discussed, the Town Hall project is coming in and the bids did come in higher than anticipated and the council did approve the construction contract in December. We did work on some value engineering efforts on that. But the final contract amount that was written or it was approved was ten point six eight eight million, so a few few savings there. However, as as noted, that is approximately two point six million more than our latest estimates in anticipation. With that in mind, the Council asked the Strategic Finance Committee to review the most appropriate way to approach this funding shortfall, whether to consider using some of the unassigned fund balance or to look at additional debt financing. And the work of Davenport and taking that to the Strategic Finance Committee. We received a positive recommendation to go ahead and pursue up to two and a half million dollars of additional financing to offset the town's additional costs. And I think Mr. Rose with Davenport will be able to walk through some of the recommendations of why that's the preferred method of going. Staff has been working closely with Davenport on this, and we think it's a very solid and viable option to continue that provides the best flexibility and opportunity for the Town Council. So I'll turn it over to Mr. Rose.

David Rose: Thank you, Mr. Mr. Davis. Again, members of Council appreciate the opportunity to be here. What we put together. I'm happy to walk through and go page by page, but I just want to preface all that by saying and talking with the Strategic Finance Committee. What we are really recommending is basically an insurance policy. In big picture, the town has been very well run as you know that you've set up your policies, you've met them and exceeded them. You continue to have a structurally balanced budget and have very solid reserves and year end balances. That said, I don't think anybody thought we would be here a year later from a year ago. Still wearing masks and worrying about boosters and all those things I think we thought we'd be passed that. At least I did. I'm not a physician, but I think that said, the uncertainty of all this. You may recall that when we recommended and you agreed to set up the reserve policy at 125 percent, that was done right before the pandemic, and I think it proved to be a wise move. Now the good news is we are considerably above that level. However, if we were to take in effect the extra two and a half million dollars we would get to at or right below that 125 percent, and we think that's a bad idea. The Strategic Finance Committee thought that was a bad idea, and I think it's fair to say thanks to Mr. Davis and previous memos you all have seen that we would like to be in a mode. Where we at the very least, either borrow up to two and a half million dollars on a long term basis or even on a short term basis. And we'll talk about that, but at the very least, preserve the cash for the next several months, several years and be in a mode then to have a position of strength going into a couple of fiscal years from now. I would point out that just for the record, for those maybe that are listening yesterday we were working with another local government and

they went out and got their bids for a elementary school and they had estimated 20 million dollars. And those bids came in close to 30 million dollars. And that's with that's with very, very solid engineers and consultants and what have you. So you are not alone in seeing your costs go up in terms of the bids. So with all of that, I'd like to just maybe if I could, Mr. Mayor, go through this fairly quickly.

Bridge Littleton: Sure.

David Rose: Background again, you know, I don't have to tell you this once in a multigenerational project that you're doing. But we also said to ourselves, if we're going to make some recommendations, how does that look relative to the policies that you put in as it relates to debt metrics and fund balances? So all of this is done making sure that we are in compliance with those policies. So with that said on Page two, Danny really has said this already what the size of the project is being, what the shortfall is. And again, who knows if that's the final and changes and things like that. We know a bunch of how it's been set up, but it's never over until it's over. I think maybe Yogi Berra said that, but I'll give him some credit, OK. On Page three, though, I alluded to this a few moments ago. That is for the for the folks that are listening and y'all know this, you just you finished fiscal year 20 and 21 very strongly financially. You've added to your reserves. And frankly, at the rate you're going here in 22, which ends in a few short months, we expect to further add to reserves. So again, the point is that said, what happens if something like the Salamander has to close down unexpectedly, whether it's a shortage of workers, whether it's something else happens? What have you? And those revenues dry up very quickly, even if just for a few months or for a fiscal year. We want to be in a position where we're not struggling as a town and we don't have to take any dramatic actions. In addition, when we did borrow and we did that loan with Truist Bank, you may recall we got one bid that really met our criteria wasn't missed. We got many bids, so we are not taking for granted the point that perhaps we can get another two and a half million dollars. I'll talk to you a little bit about the approaches that we're going to recommend if you give us the blessing to do that. So with that said, on Page four, our recommendation is that we be given your blessing to go out into the marketplace and once again see what we can do. The thought here, the marketplace is actually a multiple of places. Number one, not in this order necessarily, but number one is to look to the banking community the direct bank loan approach. Number two, to go to the Virginia Resource Authority. We represent those folks that's been around since I remember when it got created back in 1984. Local governments have used it. Y'all have used it. It's a very, very good borrowing program and we would go to them as well, and those would be the dual track that we're talking about. The important thing is we want to set this up in such a way that if we ultimately want to pay down two and a half million or more, we have that mechanism because the Truist Bank approached what you locked into the eight million is very flexible in regard to how we can pay it down with essentially almost no penalty at any time. So we purposely wanted to do that. We got that done. Ironically, we may end up and I hope we do, tapping into that provision within a year or two or three years from now. But the point is we we the town with y'all's blessing ourselves and staff get to make that decision versus the decision being made for us. So that's our thinking. So with that said, on Page five, we have series of policies and parameters and we wanted you to see that. But again, the thinking is as I put there, cash is king. We just seem to think that's a smart approach. And again, the Strategic Finance Committee and your chairman at that point, a former banker concurred wholeheartedly. And I think some of you were were in that meeting and listened in when we had that. So let's go to Page Six. If we were to borrow this money on a twenty year basis, not saying we can, they may not want to give us twenty years, but if it did, we're talking about roughly about one hundred and sixty five thousand dollars. We used a three percent interest rate. Rates are moving up and that's one of the reasons we want to move quickly because even just today our markets are moving, the Federal Reserve is is talking about raising rates, and they are already having the marketplace do it for us. So the irony is I think when they meet on or about March 17th, which is, I think, St. Patrick's Day, the reality will be it wouldn't be surprised if the actual rates go down around that date because already they're being built into the marketplace with every passing day, and that's pretty typical of what we see. So the point here is one hundred and sixty five thousand. However, the way the town is set up, the way your budget is structured, we can absorb that we the town without having any adverse impacts. I think that's the important takeaway here. That's the takeaway. So on Page seven, this is what the overall projected debt service looks like. Again, you get a feel for that. If we're going to add some hundred and sixty five thousand, if that's the structure on the far right hand side, you could see what it basically does to the overall debt service because we structured this in such a way as to not have the full principal and interest come due really until such time as the the project's done. And we're really getting the benefit of that. So it ramps up, if you would, over the next couple of years. So let's go to Page Eight and let's talk about what it does to your ratios, meaning your policies on the left hand side. This is the affordability policy. It's what your credit card is. It's what we said was we did not want to see the town set up its debt

program, no matter what it's for being above twenty percent of your budget. So right now, before we take on potentially this new debt, we're looking at something when it hits its max of being about twelve and a half thirteen percent. We add this debt. It still stays under that by about two and a half percent goes to something like seventeen percent. Again, that presupposes that we take on the new debt and never pay down any of this two and a half million dollars. Personally, I think the Finance Committee felt the same way we would like to see us take on this new debt and then pay it down within a couple three years. We'd like to do all of that. So part of the request we're going to ask for will be to either structure something that allows us to do that or to get something, let's say through the VRA. That may be a little bit more long term with the idea that the dark green can be paid down. To some extent, that's the existing debt. So that's the first point on the right hand side.

Bridge Littleton: Hey David, can I ask a question?

David Rose: Yes, Mayor.

Bridge Littleton: So right here with your twenty percent line that is assuming no increase in expenditures, right?

David Rose: Well, it's assuming if you look here at the bottom, we have increased expenditures very, very low, if none at all. You see that. [off mic] Yeah. And similarly, on the right hand side debt, as a percentage of assessed value, we wanted to make sure that we did not broach three percent. And so again, we're right up against that burden, if you would. But as we head into the first fiscal year of 2023, we're going to be there or below. Again, does it leave us a lot of margin for other projects? Not necessarily, no. But again, I'm seeing this more as an insurance policy. I'd like to see us try to pay some or all of it down by 24, 25 that fiscal year. And again, if things are that much better, we can pay it down incrementally. There's no reason we can turn around and say, you know what, you do finish 22 fiscal year very strongly, 23 looks to be solid. Can we take a million dollars and pay it down? The answer is yes. That's the type of thing we can do. Yes, Mr. Morgan.

Peter Leonard-Morgan: So in the right hand table, we're talking about assessed value of all the properties in Middleburg, and that's assuming that we don't that we just taxed at the same rate on the we don't get to equalize tax.

David Rose: It doesn't matter what the well, I say that within a sense it really that depends upon and it's it's not so much the tax rate, it's the value of the properties. So you could lower the taxes theoretically to very low half them. But that's not going to change assessed value, it's not.

Bridge Littleton: Yes, the Middleburg is worth all the property of Middleburg is worth two hundred and fifty million dollars. That's what the three percent is.

Peter Leonard-Morgan: I realize that, but we generally do a equalized tax rate. [multiple speakers] I'm just trying to understand what the relevance is, but.

David Rose: It doesn't speak to that's not what that ratios, it's just it really says what is the overall value of the salamander and the houses and the other properties? This, of course, being when you when you put this in, of course, it's tax exempt. So this doesn't help towards that.

Philip Miller: So the bigger scare with that one would be if we had a another bubble burst?

David Rose: Right. [off mic] And I would say this, you know, we've seen that happen. I've worked with the county now since 1983, 84 I've been their advisor. So I remember in the early 90s we lost forty percent of value within literally a year or two. It came back, but it happens. Now if that happens, let's say and let's say it was uniformly and then you broach those lines, even with the dark green, you broach those lines. Nothing per say is going to happen to you, not in a default or anything, but it is sobering. I don't see that happening going forward. But again, it's why we want to keep this considerably under. [off mic] And at the time, the county was as well. I mean, literally everybody in northern Virginia was in breach of their policy because no one expected to see that drop that you know that much. What really happened

that wasn't the real pain when it dropped like that. The real pain, of course, was the revenues. And then that that was a difficult time.

Darlene Kirk: Is this two and a half million going to do it? Or are you going to come back in a year and you have to do another three or four or five million?

David Rose: I would expect not, and I would. I'd leave that to the town manager to answer because you've got your bids in now.

Darlene Kirk: Yeah

David Rose: That's why we're here.

Danny Davis: That's why we're here. Absolutely. Yeah, that's correct. We don't anticipate for this project needed to come back for any additional financing whatsoever because should there be any additional costs, whether it's from contingency or otherwise, we still have the cash in the unassigned fund balance. The real big question is future projects down the road in the capital improvement program. At this time, we don't have any identified projects in the CIP for future years. However, we have the flexibility to accommodate if things do come up that are crucial for us, whether they might be important sidewall connections that we need to pursue, along with pairing that with potential grant funding infrastructure bills and such.

David Rose: But I think that's that's a very, very good question. In fact, when we first started talking to the Strategic Finance Committee, the number we probably need is closer to two million. But in their wisdom, they said, You know what? Build that cushion in the mayor was there he can attest to that. Of course, some others, I think you were Mr. Bernard, were there too. And they said, we'd like you to move to two and a half, and that was the unanimous consensus of the the committee to build that kind of approach. Ok, so the last page is the next steps. And obviously, I'm here tonight on the 27th of January. We have put in the thought that we could be here as early as February 24th. But I think we should not get overly locked in on that date. We all meet twice a month. It may be more likely that it's going to be the first meeting in March. But either way, what we do need is a public hearing any time we borrow new money, whether it's for 30 days or 300 years, it just doesn't matter 30 years, whatever we need we need a public hearing. And so if you were to set that public hearing, as you know, you've got to do it several weeks in advance and do all the various notifications. So it may be prudent to do it on the 24th or maybe push it to that first week of March. Either way, what we will do with your blessing is immediately pull together the resources, work with staff, get a request out to the banks. That begs the question why don't we just go to Truist alone? I think you've seen the TV commercial. If you watched it, you know, when banks compete, you win. We like to think that. I think it's true. Why not? Worst case. But if they are close and they've been a good partner, I would very much see you have that ability to be flexible and to allow them to do it at the same time because we got one bid. I think we may indeed see that there is a hesitancy because it is a small town. There's a small population to pay for this back, even though you've done a great job, which is again, why we may see something more of a short term nature. Or we may get none of that and we may look to VRA and they may not guarantee it either. So said another way for them. This is a pretty savvy group. If we get nothing back that works, then we're simply going to have to go the route of using the cash that you have that you built up. So I'm here to say that if we are unsuccessful, I will have a very difficult time paying for my house because. [laughter] Thankfully, it's paid off many years ago, but that's because I'm older, closer to sixty five then I want to admit, but on a serious note, no, there'll be. And the VRA doesn't charge us either us, meaning the town. So if we find that we come back to you in March or late February, March and say no one wants to play ball, then we just will go the the route of, you know, using our cash. And that's all there is to it. But I like the idea that insurance policy for all the reasons we gave you. So that's really the way that works. VRA, just to give you a sense of how that works. They will, we hope between now and February 24th and maybe early March, if we apply. We'll tell us yes or no or what the parameters or what they want from us, us, meaning the town in terms of what we have to give them to allow us to go through them. That said, assuming that that say that works, we will not know what the interest rate is until basically about May 11. That's when they sell. Will it be as good as the interest rate that you got? No, I shouldn't say no. I hope it is, but I doubt it. Rates are going up. That's the way it works. So again, we may be in a mode where we are going to get an interest rate that's higher than we like. Are we able to pay that down? Yes, it's a little bit more of a restrictive covenant. It's a 10-year window. So hopefully, but we can still pay the other pieces down. Like I

said, so one way or another, we'd like to lighten the load over the next couple of years, if not incrementally along the way. But I'm hopeful that in spite of rates going up, we can we can get something that's very, very competitive. Lastly, because that's why I wear the dark suits. You know, we're all we're conservative and we're how do I say we're sort of the dismal science? That's what economics is called, you know. The reality is, let's assume, though, and I remember this back in 1987, I believe it was right before the stock market crashed in October. In 87 on April Fool's Day literally, rates went up by two and a half percentage points in 10 weeks. I mean, they skyrocketed. If that is what it looked to be like would say with VRA and they're our only option, we are not required to go forward. We can through the manager can tell VRA literally one day before the sale that they're going to do if it goes above a certain interest rate. We're not going to borrow or we're going to borrow less. We have that we have that flexibility. So I just want you to know we get to that when we'll go down that right path. Come, let's say, March or into April. But I don't want you to think that if they're the only option, we're stuck with them. We have to go do some. You will have that flexibility right up until the day of the literally day, day or two before the sale. That's the beauty of that as well. So I've talked a lot. I'm sorry, but I just won't make sure we, you know, at least frame it out as best as possible. So thank you, Mr. Mayor.

Bridge Littleton: Thank you. David, thank you very much. We really appreciate it. Does anybody have any questions for Mr. Rose? [off mic]

David Rose: Yeah, they're going up. So I think we just.

Bridge Littleton: The Fed yesterday said they're going to take it up in March.

David Rose: Yeah. And like I said, well, that's what I said. I think the date we sensed was, I think when they meet and all the 17th was was batted about. I'm sorry, was batted about. But you know, again, they're already starting today. Today was a big jump in the tax exempt markets and that's how we borrow. It just it just was. I mean, you're starting to anticipate this, that they're real about it, that they're serious. So we'll see what happens. So I think if it's if it's the council's will, I think, you know, mayor from what we needed was just to get a consensus. It doesn't mean that we're going to actually ultimately do this if you get a further chance, but we'd need again to set the public hearing, as well as to recognize that we will be able to go forward at least and start exploring this.

Bridge Littleton: No, absolutely. Anybody have any other questions for?

Bud Jacobs: Do you think the Fed's going to do any more than than a quarter of a point?

David Rose: I have no idea.

Bridge Littleton: Well, sure, that's the magic question

Bud Jacobs: What's your Spidey Sense tell you.

David Rose: You know what I was? I was a chemistry major. [laughter] I don't think they know either. Let me say this one thing, and you all probably know this as well. A few years ago, they had talked about raising the rates you remember, like three times, and then they they started moving towards raising rates and then the economy turned against them quickly, and they never even raised the rates and it went down. I don't think it's going to happen here, but the point is just because they say three, then they said four and they say quarter. You know, we don't know who knows.

Bridge Littleton: Yeah, well, I think the the hard part, the artificial part of this is we now have such a huge debt load that if we raise the rate, we're only also raising the amount. We're going to have to pay in interest on our own debt.

Danny Davis: As a country.

Bridge Littleton: As a nation, right? And it's already the fourth largest expense in the federal budget is interest on the debt, which is shocking.

David Rose: And actually, I'm glad you brought that up. Not glad, but I mean. But interestingly, so so the cash that you're sitting on that that you have as interest rates are going up right now, you earn very, very little on that money. What the Federal Reserve is trying to do and it have we saw this today. So literally one year money went up 20 basis points, so say a different way. The cash that is sitting there in the account presumably will produce more dollars because there was a period of time that the general fund, if you were sitting on in this situation three or four or five million, you were earning an overnight money, some five percent. That was that was and that wasn't very long ago. So so you would turn around and say five million at five percent even I could do that math, you know, that's a quarter of a million dollars. It's going back into the general fund here in this town. Now you were difficult straits years ago when that was happening, I remember, so you weren't doing that, but you could have. I mean, the county, certainly [inaudible].

Bridge Littleton: At that time, they were taking the cash and the taxes and rushing to the bank to pay the salaries the next day. Ok. Any last questions? All right. Yeah, David, thanks again and again. Thank you for coming up on Monday. We really appreciate

David Rose: I appreciate it. It was great.

Bridge Littleton: Would anybody like to make a motion?

Philip Miller: I move that the town council, authorize the town manager to pursue additional financing in the amount of two five million through direct bank loan and or the Virginia Resources Authority and return to the Town Council for a public hearing on February 24th, 2022.

Kevin Daly: Second.

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

Everyone: Aye.

Cindy Pearson: Aye

Bridge Littleton: Opposed abstentions? Ok. The motion carries. David, again, thank you so much for coming up. We really appreciate it.

David Rose: Stay safe. Thank you.

Bridge Littleton: Safe drive home.

Bridge Littleton: Ok, well, then well [off mic] then you've got to sign for the money. No, you're personally liable now. All right. Next item here is scroll down. I know I jumped all over. Staff report on the project.

Will Moore: Thank you, Mr. Mayor Members of council. Just a couple of updates since the last time you saw.

Bridge Littleton: Thank you.

Will Moore: First, under the Pinckney Street improvements, we did mention previously that we had gone ahead with doing some pavement corings so that we could get an idea of what the structure underneath the roadway is because we don't really have a path forward with understanding what it would take to get potentially get it accepted by the without that information. We have that now reviewing that with the town engineer, and he is reaching out to some higher level contacts and VDOT to work on getting us a path forward based on understanding what that structure is now. So we are we have a target date of March one for being able to come back and understand exactly what that path would be. And then based on that information, we will present a couple of options for you. And then secondly, just updating on the the wayfinding and consolidated street sign plan. We did execute that contract and a notice proceed has been issued and we anticipate completion by May of this year,

Bridge Littleton: May of which year?

Will Moore: This year. We actually you've actually committed to a year. It's going to snow or melt or something.

Bridge Littleton: Be still, my beating heart. All right. Anybody have any questions for Will?

Darlene Kirk: I just wanted to know, have you been by Sycamore to see the House that they're being built?

Will Moore: I just I have not been by since the excavation has started, which Tim reported to me had started. So I'll probably I will make a visit tomorrow with Tim.

Darlene Kirk: All right, that'll be good. Yeah, thanks. Yeah, I mean, I know that we can't do anything about it, but like our whole street's been blocked all, I mean, like all day.

Will Moore: [off mic] Yeah, I won't say we can't do anything about that, so we're going to be watching this particular builder very closely based on experience from the last project he did, which was on a maybe a less traveled street. So we're going to be watching this very carefully so.

Bridge Littleton: Hey, Will that that's actually a really good point. I think it would be great if you guys had time to go by there and take some pictures of the size of the hole, the size of the footprint. You know how it all looks because as we have those conversations with the public going down the road as we're talking about looking at, you know, updating the zoning, so we keep things in scale, in size, you know, you can go, Oh God, you know, it now actually hits home instead of just talking about it.

Will Moore: Yeah, we'll make a we'll make an effort to, at least on a weekly basis, do some photo documentation. So we have a running history of that.

Bridge Littleton: That's great.

Darlene Kirk: They are. They're pouring foundation, I guess, for for now. But when they first dug the hole, it looked like the whole house could go over in it. It was so deep. And so a couple neighbors mentioned to me that looks, you know, kind of deep. What are they doing putting parking under the house? I was like, No, not yet, but

Will Moore: Sounds similar to the the hole that was dug for the home on Walnut and Martin very similar,

Bridge Littleton: [off mic] And thanks will. Any other questions for Will?

Philip Miller: I have one. [multiple speakers] So much variance do we think there is in that construction cost estimate?

Will Moore: Construction cost estimate on.

Philip Miller: On Pickney. Oh, sorry.

Will Moore: So I I don't have.

Philip Miller: You don't know.

Will Moore: Yeah. Ok, well, let me let me clarify. I don't know if. If we're going to go the route of pursuing VDOT acceptance because we're not sure exactly what will be needed right, if that comes in at an extremely high amount, that will be further conversation. We do have a ballpark estimate. And Danny can remind me of what that is if we decided to just continue to maintain it ourselves, to do a simple mill and overlay of the street. We do have an estimate of that, which was

Danny Davis: About 30000 that was using some math with the company that's going to do Chinn Court for us. I think the good news is we think there's more of a substructure there than we first realized, which would allow us to actually mill it and then hopefully allow it to last more than two years. You know, with the paving over just simply dirt, there is substructure. I do believe that construction costs amount is fairly close to what it would come out to be. I don't have a formal estimate from him right now because we didn't think at the time there was actually a substructure that would allow for milling. But I use the numbers from Chinn court, extrapolated the linear foot cost and applied some math. So it should be close if that's the direction council decides to take.

Bridge Littleton: Ok, thank you. Thank you. Thank you, Will. Ok. Next item is going to be the consent agenda. Would anybody like to add anything to the consent agenda?

Bud Jacobs: Add Anne Marie

Bridge Littleton: Anne Marie, I am going to add Anne Marie's. Yes, exactly. [off mic] Well, I think we have to have a consent that someone has to make a motion with the consent agenda first. And then make the motion, adding,

Philip Miller: I move that we adopt the consent agenda with the addition of the special recognition for Anne Marie.

Kevin Daly: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed abstentions. Ok, consent agenda passes and I think we're almost there. Hold on. Just wait, hold on. No, we didn't. Hold on. I got it. I got it. But consent agenda was before. That next item is legislative agenda.

Danny Davis: Mr. Mayor and council members, as we were briefly discussing with Ms. Erickson from Visit Loudoun, we are tracking a number of bills that cover a variety of topics. The TOT bills clearly are crucial for us because the TOT is one quarter of our general fund revenues, so that's a huge amount of money in looking very briefly at the LIS system, the state legislative information system. It appears they've all been referred to committee but haven't been placed on any agenda dockets as of yet. There is one that's been referred to a subcommittee, but again, not any agenda dockets that I can find at this time. I know that VML is working very, very hard on this. The commissioners of their revenue and their association are working hard on it, as we've also heard from Ms. Erickson and also from VRLTA. So we think there's a lot of pressure around these to present the localities position on this, and we'll continue to stay abreast of that and keep you updated through either the mayor or myself. A few other items that we had raised in this memo just for your awareness. A couple of taxation bills that are quite egregious, if you will. One is regularly comes up every couple of years, and that's to eliminate the business license tax, the [inaudible]. And that's fought every year by VML and VACO, because that's a significant source of revenue. The question we always send back to the state is, Well, how do you intend to make up that lost revenue? And that's when they kind of fumble around and realize that it means more to us than they realize. The second bill, HB 1010, is interesting. If you recall, if our tax real property tax collections in a given year are projected to be more than one hundred and one percent of the prior year, then we have to hold a public hearing. This would require, instead of a public hearing, a referendum that creates.

Bridge Littleton: The public would have to approve.

Danny Davis: Public have to approve. The public would have to vote any time. The real property taxes essentially are more than the equalized rate. That also creates a timing challenge with how elections occur in November and fiscal years happen in July. It just doesn't make sense at all across the board.

Bridge Littleton: And God forbid, the poor town who only really has real estate taxes and they go up and they they barely have a balanced budget.

Danny Davis: Yeah. And and think about this too. There are some places we're quite different here in Loudoun. There are some places that only do revaluation. I think Fauquier is one of those every three years. And so you had a revaluation of twenty five, thirty percent and that referendum fails, then it's a huge, huge hit on your general fund revenues for municipalities. So of course, we are opposing that, as would VML and VACO, because that's a core tenant of our policy statements as preserving our local authority as it comes to taxation and our local authority as it comes to zoning, which clearly we discussed with SB 6. I'm sorry 255 regarding infrastructure, wireless infrastructure, 5G towers. So we are working hard to oppose that at our groundbreaking Chair Randall, you know, told me, and I'm sure she's shared with COLT that she was in a lot of conversations with Senator Bell expressing how horrible that bill is and hoping that she can help turn minds around regarding that. There are some FOIA bills that I mentioned. There are a lot of FOIA bills out there. I didn't want to go through them all. We know some of them have already been laid on the table and won't be taken up. That includes HB 722 that would have given advisory bodies the ability to meet electronically if they do not have an adjudicatory purpose or role. That actually would have been nice Go Green, Arts Council. Other committees like that could have met over the telephone or by Zoom for any reason, but that did not. The subcommittee in the House. And then, of course, the budget bill. Those are ongoing. Sure, there will be a lot of conversations about that. We did put in a request for funding for a town owned asset and a project. We will continue to keep track of that that was through Delegate Gooditis and see if there's any action needed as that proceeds. So I'm happy to answer any questions I can or if there are questions about legislation that we need to bring back to you. Happy to go look into that and then provide you an email or report back

Bridge Littleton: Any question for Danny? Yeah.

Bud Jacobs: Danny, thanks for sharing this document with the planning commission. Yes, it was useful. I think the FOIA bill HB 599 is anybody think that one has any legs that's potentially really burdensome on or would be burdensome on the town and particularly on our worthy town clerk?

Danny Davis: I'm looking at it the status now, it's just been assigned to subcommittee. I think I think it has probably more legs than some of the other FOIA bills, just because of the interest in in ensuring that the public records stay accessible to the public. I would say that's probably the delegates intent, and that is to make sure that the costs do not become so high that people cannot access public records. But the challenge is it it seems to assume that there is a standard rate of pay across the entire Commonwealth and also that we can freely give away a couple of hours of our time, all the time to anyone who makes these requests. And at some point that adds up into a half a staff person or a full staff person. So.

Rhonda North: And not only that, but if it's free, you will receive more for FOIA requests. And you know, and it could come to the point that you end up having to hire a person to do nothing but respond to FOIA requests and that would be burdensome for small towns. I mean, larger jurisdictions have those positions now, but that would be burdensome for the smaller communities.

Darlene Kirk: It also requires the person to think ahead about what they really need before putting in their request to you.

Bridge Littleton: Don't ask for the Moon.

Bud Jacobs: Yeah. Well, the other concerning feature of this is apart from the cost is that it would significantly enhance the strategies of people who use FOIA to gum up the works because they're in opposition to a particular policy or proposal that a jurisdiction might be considering.

Danny Davis: We'll keep you posted on the status of that specifically.

Bridge Littleton: Any other questions for Danny? Any update on our help enrichment? You sent that email about hiring a lobbying firm

Danny Davis: On the TOT. Yeah.

Bridge Littleton: Oh yeah. So yeah, so I was going to dovetail on Danny's interview. So a couple different things. I went back and forth extensively with Senator Vogel the last couple of days. So it does look like most of these Airbnb bills are going to be getting consolidated under hers. It is interesting to see how everybody has their issues and concerns and only worried about their own issues and concerns instead of, well, I'll help you push yours if you help me push mine. I won't say specifically what organization it was, but it was. Well, I understand you don't like centralized collection or you don't want to study a centralized collection. But I don't really care about that, but help me push what I need. And it was sort of like, well, you know, it won't hurt you either way. So help, you know, it's all you get behind the grindstone. But anyway, I think what the end result that's going to happen is, I think the Expedia and Airbnb guys are using centralized collection as a threatening bludgeon to get other things that they want. So, you know, Jill is the good thing is that all of this is coming up under hers. So she's sort of in the driver's seat of how it's going to work and not work. So she's been working really closely with the Association for, you know, commissioners that are revenue like Bob Wertz. And I've reached out and talked to Bob. And, you know, he's expressed our concerns and they are meeting on Monday. So the Tax Commissioner Organization and the Expedia slash Airbnb folks are meeting on Monday. So we should know then, you know, if they're going to bring the bludgeon back out and threaten whatever I think Michelle Gowdy feels reasonably, OK, that the commissioners organization will be able to get what they want, and so that should settle everybody down, and because they're the other big organization wanting the data to ensure where they know revenues are happening. So if they can get what they need that that other threatening thing to have to come back out. So but Jill's fully aware and she's like, I'll fight against as hard as I can,

Bud Jacobs: Which bill is [inaudible]?

Danny Davis: It's SB 651.

Bridge Littleton: Yeah. 651 and there's actually, well, I'll send it to you Bud it's there's a working draft of like some proposed stuff back and forth, which is not exactly is not necessarily out on the LIS website. The second one is the Senator John Bell cell phone bill, which basically essentially removes all zoning authority on communication towers. I mean, literally gone. Just all of it. You know, you must you must approve any cellular infrastructure application. I mean, it's utterly insane.

J. Kevin Daly: Anywhere

Bridge Littleton: Anywhere, anywhere. It's shocking. So and as I understand it and I do know well, it's actually true. The this is a retaliation against Loudoun county for disapproving the short hill AT&T cell phone tower on the mountain. You said, you know you need to approve it and they, you know, there was a huge community uproar that said, we don't want this. And the county said, Well, no. And he said and he threatened at the time, I'll do this if you don't. And so here it is. I don't think people thought it was going to get out of committee and then it got out of committee nine to six. So it's it's I don't know if anybody else on my post earlier today, but I think it's it's a travesty. It's a it's an obscene use of government process and and procedure for spite, and it's petty and childish. And I'm I'm astounded that that, you know, that this level of childishness goes on on something that's, you know, so potentially disastrous. Yeah. So anyway, yeah, yeah. [off mic] So and hopefully everybody sees it for what it is and it won't make it in the house, you know, but I think we're so COLT sent a letter. We've emailed all the members of the committee. Chair Randall was down there yesterday around, you know, rallying folks against it. Michelle says she feels it's actually right now is already headed back to committee and it might end up in a study. But then we got to be on top of the study to make sure they understand what the pain is. So that's where that is.

Bud Jacobs: Time to remember H.I. Mencken's quote about the legislative process being jackasses dealing with jackals. [laughter]

Bridge Littleton: Yeah, well, my one of my favorite quotes of all time. What is democracy? Two wolves and a sheep voting on what's for dinner? [laughter] Ok. That's the legislative update. Anyone have questions on that? All right. Any information items, Peter?

Peter Leonard-Morgan: Yeah, it's more of a committee report. I'm delighted to advise that the five cent disposable.

J. Kevin Daly: I'm sorry. What committee was this?

Chris Bernard : Plastic bag committee.

Peter Leonard-Morgan: Yeah, so the five cent disposable plastic bag tax was implemented by the Board of Supervisors to take effect on the 1st of July. It was a close vote, five to four. So I'm going to be working with the sustainability committee and with Ali to see what we can come up with as a suggestion to council to support the town's residents with, you know, initial reusable bags in some form or fashion. So that's that. [off mic]

Bridge Littleton: Yeah, exactly. yeah.

Philip Miller: Can we talk about snow removal?

Bridge Littleton: One second. Two things I wanted to mention everybody. For those of you who had not heard, I literally just found out a couple of hours ago Eura Lewis passed away.

Everyone: Oh no. Oh no.

Bridge Littleton: She passed away on Tuesday evening at her daughters. So I do not have any details of reception or a funeral or anything. But as soon as I do know, I'll let everybody know. Danny, if we can send or Rhonda, if we can send a note flowers to her like she has two or three daughters. We'll figure it out. Yeah, so anyway, so yes, sad news there. And then the other thing was redistricting. So oh boy, there's been a lot of emails flying around. I'm meeting with a several groups tomorrow at 4:00 to talk about how to promote the COLT map for the redistricting. I think it's going to get nasty and ugly. I think some have already dug their heels in and not willing to listen to anything else. But I think there are those who are willing to listen, so we have to make as concrete an effort as possible. I would like to put before council, you know, maybe in the next two or two weeks a news blast like Hillsborough did. I don't know if you all saw Hillsborough's new news blast, but they put sort of an information thing together and then the different maps and blasted out to everybody on their email list or whatever. You know, giving some details provided the link and then asking people to go to the county website and opine on which map and why, and all that kind of stuff. So there's an online form at the county to say which map you like and why. I'd like us to do the same exact thing and, you know, hit it with our email list and our social media. And then maybe like once every three weeks hit it again because this portal is going to be open, until I think April,

Danny Davis: I think they're expected to take a final vote in May.

Bridge Littleton: May will be the final vote, but input can be still given up until, I think, the beginning of April. So it would be great to get as much public input as we can. If anybody has any concerns with that, I didn't want to do that. I didn't want us to do that without bringing it to council first. [off mic] Ok, Phillip,

Philip Miller: I was hoping we could talk about snow removal. Nobody here walks more than Council Member Daly, but certainly the rest of us walk our dogs and families throughout town and we promote ourselves and just chat about ourselves as a walkable town. But we all know we also have an issue with parking. People have to park over there and then walk over there. I have noticed a lot of businesses and also residences, myself included, have not been shoveling very well. And then things freeze over and it becomes a sheet of ice and it's been very treacherous in certain areas of town. And I think it's time that, especially after we heard from the public in our last meeting, think about other ways to incentivize prompt thorough removal or to potentially consider doing it ourselves. Sounds like we're going to have to pull Will from the backbench for maybe this discussion.

Darlene Kirk: Don't we have a hard enough time getting people to bid on plowing for us?

Philip Miller: So that is a concern. That's a concern for property owners too.

Danny Davis: Yeah, if I think there are a few options and opportunities here that we're willing to talk through, if if one of the suggestions is that the town take responsibility for all sidewalks in the commercially zoned districts, that's going to be a challenge just in terms of capturing all the sidewalks within a reasonable time frame and at a reasonable cost. So I would say that that particularly now I think one of the suggestions from Council Member Miller is that we more acutely and directly use the authority we have under code to go out the very next day or within the timelines allowed under under the code and have our existing crew who does our town office, who does the shop, who does a few other spots at the triangle, do that and track their time and we charge it to the property owner. I do have heard anecdotally from from other jurisdictions that those property owners will very quickly realize they can probably do it at their own expense, a lot cheaper than the costs that we would charge them. But that does assume that we have Jesus' team available to do that, depending on the extent of the issue around the town. Just so you all know, Mr. Moore did have Estee go out and put fliers on each business that had not done theirs within the time required. Basically, the next day of this past snow and received pretty good response to that outreach. Not perfect, obviously, because we still have some some issues around town, but it actually was quite effective and we can do some of that preemptively, especially if we see that it's going to be more than just a dusting of snow.

Will Moore: And just to clarify, she only placed a flier. No one was there to actually talk [inaudible] and made direct contact with a number.

Darlene Kirk: If we do that with Jesus, though, can we also put a fine on it?

Danny Davis: So we currently do not have that in our code. We I think as far as I understand and I would have Mr. Crim research at just to double check, I asked him earlier today if we have the enabling authority in state code. His response was such that that I'm assuming we do have that enabling authority, but I would want him to confirm that and then we would need to find what that amount of fine would be allowed to be under state code. So yes, we will work to.

Bridge Littleton: So ok, Danny, the real quick and easy answer is not sure if we have the authority from Martin, but if we do, we'll bring it back to you with some recommendations.

Danny Davis: And that's the question if council wants us, if the council wants us to bring back a recommendation for fining.

Bridge Littleton: Yes. Doesn't mean we're going to do it. But let's see what the options are.

Darlene Kirk: [off mic] people were so good about cleaning off their streets. I mean, you see Punkin out there and everybody out there clean up the streets. And I don't know if they had fines back then, either. Do you know?

Bridge Littleton: I don't think our code has changed forever. So I don't ever remember that. But I mean.

Philip Miller: We've talked about it. I don't know that we've adjusted it.

Danny Davis: The only time was amended was in February of 2016 to deal with either vacant lots or the fact that allowing us the authority to do it ourselves and charge that to the property owner. Those were added in 2016.

J. Kevin Daly: [off mic]

Danny Davis: Or that was that was to address an issue of an empty parcel that had no building on it because the way the original code was written said any occupant of a building must ensure. And so this was just simply say if it's vacant, meaning if there's a building there with no one tenant, it's still the property owners responsibility to clear it off, even if they have no tenant at that or if there's no building on the property itself.

Will Moore: And to be clear, this only applies in commercially zoned areas. That was that was a discussion in that same time frame in 2016/

Danny Davis: Then recently, a couple of years ago too.

Darlene Kirk: Right, OK, can't we get the police, though, because it's a dangerous situation to do a ticket of some sort?

Danny Davis: Again, I think it would have to be a civil fine.

Bridge Littleton: All right. Hold on, hold on. Hold on. Now you get into the criminal code and think it's so let's just do this. Let's just do this. You guys go take your research with Martin. What we have the authority to do and not to do in terms of sidewalks commercially and residentially. And then we will look at the panoply of tools in the table that we have authority to actually do and then we'll figure out how we want to handle it.

Will Moore: And if I may, I agree with everything we're talking about, you know, see what tools are available? Bring it back to council for discussion. Do you want to adopt those tools? How rigorously do you want to use them? But much like on the zoning side, we really try to attack these by talking directly with the people we over the last couple of years, we've noticed a couple of recurring properties and there are some linkages there. I think one with a owns several properties where a new owner took over the properties and maybe the owner was arranging for it before or so. That's a discussion with the new owner. And then there's one other one where the occupancy of the building has changed such that the the business that's in there now is not one that relies as much on walk in traffic. They don't really have open doors. Usually it's more of an office space. Some place people come to work, and that's a very new business, and it just could be that that business owner doesn't even understand the responsibility and we're reaching out. We've not been able to make contact with that owner yet or that occupant. So we're trying to do this in a Middleburg friendly way that we're used to doing it in, and that's let's go talk to the people before we would utilize any of those tools.

Peter Leonard-Morgan: I think that's absolutely right. But do you think having having some form of, you know, fine the ability to fine would not help you or us to say, look, we don't want to do this, but we've got it. But we rather.

Will Moore: I think tools are always great to have. You just have to be judicious about how you apply them and ensuring you're doing it in an equitable manner. But yeah, it's always helpful to have more tools than few.

Peter Leonard-Morgan: Otherwise, it's just sort of not idle threats, but it's to have it there as a last ditch.

Will Moore: Right. Yes, sir.

Philip Miller: I think what we should do is have you guys go back, look at what's available, what we can, what we can do? Let's get creative. I'd be happy to talk with you about it. I've had some ideas I shared with Danny, and I think Bridge had some good ideas too. But let's also then understand, you know what? What's what's the cost of this to the town? And I think you know your your points about doing it equitably and friendly as a Middleburg community sort of way is very important. We don't want to have bad relationships with any of these property owners or business owners. But let's compare the two. Let's understand what we're talking about cost wise, too, so that if we were to take this on and somebody doesn't pay the bill for us clearing the sidewalk for them for six eight months and fights with us, you know, what does that mean? What are we talking about if we have another big 2016 storm versus our average snowfall of four inches over the course of the year?

J. Kevin Daly: [inaudible] litigation. Who's responsible should someone be walking in front of a store slips and fall and breaks their legs. [inaudible]

Will Moore: That's a complicated question that's much better answered by your attorney.

Bridge Littleton: I tell you Will, let's do this. Next, when we go review all this. Let's do it one night when one Martin's here. So all those questions can be addressed at the same time. So it's not the next meeting that the meeting. After that?

Yeah. So. Ok. But I mean, yeah, no, that's good. Any other questions or input on snow removal. Once, twice, three times. Ok.

J. Kevin Daly: 20th March is coming up, Spring so the problem will be over. [multiple speakers]

Darlene Kirk: [off mic]

Bridge Littleton: Yeah. I mean, this is not going to be about this year. It's going to be about next year.

Darlene Kirk: But yeah, we don't need to keep putting things off.

Bridge Littleton: All right. Hang on one second here. All right. Was there anything else or is it time for closed session.

Darlene Kirk: Closed session? Then we go home.

Bridge Littleton: What was it? [multiple speakers]

Peter Leonard-Morgan: On the subject of the streets. I mean, I've been noticing in our little section from Chinn Lane up to, you know, the triangle. More and more people are not picking up after their dogs. Is there anything that we can do about that? Have you noticed. It's really I mean, it's remarkable. [multiple speakers]

Philip Miller: Peter, it's funny. You should say that we've noticed it a lot in our neighborhood, too. It's a religious thing for me. Like, I just couldn't. It's just wrong.

Darlene Kirk: Well, I've noticed it in my front yard. Surprisingly.

Peter Leonard-Morgan: So the question, the question is, do we have any kind of ordinance? Can we do anything?

Rhonda North: You do have an ordinance on picking up after your dog.

Bridge Littleton: That's the problem

Peter Leonard-Morgan: It's just a discussion of food for thought. Is there anything that we can do about it?

Rhonda North: Generally, once a year, we run articles in our newsletters and things like that just to remind folks that this is something that they have to do under the town code.

Will Moore: And if there are areas that in particular, maybe more so than others that you're noticing this, let us know and we can always look into doing some additional, you know, there's signage that kind of announces, you know.

Philip Miller: Does the town refill the bag dispensers?

Will Moore: We do.

Philip Miller: So we could potentially add bag dispensers in that area or something?

Bridge Littleton: [multiple speakers]

J. Kevin Daly: This this may be a it's maybe a question for lawyer, but if I should pick up somebody with my bags of dog poop and casually toss it to them and they get hit by it and it bursts. [off mic]

Bridge Littleton: All right. Close session. Let's go. Who's going to read the who's going to read the.

Philip Miller: I move that council go into closed session as authorized under section 2.2-3711 Of the Code of Virginia for the discussion or consideration of appointments to public bodies related to the Economic Development Advisory Committee and the Cultural and Community Events Committee, as allowed under subsection A1. And 2 briefings by staff members pertaining to actual or probable litigation where such consultation in a open meeting would be adversely affect the negotiating or litigating posture of the public body related two requested boundary line adjustments as allowed under subsection A7, I further move the council thereafter reconvene in open session as for action as appropriate.

J. Kevin Daly: Second.

Bridge Littleton: All those in favor say aye.

Everyone: Aye.

Bridge Littleton: Oppose abstentions. All right. Closed session.