



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, July 28, 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 Philip M. Miller
Councilmember Cindy C. Pearson

STAFF: Danny Davis, Town Manager
Rhonda S. North, MMC, Town Clerk
Randy Frostick, Legal Counsel
William M. Moore, Deputy Town Manager
Ali MacIntyre, Director of Business Development & Community Partnerships
A.J. Panebianco, Chief of Police
Tina Staples, Town Treasurer/Director of Finance

ABSENT: Councilmember C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, July 28, 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.

Utilities Report

Stuart Will, of IES, reported that the water meter radio read system was working phenomenally and advised that he could read the meters in the entire town in twenty-five minutes. He reminded Council that he could read them at any time and planned to do so weekly so he could catch any leaks that may occur. Mr. Will opined that the new system was a big improvement for the Town and the residents. He advised that except for about twenty meters, they were all installed.

Town Manager Davis reported that the Town's billed-to-pumped ratio increased to 98%. Mr. Will noted that this was due to the new meters, as the old ones had slowed down.

Special Recognition

Resolution of Commendation – The Tack Box

Mayor Littleton noted that The Tack Box recently celebrated its 75th anniversary. He read the Resolution of Commendation aloud and presented a signed copy to Berk Lee following the vote of Council.

Committee Member Daly moved, seconded by Councilmember Pearson, that Council adopt a Resolution of Commendation recognizing The Tack Box for achieving their 75th anniversary in July of 2022.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

Ms. Lee advised Council that it was an honor to have been open for this long.

Statement of Mayor

Mayor Littleton reported on an incident that occurred on the Fourth of July, for which he accepted full responsibility. He described the incident in which he made an inappropriate remark, which was intended as a joke, when greeting some history summer camp students at Foxcroft School. Mr. Littleton noted that it was brought to his and Loudoun County Board of Supervisor Chair Phyllis Randall's attention about a week later that his remark upset both the students and staff. He advised that once he realized his statement had impacted others, he reached out to those involved and apologized to both the teachers and students. Mr. Littleton opined that the students took the apology as a learning moment that even adults made mistakes. He apologized to the community and the Town Council and offered to meet with anyone who wished to discuss the incident with him.

Public Comments

Mayor Littleton reminded the audience that no applications had been filed related to the boundary line adjustments and noted that they were just concepts that had been presented by the property owners. He advised that the Council agreed to accept public input for a period of ninety days. Mr. Littleton reiterated that there was nothing to vote on and advised that the Council would continue to collect public comments. He advised that the consultants hired by the Town were a couple of weeks away from completing their reports. Mr. Littleton explained that as to next steps, once all the information was available, it would be provided to the property owners so they could take it into consideration. He advised that it would then be up to them to determine how they wished to proceed. Mr. Littleton explained that if they submitted an official proposal, the boundary line adjustment process would begin; however, he did not expect to see a response from them for several months. He opined that the proposals needed substantial revisions if they were to align with the community and Council's desires.

Public Comments – Other Items

Pam Curran, 800 Blue Ridge Avenue, reminded Council that the central mailbox for The Residences at Salamander was proposed to be located at the end of Chestnut Street. She asked that the Town not miss the opportunity to have it relocated.

Public Comments – BLA Requests

Vincent Bataoel, 218 E. Marshall Street, noted that he submitted a Freedom of Information Act (FOIA) request to the Town. He advised that based on the response, he discovered that the Mayor had private correspondence with Erik Prince since 2020; however, the BLAs were not disclosed to the public until 2022. Mr. Bataoel noted that in addition to those BLAs, the FOIA response revealed there were two other BLA discussions – one on Landmark School Road and one for the Mt. Defiance Cidery property - that had not been disclosed to the public. He advised that the Mayor withheld seven emails and four text messages from the FOIA response. Mr. Bataoel opined that there was more information that was not known, as these items had been discussed in closed sessions and private meetings. He suggested that the withholding and late disclosure of information and private meetings needed to stop, as the citizenry deserved full transparency.

Carter Wiley, 2819 Zulla Road, The Plains, advised that he was baffled by the process related to the studies, since the Town had not received an application from the property owners. He noted that typically, applicants were at the forefront of requests and bore the expenses associated with them. Mr. Wiley further noted that the Town was doing the studies at its expense as if the BLAs were a foregone conclusion. He expressed hope that a decision had not already been made.

Mark Wyatt, 7470 Fox Mount Lane, Marshall, expressed concern about the proposed annexations. He noted that the basis for the one hundred twenty units was the need to address the workforce housing issue. Mr. Wyatt advised that he would like to understand the data to assess the need for that many units, as he did not believe it was an issue. He requested information on how the number of units was identified and substantiated.

Will McCullough, 202 Sycamore Street, noted the wildlife that lived on the Windy Hill property and questioned what would happen to it if the property was developed.

Patti Thomas, 201 Chestnut Street, reminded Council that of the eight aspirations in the Comprehensive Plan, only one talked about housing. She noted that it stated that housing should be of a character that fit with Middleburg's uniqueness. Ms. Thomas reminded Council that it talked about infill and redevelopment on Federal Street, but nowhere did it talk about the two areas proposed for boundary line adjustment. She opined that the Plan did not place affordable housing as a higher priority than keeping Middleburg's natural environment and historic resources intact. Ms. Thomas noted that the Town had held discussions regarding four annexation proposals and questioned why they were not submitted to the Planning Commission for their recommendation. She advised that the FOIA response showed the annexations as being related to affordable housing and conservation easements and questioned whether this was to show them as being benevolent. Ms. Thomas noted that the first Homewood Farm plan submission showed it as a residential development. She questioned why the Town was pursuing workforce housing for Salamander and why Salamander's zoning proffers to provide workforce housing were not being enforced. Ms. Thomas opined that the proposed developments were not sitting well with the residents. She noted that construction noise was already occurring as a result of the Town Hall Project and Salamander housing development.

There being no further public comment, the Mayor closed the public comment period.

Mayor Littleton advised Ms. Curran that he would follow-up on the Salamander mailbox item. He reiterated that as to the BLAs, no application had been filed; therefore, there was no action to be taken by the Town at this time. Mr. Littleton advised that the procedures (established under State Code) for boundary line adjustments did not call for them to go to the Planning Commission. He explained that BLA requests were a legal action related to the boundaries of the Town, not a zoning matter. Mr. Littleton noted, however, that the Commission was briefed on the two concepts prior to the public information session. He explained that the idea behind hiring the consultants was to give the Town some idea of the impact of the proposals. Mr. Littleton advised that there may not necessarily be one hundred twenty units. He reiterated that the plan was to give the property owners the public comments and then let them tell the Town what they would do. Mr. Littleton advised that, following a public hearing, it would be up to the Council to decide if their proposal was acceptable. He advised that the BLA procedures required that the Town and County each hold a public hearing if a formal request was received and noted that there was no requirement that the Town do what it had done with regard to accepting public comments. Mr. Littleton explained that the Council asked that the property owners not to submit an application so it could solicit public input and provide it to them. He reiterated that it was up to the property owners to decide what to submit.

In response to an inquiry from the Council as to the process other localities used for BLAs, Town Manager Davis advised that in his experience, towns had a conversation with the property owner to discuss any technical and practical issues and then discussed it with the county before a formal proposal was submitted. He advised that he had not witnessed the level of effort to gauge public interest that Middleburg had undertaken. Mr. Davis explained that once an application moved forward, they held a public hearing and then approved or denied it.

Councilmember Jacobs explained that the reason the Town took on the expense of a study was because generally, the answers depended on who was asking the questions and the Council thought it was best for the Town to do so.

In response to an inquiry from the Council, Town Manager Davis confirmed that when the Town received a FOIA response, it responded to the requestor and did not post the response on the Town's website. Mayor Littleton noted that he posted the link on Facebook to the website where the FOIA documents were located.

Councilmember Miller opined that the Town had gone above and beyond what was legally required to get public comments, as well as to respond to the FOIA request. He suggested it was irresponsible and unethical to imply otherwise.

Public Hearing

Zoning Text Amendment 22-01: Amend Articles II, IX, X and XI Pertaining to Definitions of Building Lot Coverage and Impervious Lot Coverage and Associated Regulations

Deputy Town Manager Moore reviewed the history of the zoning text amendment. He reminded Council that what was before them was the introduction of an impervious lot coverage maximum, limited to 45%, which was in addition to the existing building lot coverage regulations. Mr. Moore further reminded them that the proposed amendment also included the establishment of a fixed cap on the building lot and impervious surface coverages regardless of how large the lot was, with the amounts being based on the equivalent of the caps for a 12,500 square foot lot. He explained that this would keep structures from growing. Mr. Moore reminded Council that there were other recommendations contained in The Berkley Group's report that they may wish to explore in the future. He recommended the Council proceed with the amendments before them and, if desired, initiate additional amendments in the future.

In response to an inquiry from the Council as to how the amendments would affect existing homes, Deputy Town Manager Moore advised that based on GIS data, the current average lot coverage was 17%, which was smaller than currently allowed. He further advised that most homes could still expand. Mr. Moore reminded Council that the current regulations did not address impervious surfaces; therefore, there was no GIS data available for that.

William McCullough, 202 Sycamore Street, opined that the proposed ordinance was "attacking" his home. He suggested the Council let the market decide the size of homes and opined that people would not be able to sell larger ones. Mr. McCullough asked that the Council stop imposing arbitrary rules that limited construction because of what one individual did. He opined that there must be a better way to fix the problems.

Bundles Murdock, 609 Blue Ridge Avenue, noted the large house that was constructed next to hers and advised that it was only 7.5 feet away from her property line. She further advised that she was in favor of the proposed changes.

There being no further public comment, the Mayor closed the public hearing.

Council noted that the proposed amendments were presented by a committee of town citizens (Planning Commission).

Mayor Littleton noted that every decision the Council made affected people positively or negatively. He further noted that the Planning Commission worked on their recommendation for a year and a half. Mr. Littleton advised that the majority view was that the Ridgeview area was unique, and they did not want to see it become like Ashburn. He noted that there was a second concern related to impervious surface coverage, which led to flooding. Mr. Littleton advised that the newer homes were larger; therefore, the lots had more impervious surface, which caused damage to the homes below them when their properties were flooded. He reminded Council that property owners have complained to them about the property damage. Mr. Littleton thanked the Planning Commission for their hard work.

Vice Mayor Leonard-Morgan moved, seconded by Councilmember Jacobs, that Council adopt an ORDINANCE TO AMEND ARTICLES II, IX, X AND XI OF THE MIDDLEBURG ZONING ORDINANCE PERTAINING TO DEFINITIONS OF BUILDING LOT COVERAGE AND IMPERVIOUS LOT COVERAGE AND ASSOCIATED REGULATIONS THEREON.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

Mayor Littleton called for a brief recess at 7:08 p.m. He called the meeting back to order at 7:16 p.m.

Staff Reports

Town Hall Project Report

Town Manager Davis reported that the Town staff met twice a week and once every two weeks respectively with Rich Hillingshouse, Project Executive, and Avon Wilson, Senior Project Manager, with Cooper Building Services – both of whom were present. He opined that the project was teetering on the edge of being off schedule and noted that it was at a critical juncture.

Mayor Littleton advised that he was concerned about the schedule and wanted the Council to hear how Cooper was addressing this issue to ensure the Town could move into the building on schedule.

Mr. Hillingshouse advised Council that he and Mr. Wilson would each be on the site two days per week to make sure things got done and issues were addressed. He further advised that they had back-up plans. Mr. Hillingshouse noted that the pandemic turned the construction industry upside down and advised that Cooper had learned how to address issues. He reported that the building envelope would be enclosed by mid-September, at which point, progress would “fly” as they would have multiple trades on the site simultaneously. Mr. Hillingshouse committed to getting the Town staff in the building in December. He advised that they would be working both inside and out simultaneously. Mr. Hillingshouse confirmed they had a plan they would execute. In response to inquiries from the Council, he advised that Cooper got off to a “rocky start” due to long lead items; however, they were addressing them. He noted that they inundated the architect with submittals; however, they were prioritizing those. Mr. Hillingshouse advised that they were looking for a replacement window due to supply chain issues. He further advised that the only other issue he could foresee was that they may need to install a temporary outdoor air unit until the permanent one was available. Mr. Hillingshouse explained that because Cooper did a lot of self-performance work, if something fell behind, they could help do the work. He noted that his crews would replace Dr. Helvey’s fence, which was damaged when a large tree fell from the site on it. Mr. Hillingshouse advised that because this was a one-story building, it was not a complicated project and opined that it would go well. He noted that they were past the rock issues. Mr. Hillingshouse advised that they would work on Saturdays to catch up with the schedule and noted that the original schedule was based on a five-day workweek.

Mayor Littleton opined that the mid-September date was key and advised that he planned to touch base with the staff and Mr. Hillingshouse weekly on the schedule.

Project Status Update

Town Manager Davis reported that the Wayfinding & Comprehensive Signage Project was complete. He advised that once the staff had an inventory of the old street signs, they would bring an item to the Council to discuss how the Town wished to dispose of them.

Councilmember Miller noted that many people had commented on how great the signs looked.

Town Manager Davis reported that the interior blasting was complete, and the coating was underway on the Marshall Water Tower Project. He advised that because the project team did not adequately manage the schedule, they were not going to do the exterior work this year. Mr. Davis noted that the contractor took responsibility for this failure. He advised that the Town would renotify the residents of the project next year. Mr. Davis reported that the staff would hold a discussion with the contractor on the need to develop an accurate schedule for next year. He advised that in the meantime, the rods would be removed; however, the mounts would remain on the tower.

Council suggested the mounts be painted to match the tower so they would not be unsightly.

In response to a comment from the Council, Town Manager Davis advised that T-Mobile’s inability to move the antennas to a temporary location or cover them up was part of the issue. He reiterated that he would work with Utility Services to deal with them ahead of time next year. Mr. Davis opined that ideally, the cell towers would be relocated to a temporary tower so the exterior work could be completed quickly.

In response to a comment from the Council regarding the amount of dust, Town Manager Davis confirmed it did not contain lead paint; however, regardless, it should not have escaped as it did. He advised that the sub-contractor did not deal with this immediately as they should have. Mr. Davis noted that he was dealing with the contractor now.

In response to an inquiry from the Council, Town Manager Davis advised that it remained to be seen as to whether Utility Services would ask for payment for the work performed thus far. He further advised that the Town would not pay for work that had not been performed. Mr. Davis noted that the water tower would have to be drained again next year, as the Town could not leave it empty for a year.

In response to a comment from the Council, Town Manager Davis confirmed the contractor would have to restore all aspects of the site this year and again next year.

In response to a comment from Councilmember Pearson about the amount of grit and dirt that was left on her house and deck, Town Manager Davis confirmed he would talk to Utility Services about offering to power wash people's homes who were impacted by the dust cloud.

In response to an inquiry from the Council, Town Manager Davis advised that he would review the contract again; however, he opined that there were no financial penalties if they failed to perform. He noted that the Town could terminate the contract for cause.

Mayor Littleton suggested the need to hold them accountable and suggested the Town not pay them until they made restitution for the damages they caused. He advised that he would like a representative from Utility Services to attend the next meeting to explain how they would make the Town and the community whole.

In response to an inquiry from the Council, Town Manager Davis reported that the Town received a \$54,000 grant from the Virginia Department of Health for the septic removal project. He noted that the remainder of the funding would come from the ARPA money the Town received. Mr. Davis reminded Council that the \$200,000 cost estimate was based on the early design. He noted that four properties were still on septic systems and three on Stonewall Avenue had grinder pumps. Mr. Davis advised that some of their sewer laterals were more than five hundred feet long and were tangled under the road. He explained that the plan was to create a Town forced main and to connect the houses to it. Mr. Davis noted that there were two houses on septic systems on Lincoln Road and advised that the plan was to construct individual laterals, with grinder pumps, leading to a manhole. He reported that when the septic systems were abandoned, they would be filled in place. Mr. Davis noted that this project would address Terry Milton's problem. He suggested that if additional funding were needed, the Town could use some of its capital money.

Consent Agenda

- A. Council Approval – Asbury Church Lot Consolidation
- B. Council Approval – Resolution of Support of Preserving Oak Hill as a National Park Site

Councilmember Miller moved, seconded by Councilmember Daly, that Council approve the consent agenda as proposed.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

Information Items

Town Manager Davis reminded Council that National Night Out was scheduled for August 2nd. He further reminded them of the Sidewalk Sale scheduled for August 5th-7th. Mr. Davis noted that the Town would hold a retirement party for Officer Tharpe on August 8th.

In response to an inquiry from the Council, Town Manager Davis reported that the goal was to have a Farmers' Market next year and noted that the Business & Community Partnerships Director was talking to potential vendors. He advised that the market would open in March or April and would be held in the Village Green Parking Lot. Mr. Davis noted that no decision had been made on what day of the week it would be held and reminded Council that Saturdays were overwhelmed with farmers' markets. He advised that the goal was to hire a Farmers' Market Manager so the staff would not be burdened with its operation.

Mayor Littleton noted that the responses to Council's questions related to the Asbury Church proposals were due August 1st. He advised that they would be discussed in closed session during the August 25th meeting or during a special meeting, if needed. Mr. Littleton asked that the responses be sent to the Council as soon as they were received. He reported that he received a call from Robin Burke, of the Loudoun Freedom Center, about the schedule and advised that he explained that because questions arose, the Council asked for additional information and gave the proposers a month to respond. Mr. Littleton suggested the Council conduct a thorough review of the responses and come to closure on the proposals as judiciously as possible.

There being no further business, Mayor Littleton declared the meeting adjourned at 7:57 p.m.

APPROVED:

ATTEST:

Trowbridge M. Littleton, MAYOR

Rhonda S. North, MMC, Town Clerk

July 28, 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: Okay. So, guys, we are going to call the July 28th meeting to order. First item is Pledge of Allegiance.

Everyone: [Pledge of Allegiance]

Bridge Littleton: All right, the next item is Roll Call.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Philip Miller: Philip Miller.

Bridge Littleton: Bridge Littleton.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: And do we have Randy on the phone?

Rhonda North: We do.

Bridge Littleton: Yes. Do you hear me?

Bridge Littleton: Yes. Just announce yourself.

Randy Frostick: Yeah. Hi, everybody. Randy Frostick, legal counsel.

Bridge Littleton: Thank you, Ok. I'm going to change two things real quickly before we get to the regular agenda. Stuart, do you want to give your utility report?

Stuart Will: I absolutely would.

Bridge Littleton: It's quick business so he can go home.

Stuart Will: Good evening, council. Do you guys have any questions?

Bridge Littleton: Anybody have any? Oh, Cindy.

Cindy Pearson: Are we ahead of schedule on the water tower project?

Stuart Will: No, we're not.

Danny Davis: But would you like a brief update now.

Cindy Pearson: If we can.

Bridge Littleton: So let me let me jump in real quickly. Can you brief all that? I can, because that's going to take more than 10 minutes.

Cindy Pearson: Yeah. Ok, then we can wait for that.

Bridge Littleton: So Danny will cover that. Anything, we'll do it later because it will take a lot of time.

Stuart Will: So one thing you guys are going to find real interesting and that I think is phenomenal, is the new radio read system with the water meters. That went live this month. It tickles me to death to tell you this. I can load the equipment and the laptop into the truck and ride around the town and in approximately 20 to 25 minutes, get everything. Get everything. And so rain, snow, sleet or shine, hopefully it'll remain the same. But I'm very enthusiastic about this. It's going to give us the ability to just just willy nilly read all the meters and we'll be able to catch people with leaks, stuff of that nature. So I probably will intend to begin doing this on like a weekly basis because it just don't take so long. So that's going to be a big improvement for the town and for the residents both.

Bridge Littleton: And we've got them installed everywhere.

Stuart Will: We got a few exemptions, approximately 20 that we have to work out issues with. And then I anticipate potential problems here and there ongoing. But I mean, that's with any kind of system. So.

Bridge Littleton: Okay, anybody have any other questions for Stuart?

Danny Davis: Can I raise one very quick thing? On the last page of the utility report, you will notice the billed-to-distributed number.

Bridge Littleton: Is up 6%.

Danny Davis: Is at 98%, which is probably a record for the town.

Stuart Will: That's that's phenomenal. And that is to do with having new meters. The old style meters would tend to benefit the residents the older they got. In other words, they would bill, say, for instance, new they'd bill it 99 to 100%. As they get older, that percentage goes down. So you're losing money on older meters. So the percentage of newer we're pretty much all new meters now.

Bridge Littleton: No, I saw that it was I think it was a couple of years ago we were like 75%.

Danny Davis: Down to 70. Yeah.

Bridge Littleton: You know, bill to pump. So that's great. 98% is great. Yeah. Stuart, thanks a lot.

Stuart Will: Yes. Have a good evening.

Bridge Littleton: Any other questions for Stuart? Okay, Stuart, thanks. Okay. The next item we've got is a council approval of a resolution of commendation for the Tack Box. It's hard to believe. 70, 75 years. That is fantastic. So I know. Let me [off mic] [laughter] Oh, boy. Okay. All right. So here we go. This is a resolution of commendation for the

Tack Box. Whereas in 1947, G. John B Chub Lee started the Tack Box by selling tack and leather goods from the back of a black Chevrolet panel truck at racing and breeding farms from Middleburg to Charlottesville, Virginia, and to Charleston, West Virginia. And whereas, in 1950, Mr. Lee partnered with Bill Ballard to locate the Tack Box at its first physical location in a garage sized space in Middleburg, Virginia. And. Whereas, in the early 1970s, the Tack Box expanded its offering to include clothing, apparel and more tack repair, which required a second, larger location. Whereas in 1985, the Tack Box moved its present location at seven, moved to its present location at 7 West Federal Street, and Mr. Lee's daughter Berk assumed the operation of the business. And whereas, the Tack Box continues to this day to be a staple of the Middleburg horse community. And whereas, the Tack Box recently celebrated its 75th year in business. Now, therefore, be it resolved that the Mayor and members of the Town Council of the Town of Middleburg applaud the Tack Box and its dedicated employees for their faithful support of the horse community, as well as their long standing service to Middleburg visitors and citizens. Be it further resolved that we congratulate the Tack Box on reaching the 75th anniversary milestone and express our hope for many more to come. [applause] So who is here from the Tack Box? There we go. All right, come on up. Would anybody like to make a motion?

J. Kevin Daly: Yes, Mr. Mayor, I would like to make a motion. I move that council, adopt a resolution of commendation, recognizing the Tack Box for achieving their 75th anniversary in July of 2022.

Cindy Pearson: Second.

Bridge Littleton: Any discussion? All I've got to say is congratulations. That is an amazing milestone.

Berk Lee: I thank you all very much. It is an honor to have made it that long.

Bridge Littleton: So, you know, some countries don't last that long. It is a momentous occasion. And we really appreciate all you do for the Middleburg community, the horse community, but just, you know, our broader town in general. So thank you so much.

Berk Lee: Thank you.

Bridge Littleton: I asked if there was discussion. Then I forgot to call the vote. Ok all those in favor say aye.

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. Ok you want to come up? [off mic] [applause] Ok. So let's see here. Next, before we move to public comment, I want to address the town council and the town and Middleburg community at large about an incident that happened a couple of weeks ago. And it is one in which I am personally embarrassed about but felt it was appropriate to let everybody know exactly what happened and what I have done about it and how we've moved forward. So this relates back to an incident that happened on the 4th of July where there was a history summer camp that was staying at the Foxcroft. It's a four week kind of History of America camp for juniors and seniors in high school. I was asked to greet the students when they got on the bus and came to the fireworks parade and went to the first bus and welcomed the kids, gave them a quick background about Middleburg went to the second bus and AJ was there greeting the kids and making a couple of jokes. And as I got on the bus, I very stupidly, insensitively and thoughtlessly made a tried to make a joke but was not a joke. And I said basically as AJ was making his joke, I said, If you know now, if you don't laugh at AJ's joke, he might shoot you. So as you can imagine, that is an incredibly hurtful, insensitive, inconsiderate, thoughtless remark. It was one in which was made at the moment, again, trying to be funny, but that does not excuse the behavior. That does not excuse the comment and I am deeply sorry for it and deeply regretful for it. I there was a students and teachers were in the bus. I welcomed them to Middleburg spoke a little bit about the town history and at the end of that, one of the teachers I actually thought it was one of the students, a very young gentleman said, Hey, I need to say something to you. And I said, Absolutely, what's that? And he said, You know, what you said was really insensitive. It was very hurtful. And I'm very offended by what you said. And in the moment he said that it clicked and I knew exactly what I did and how I had screwed up. And I told him, look, I am very sorry. I did not mean any ill will by that. It was a stupid, thoughtless comment and joke at the time. But I totally understand where you're coming from and I deeply, sincerely apologize. And he said, okay, you know, just there was a shooting over here today. I don't know if

you knew that or not. And that really highlighted it. It was the one that happened on the 4th of July. And at the time I was not aware of it. So I said I did not realize that, but I again deeply apologize for being inconsiderate and hurtful. So with that, you know, we had the 4th of July celebrations. The kids went back to the camp and about a week later, chair, the chair of the Board of Supervisors, Phyllis Randall, was asked to come and speak to the kids and talk to them and to which she did. And they brought the incident up to her around what she thought and and her input and feeling on it. And I did not know at the time because only the one kid had spoken to me, but it had affected a number of other kids who were on the bus. So several of the kids felt it was insensitive and hurtful and and disrespectful. So Phyllis Randall was there. She spoke to them, and she basically said, look, and I have Phyllis has called me and she said, look, I know Bridge that's not the type of person he is. I'm sure it was not meant to be hurtful or truthful, but insensitive, stupid, hurtful remarks nonetheless are insensitive, stupid and hurtful. So that's not him as a person or his character. But you have every right to be upset. You have every right to be angry with that. So after that, I later found out that more students had been upset by it. They had spoken to Chair Randall. I called Chair Randall and said I did not realize that more students had been affected. I would like to reach out to the director of the program, Bill Spencer, the teachers and the kids. But you've spoken to them. I don't want to make anything worse, so please let me know what you think. And she said no, absolutely. Reach out to Bill. I think, you know, he would like to hear from you. So I reached out to Bill Spencer, who again is the director of this program at at the Foxcroft. And I spoke to him and I said, Bill, you know, first and foremost, let me say I'm incredibly, you know, deeply sorry for what I said. It was it was a mistake of the head, not of the heart. But nonetheless, it is one that I must own and one I must be accountable and responsible for. I want to make amends to you. I want to make amends to the teachers, and I want to make amends to the kids. But I don't want to make anything worse. So if you feel me coming out to apologize would make things worse, you just tell me. But that's what I would like to do. And I said, the other thing, too, is whether I come or not, you know, this should be reflective of me, not the Middleburg community, not our town, not our citizens or our police force or our town council. And, you know, Bill, I think accepted my apology as sincere and said, no, I think it would be a good idea. You know, come out, speak to the teachers. You know, you need to hear from them. You know, how they feel about it, what they experienced. So absolutely. I went out there, they were doing some museum tours. So when they got back, I went out earlier this week, sat with the teachers, you know, explain exactly what happened. Again, that I was deeply sorrowful of myself, but embarrassed and regretful of the pain I caused anybody. I even told them that, you know, even at 48 years old, you know, we make mistakes. And the thing that's most important is when we make the mistake, do we own it? Do we account for it? And do we use it as a learning moment and a teaching moment? So that was my commitment to them in saying that, you know, what I take away from this is you have to always be thoughtful and mindful of everybody you're around because you never know what life experience is somebody may bring to the table. And all of these kids were from all over the country. I mean, none of them were are actually local kids. So they appreciated that. And as as Chair Randall said as well to the kids, you know, as a public official, you speak in public all the time and there's eventually you're bound to make a mistake and screw up and do something stupid and hurtful and disrespectful. And but, you know, you need to take ownership for it. But but it does happen. We're all human. So with that, I asked the teachers, I said, look, if you guys feel comfortable, I would like to address the kids and apologize to them as well. So they said, yes, that would be great. So the kids were all having lunch. It was about 85 of them. So I went in, addressed the kids for probably 5 to 10 minutes and again apologized deeply, told them that I take this as a learning moment for me for the rest of my life. It is something I will always be thoughtful of and mindful of as I go forward and you know, in all aspects of my life and as people around me being mindful of when these things happened. The kids were appreciative. I think I then also made the commitment that if any of them I would wait, if any of them wanted to address me personally and ask for a direct apology or wanted to ask me a question or just let me know their feelings that I was willing to stay there as long as possible and and hear them out. So probably about 10 to 15 kids did. And I will say the program is an incredible program. I mean, these are 17 and 18 year old kids and they are incredibly respectful and dynamic and mature. And, you know, they shook my hand and said, thank you so much for coming out. This is how you made me feel. Some asked questions. Some just wanted to to let me know how they felt. So that was earlier this week. Later this morning. So Chair Randall was out there again this afternoon or this morning. The kids program is ending today, sort of giving them their send off and Chair Randall then called me afterward and said, You know, Bridge, you made a really positive impact on those kids by apologizing. You know, they took it as a learning moment that, you know, even people in positions of authority, you know, need to recognize when they make a mistake and account for it and own it. And they appreciated that and that some of the students were shocked that I as the mayor of Middleburg and they're not constituents, you know, made the concerted effort to go out there and to speak to them and then to speak to each one of them individually. Chair Randall said, you know, she's she's fully supportive of the path forward. And she actually said she wanted to come here and address council

tonight about how a very negative event actually turned into some positive things. That could be a learning moment for everybody. But she's at a wake. But she did say that if anybody had any questions for her regarding the kids direct interaction with her there, she's more than welcome to take a phone call and let you know and whatnot. And then I spoke with Bill Sellers this afternoon just to ask him, you know, now that the programs over and they're all going home tomorrow. How did it all end up? And and he said, you know, it was it was a very unfortunate event. It disturbed a number of the kids at the outset, but it also helped them bond together. And it also helped them see, you know, when things can go wrong, how sometimes it's not all bad like we see in in the press. So I just I felt it was really important as this came out and everything, you know, came together this last week or so to let everybody know exactly what happened to apologize to the community. As I said, this was a, you know, a inconsiderate, hurtful, stupid thing to say. But it was not with malicious intent. It was a comment, you know, it was my head. Not my heart, but. I want to anybody who wants to talk to me directly or ask me questions or, you know, just vent at me, absolutely. Please do. Call me. I'll meet you anywhere. I'll wait after the council meeting to do that, as is. Is my responsibility. I do not want this at all to reflect badly on the town, the council, the community. This was this was my moment. And I'm, you know, I'm taking full responsibility for it. So wanted to put that out there and let everybody know what had happened. We are a close community and everything we all do affects one another. And I felt with my responsibility to do that. So with that, we're going to I want and also I want to apologize to community, but also apologize to members of council. This is something you should have to put up with. And so before we go to public comment, I do want to ask if any member of council has any questions or anything, you know, please, please say.

Bud Jacobs: Bridge. Thank you for having this discussion this evening. I think it's important. I don't think there's a person in this room who at some point hasn't said something stupid and ill advised. Lord knows, I know I have. Certainly accept your apology and hope we can move beyond this incident. I have to say, from what I know of the town, people in this town know you. They know who you are. They know what you are. They know that you are utterly without malice or any of the other pathologies that permeate our society today. And I would like you to take that to heart as you move on. I think you have well, you have my support and I think you have supportive counsel. Seems like you've handled this exactly the right way. Sorry it happened, but you've done everything you can do to fix it. And let's move on.

Bridge Littleton: Hear hear. I appreciate it. Again, I'll wait after council meeting if anybody wants to talk to me directly or I'm happy to meet anybody anytime, anywhere to address the issues or answer questions or anything. So. Okay. So with that, we'll move now to the public comment. We are going to break the public comment session into two sections for any public comment related to anything except the BLA. We're going to let those folks go first. And if it's anything related to the BLA, those those folks will go second. We do have a zoning text amendment public hearing tonight, which will be after the public comment session, which is related to the AR two zoning updates. If you want to speak on the AR-2 zoning update, wait til the public hearing, which will be after the public comment so you don't have to. But that's the appropriate place is during the during the public hearing. So real quickly, I have gotten a couple of questions or I think town has gotten a couple of questions regarding the BLAs in terms of what's the process and what the next steps are and where everything is because it's been a while. I just want to walk through those real quickly and then we'll open up for public comment. So as we said at the very beginning of this process, no applications or requests have actually ever been filed. These are concepts that the landowners have brought forward Council committed to having a minimum of a 90 day input period on those concepts. But there's no action before council, there's no vote. There's nothing to vote on. We have collected all the public input that we've gotten so far, and as more comes in, we'll keep we'll keep collecting it. But what we're now doing is putting it all together and consolidating it into one large package. We're going to have like an executive summary for it and then all the details behind it. As many of you may or may not know, we hired a consultant to go out and do an impact analysis of what these proposals would or wouldn't do for the town in terms of things like traffic services, taxes, development, you know, a whole slew of stuff. Danny I think there are a couple of weeks away from that. [off mic] Yeah, yeah. And so what we're going to do is take all that public comment and that analysis once this whole process is done and give it to the landowners as a guideline for them on if you want to come forward still with an application, you need to be taking all of this into consideration as you think about what you do or don't want to do. I imagine that public input collection and the analysis from the consultants to probably take another month or so to get it all collected, we will give it to the landowners. And at that point it is up to them. There is no application before the town. There is no requests of anything. It is up to them to bag it. Change what they thought they wanted to do. Readjust it. Come back. Go out and talk to folks. Whatever. At that point, the town is then in the waiting mode. So if they want to come back with an actual written proposal, it will then start the official process whereby we would consider the

application. We would review it against the comprehensive plan. You know, there'd be public hearings, there be maybe an eventual vote or whatnot. But I don't see that being on the table for probably several months. So that does not again mean that public comment can't keep coming in and going to the landowners. But that's kind of where the stages are and how we've sort of mapped this out over the next couple of months. I'm as having read all the comments from the from the public, it's clear that these proposals will need substantial revisions if they want to be in alignment with where the community is. And I think with where Council is and that will be up to them. So they need to take it to heart. They need to listen and they want to come back. Come back and not and not then great. So that's where everything is. So we will now go to open the public comment session again. We're going to do non BLA related items first and then once those have been covered we'll then go to BLA annexation related items. So what anybody like to address council on anything other than the annexation BLA. [off mic] No, this is not the public hearing. This is just public comment. The hearing will be after public comment. Yep. Yes, ma'am. Name, address and 3 minutes are yours.

Pam Curran: 3 minutes?

Bridge Littleton: Yes, ma'am.

Pam Curran: Okay, Pam Curran, 800 Blue Ridge Avenue. And in the scheme of things, this seems really minor, but long term, it's probably going to mean a lot to us. When we had met, I think about a year ago many of the residents and you, Mr. Mayor, in my office, we talked about making sure that the Salamander didn't put their mail center right at the end of Chestnut. And I've been told that that's not happening. So I don't know 100% if it's true or not. I just don't want it to slip away so that we end up with all the UPS trucks and the mail center ends up at the end of Chestnut. That'll make a big difference to all of our lives if it doesn't end up there. So I just wanted to put that on the table because you felt strongly we talked to the president of the Salamander, and I want to make sure we can keep that from slipping off. So that's it. Thank you. Thank you.

Bridge Littleton: Thank you. Anybody else on anything unrelated to the BLA/annexation? Okay. And real quickly, just forgot the rules of the road. Everybody gets 3 minutes, say your name, your address, public comment is one way transmit to the council only. Back and forth is not allowed. But what we have been doing is on the BLA stuff as people have been bringing up questions after the public comment, if we have an answer, we've been sharing it with the community. So by all means stay. You know, after you comment, we might actually have an answer for you. Pam I have an answer for you, so we'll wait till it's done. But yeah, so that's, that's where that is. Ok, anybody wish to address Council on the BLA annexations?

Vincent Bataoel: Good evening. Mayor Council. Vincent Bataoel. 218 East Marshall. It's going to be a long night, by the looks of it. I'll keep it short. I want to talk about a FOIA request. On May 31st, I submitted a FOIA request to the town for information pertaining to the proposed boundary line adjustments. The following information was discovered in the release. Number one, the mayor has been privately corresponding with Erik Prince and the developers of that proposed project since at least November 3rd, 2020. This project was only disclosed to the public 17 months later during the Hill School presentation on April 19, 2022. On April 29, as the town prepared its response to public opposition about the proposed BLAs, the town clerk said to the town manager, It is not necessarily correct that a smaller unit will mean that it will be an affordable one. I would be careful about promoting that idea unless we have some proof that the Homewood Farm Units will be affordable. The mayor did not heed the town clerk's recommendation and has been since promoting the idea that the project is for the purposes of affordable housing. It is not. Number three, there are two additional potential BLAs that have not yet been discussed with the public. One is for the annexation of six plats and additional land connected to Landmark School Road for long term purposes that are as yet unknown. The second undisclosed potential BLA is for a motel plus homes and other structures connected to the Mount Defiance Cidery right on the Route 50 corridor. Last but not least, the mayor failed to fully cooperate with the disclosure request. The mayor is intentionally withholding seven of his emails and four of his texts from the public in connection to the proposed annexation and development projects. And there's so much more that we don't know due to the fact that many of these discussions have been held only in closed sessions or private one on one meetings. This culture of secrecy in the town has to come to an end. The withholding of information, the late disclosure of information, the private one on one meetings, and the whispering and closed sessions need to be stopped. The public and the taxpayers of the town deserve full transparency from its staff and elected officials. Thank you.

Bridge Littleton: Thank you. Anybody else.

Carter Wiley: Good evening. My name is Carter Wiley, I own the property at 10 North Pendleton Street. I live at 2819 Zulu Road, the Plains. I've been a developer broker in the real estate industry for better than 30 years now. And what really baffles me is the process by which this annexation is being taken. There are studies being done. There's concepts being discussed. And no one has seen the applicant. Typically, applicants are the forefront of all of this. They front all the expense. They do all the studies. They present their findings. Except the town, for some reason is taking this on at their expense. As if this is already a foregone conclusion. Please tell me the decision has not been made already when you don't even have the data to support that decision. Thank you.

Mark Wyatt: Hello Council, my name is Mark Wyatt. I own a property in town at 205 East Washington Street, the Luck House building. It's also where I have my office. My address is 7470 Fox Mount Lane, Marshall, Virginia. So I'm here out of concern with the proposed annexation of two parcels that would result in, as currently planned, over 120 high density residential units. The basis for these units is being presented as if this is a workforce issue, that the community businesses are having trouble retaining employees and or attracting employees without this residential component. I'd like to understand the data, the means and methods that have been conducted to assess what the actual need is. I don't believe that there are 120 jobs at jeopardy of leaving and or not accepting a position to come to town over, not being able to directly live in town. So I would respectfully request more information on how the team, the council, the developers, whoever that party is, how they've come up with 120 units and how they can substantiate that. Thank you.

Bridge Littleton: Thank you, Mark. Will, did you want to speak on the R-2. Okay, go ahead. Go ahead.

William McCullough: All right. My name is William McCullough. 202 Sycamore Street, Middleburg, Virginia. Without implicating myself too much on the purposed What is it? I can't remember. Yeah, but the houses that are supposed. The condo building on the hill. Somebody give me a name? No. Windy Hill, I trust passing along the Windy Hill proposed Windy Hill property every day on the end of my run. And I see like, you know, there's there's a family of groundhogs I'm extremely attached to and some other wildlife. And I know there's this big space or speak of this convoluted green space, which I'll address in a few minutes. But I just really want to know what's going to happen to to that wildlife surrounding town. I've already lost a chicken due to a fox. They're being pushed in. There's a family of about four juveniles that lives on Stonewall Street. Guess where they came in from? Their new home is our home. I love them all the same. I think we should be able to [inaudible] them. But again, we can't. I'm getting too off point. I just kind of want to know what what the impact of these proposed borderline adjustments. I mean, other than all the things that are wrong with them, what's it going to do to the wildlife nature of town. Where you know, a bird sanctuary or whatever it says when you ride in. I'm more worried about the three groundhogs that we have instead of this 170 other people. So that's kind of just what I'm focused on and what I'd like to hear you guys address. So thank you.

Bridge Littleton: Okay, Thanks Will. Anybody else? Yes, ma'am.

Patti Thomas: Hi, Patti Thomas 201 Chestnut. I've heard a couple of times from the mayor specifically that the comp plan requires that there's a mandate for affordable housing. So I'm the freak that pulled the comp plan and read it. In fact, the comp plan states seven or eight aspirations, only one of which is for housing. And the comp plan also states that housing should be of a character that fits our existing uniqueness and it talks about infill and redevelopment of like Federal Street, for one, for more residential use. Nowhere does a comp plan suggest the two large developments on each side of town flanking this town. Destroying this town is a great idea. The comp plan does not place affordable housing or attainable housing new buzzword at a higher priority than the goal to keep our natural environmental resources history historic resources intact. In fact, the drafters of the comp plan thoroughly recognize that we have something here in Middleburg that exists nowhere else and we'd like to keep it. The Planning Commission, the FOIA document production that Mr. Bataoel talked about and it was just available at the website PreserveMiddleburg.com demonstrates that four annexations were being discussed with staff and the mayor and then later with the town's public relations contractor or private contractor. Those projects were not submitted to the Planning Commission. I heard the Planning Commission meeting the other night. The Planning Commission was excluded from those discussions about boundary line adjustments. So I would like to know later, why is that, please? The Planning Commission is the citizen's workhorse both

by statute and custom, and we'd expect the Planning Commission to be included in the review process of something so vital and so important as boundary line adjustments of the town limits. The same FOIA documents that are circulating at PreserveMiddleburg.com show that at least one of those annexations was painted as, quote, affordable housing and for conservation easements very late in the discussions and just before we all met at Hill's school in April. Why was that? Was that to sell it to the citizens as a kind of a benevolent thing because that's what the public relations person told you all to do. The plan by Erik Prince's crew first came into the town office as plain old residential development. Workforce housing. Why is the town bound and determined to provide workforce housing for the town's largest employer, Salamander when Salamander itself declined that opportunity. This should not be on the citizens backs. If you open a business in Middleburg, that is one of the aspects you deal with employee availability. May I ask again for the next meeting perhaps the legal explanation why the proffers signed in 2007 by Salamander promising workforce housing are not enforceable. I just can't recall. How Salamander escaped that promise, and hence why the town is picking up the tab. I don't understand. Please explain it at the next meeting. The thought of more development at each end of town doesn't sit well with a lot of us. It's generated a great deal of strife and anxiety, especially for those of us residents who are already living up against the big construction and all of those activities at Salamander and at the Town Hall Project, the Ridgeview and Stonewall neighborhoods wake up every morning now to unrelenting rumble and the din of heavy equipment. Please, just one more minute. It's important.

Bridge Littleton: You can give us all a written copy of it.

Patti Thomas: I will. [off mic]

Bridge Littleton: Anybody else? [off mic] Ok. We will close the public comment session and as we've been doing, we'll answer any questions we can right now about the BLAs as I've written them down. So real quickly to answer Pam's question, we'll follow up. I don't know. But I do remember that commitment from them. So we'll let you know what comes of that. I do want to reiterate for everybody, as I said at the beginning, no applications have been filed. So there is not an action on the town to do anything at the moment. The process of BLA to Patti's question now that she's left the process question to BLA, a BLA is not something that actually is actioned on by the Planning Commission, whether at a county level or a town level, it is an action of if it's the county, the Board of Supervisors, if it's a municipality, it's the town council, because it is a legal action around boundaries. It is not a zoning action around the zoning ordinances, which is the exclusive purview of the planning commission. So that is why Planning Commission is not and will not be involved. Now, it doesn't mean that we didn't go to the Planning Commission as these things were coming forward and brief them and let them know they were well aware of it before the information session. So to say the Planning Commission wasn't involved is not accurate then and to Mark to your question the consultants are going to give us sort of an idea of what scope, scale impact means, what it would do, what it would not do, what it would achieve, what it would not achieve. And to say that it's 120 units that are coming to Middleburg. That is absolutely not the case. We are going to get this information and we are going to give it to the landowners and tell them, just like we did Salamander, you know. And by the way, the conversations and negotiations with that went on with Salamander, I believe, were two years in length before it was actually publicly brought out to the community wherein the town council discussed it and then Salamander discussed it. But we're going to give all this information back to them and it's for them to come back and tell us what they will or won't do. And then we will decide as a council after after a public hearing whether or not it's acceptable. So we don't want to presume or prejudge anything. It's going to be based on the community's feedback and it's going be based on what the consultants tell us with the objective facts and information. So in terms of an overall BLA process, what is government required to do? An applicant comes forward with an application. Government is required to have one public hearing at one meeting, and that's it. There is no requirement to send out mailers as we've done. There's no requirements to provide feedback as we've done. There's no requirement to build a website and collect, you know, information from folks. And again, we're only required to do that public hearing once they actually submit a formal application or request. And we asked them not to because we wanted to collect all this level of information to give it to them so that whatever they end up actually submitting is and is much in alignment with the community as possible. So in a couple of months, when they come back, we will see what they propose. It may be 60. It may be 20. I don't know. But it's going to be on them to make it happen. So that's the overall kind of where everything stands and what the process is. Again, happy to stay afterward. If folks want to go into more questions, there's a lot of detail there to unpack council from council's perspective. But you're the representative on the Planning Commission. Any other feedback, input, thoughts on the process? [inaudible] they have no role. Yeah. I mean, the reason it doesn't go before planning

commission is they that is not part of their scale and scope as authority as a planning commission. I mean, we went to them anyway. But you know, if there's a BLA at the county, it doesn't go to the county planning commission. And I would. Danny, you were in other municipal governments. Quick question from your perspective, how have you seen these work in other you know, when other BLAs have been done in other towns or the county or municipal government?

Danny Davis: So I don't want to speak for any, you know, current processes not being there at this time, but in the past, having seen some of these come together, you know, typically there's some conversations with property owners who express interest of potential boundary line adjustment, for instance, into a town. Discussion about technical aspects of it. Practicalities of it. Discussions with the county. Because the county ends up being a player in that. And then typically that does happen before any formal proposal is submitted, because there's a sense of is there any interest in this at all before starting to go through a very more detailed or legal process, as it were? And cost. Absolutely. I'm not sure I've seen the level of information and effort to gauge this amount of public interest, at least in other experiences that I've had. Not saying it doesn't happen in other places, but the effort to provide information to the community and get feedback has been more extensive than I've seen in other places. But then generally, once it moves forward, it goes to public hearing in both locations and if approved, just gets approved or denied. Correct.

Bridge Littleton: Council any other, Bud.

Bud Jacobs: Carter mentioned or had a question about the reasons behind the town taking on the expense of the in-depth study that's being done about the annexations. The reason is pretty simple in generating studies of this sort, a lot of the answers you get depend on who's asking the questions. And we thought in this circumstance that it was probably better for our interests, that we ask the questions and be the customer and user of the study. So that's how we got to paying for it and not asking a potentially vested applicant, if I can put it, put it that way to assume that expense and manage the study.

Bridge Littleton: Any other input. Kevin.

J. Kevin Daly: Quick question. Miss Thomas mentioned that the FOIA, all the paperwork, all the text, all the emails are located on her website or particular website. Do we not in our own website, town website have those same FOIA requested documents, texts and emails for public peruse?

Danny Davis: Yeah. Mr. Council Member Daly. It's not typical practice or action on the town's part where if we have a FOIA that we respond to, we give that to the requester. But we generally and typically do not place those on the town's website. They are clearly public documents and have been put up on a separate website. But it's not practice that we normally do.

Bridge Littleton: Thank you. Yeah, no. And I think it was at the PEC meeting a couple of weeks ago Patti had mentioned the website and so I actually posted on Facebook the next day, hey, if you want to go check out, it's all posted there. So, okay, any other comment from before we move on? Yeah.

Philip Miller: Yeah. I'd like to just say that we've gone above and beyond to get public input on this when it's not even legally required. And we've complied fully above and beyond with the FOIA requests and are happy to do so. Even sharing things that are in the Commonwealth of Virginia, not covered under FOIA or are legally exempt. So to insinuate any sort of malicious intent or dark conspiracy, which I fear is being rumored is irresponsible and unethical. [off mic] I'm just saying we've gone above and beyond.

Bridge Littleton: Ok. We will now move to the public hearing on the zoning text amendment. Will, would you like to take the lead on that?

Will Moore: Thank you, Mr. Mayor, and members of council. The council discussed this at your July 14 meeting. Just a simple background for those present in 2021. The Council asked the Planning Commission to look into ways to address concerns that the mayor and Council, as well as citizens, had been expressing about the character of certain infill and redevelopment that was occurring specifically in the Ridgeview area infill, meaning something was being built on a

vacant lot. Redevelopment meaning something was being torn down and something else put in its place. So the Commission initiated an amendment in 2021 that the Council subsequently passed. It was not as comprehensive as had been originally envisioned, but it was kind of approached as a first step to addressing some of those concerns that involved revised regulations around building height and side yard setbacks. Subsequent to that amendment being passed in 2021, we commissioned a consultant to do some background study on possible additional interventions that we could consider to further address the concerns of those characters. We worked with the Berkley Group, the same firm that we had worked with on our update to the Comprehensive Plan. They produced a very comprehensive report that studied the ways, the ways in which other communities address some of these types of concerns. Again, a very thorough document that is available to the council and the public. It's posted with our electronic agenda. The commission, after reviewing that report, proceeded with initiating another amendment, which is the one before you here this evening addressing a couple of the interventions that were recommended. They were grouped in tiers of level one, a level two and a level three. What the Commission has recommended was the level one intervention, which was in addition to the existing building lot coverage, that is maximum coverage of a lot that can be under roof, which we currently have to also introduce a maximum impervious lot coverage, which we don't have right now. So one of the concerns that we have seen is not only that building footprints may be getting larger, but in addition to that, lots are being paved over with larger patios, swimming pools, things like that. As it stands right now, we have nothing in our ordinance that would prevent you from essentially paving your entire lot. So this would introduce in the R2 zoning district a maximum impervious area of 45%. That includes the building coverage area, which is a maximum of 30, but a total max of 45% of your lot that could be covered by impervious surface. The second part of what is being introduced, the Berkeley Group recommended looking at potentially establishing a maximum lot size. The commission did not move forward with that recommendation exactly as contained in the Berkeley Report, but instead they took that maximum lot size of 12,500 square feet and they recommended capping your building lot coverage and capping the impervious lot coverage as if your lot was that size. So what does that mean? So up to 12,500 square foot lot, you can cover 30% of your lot maximum with area under roof and then a total of 45% of your lot with impervious surface. By capping it at a fixed amount, basically what they said is you can have a lot that's much larger in size than that, but that it will not continue to grow in percentage to the size of your lot. It would be treated as though your lot was 12,500 square feet. So those two numbers that are included are kind of maximum caps regardless of the size of lot you had. There were other recommendations for consideration in the Berkeley report that we discussed on July 14 meeting council may or may not be interested in pursuing some of those additional interventions that the Commission did not include in the recommendation at this time. And the staff's recommendation is to proceed with consideration of the amendment before you currently. And then if Mayor and Council are interested in pursuing any of those additional interventions, we could then have a discussion about that and council could potentially initiate their own amendment to send to the Commission for recommendation on those other interventions.

Bridge Littleton: Well, thank you. I know you guys have been working on this for a long time.

Will Moore: The commission has been working very hard on this.

Bridge Littleton: Anybody have any questions for Will? Yes sir.

Peter Leonard-Morgan: Will, thanks very much for that. So one of the reasons we did this is because of a lot of changes with people buying lots and building massive houses on those lots. How does this affect existing older homes, for example, in the R-2 district that might want to do something, extend their home or put something else?

Will Moore: Certainly, it's hard to answer that specifically. What I can tell you is that in the study that the Berkley Group did, there was an average lot coverage that they analyzed using GIS data. It's not 100%, but using GIS data, they established that the rough average lot coverage that is the area on the roof currently in R-2 district is around 17%. So it's much smaller than already is allowable. So in using that average number, you could surmise that most homes could still do an addition and do an expansion that did not include analysis of other impervious surfaces because that wasn't available through GIS data. But it will vary a lot to lot. But generally on average, there is still room for the older existing homes to do expansions, to do a swimming pool, a detached garage, those kind of things. Yes, sir.

Bridge Littleton: Any other questions? Ok. Let us open the public hearing. And Will you want to go first?

William McCullough: Yes, I do. So my name is William McCullough. 202 Sycamore. I've been told to take my emotion out of this, so I did. I kindly on the BLA thing went and sat in my house. I had a lot to say. I thought I was a lot smarter and forward thinking than you guys were, but I decided to let you all hash it out. Now you guys have come to attack my home and my well-being while trying to trick some of my most vulnerable neighbors out of their equity, forward on their homes. You need to let the market decide this. The guy who built the big house, all of the big houses, the one big house cannot sell it. And the market's going to show him what's up. You know what happens when the market shows him what's up? The next guy doesn't do it. And then we go into a down cycle and people move into town and realize that single floor living less than one step stuff you can age in until to your 85 is the way forward like stop trying to go and put all of these arbitrary rules out there that you don't know how it will affect development forward. Because one guy did thing in bad taste and like, I'm that guy's biggest champion. I see my dad and my grandfather and him. You guys probably hate their previous work, but it's done me real well. But again, NIMBY, not in my backyard. Don't do it here. I'm all for that. But you guys have absolutely no representation over there except for Darlene, who I see is missing this evening. And you guys have an over like, interest and intention in it. And I really think that you should just politely step off. Like the value of the lots has quadrupled. So you've taken cottage homes and turn them into mini estates and as people want to develop them out, as they see fit, because it's not a 250,000 home anymore, it's a 600,000 lot. You want to get into their stuff and then start all this conversation about green space and all of this. Okay, let's talk about impermeable driveways. Let's talk about green roofs. Let's talk about ways forward to really capitalize on the land there. So you could have six or seven bedrooms. So I can have three kids that go to hill school. So I don't have to buy a farm so I can stay part of town. But instead you guys just see one thing and you attack it in what is just the most asinine and wrong manner. And I love and adore your like, just studies and stuff like that, but it's not that hard. Just look at it super simple. Do you want somebody coming over and saying what you can do with your four foot lot in front of your house? No. Like put an eight foot fence, put whatever, make it unique, make it forward. That's what will make town have character. You guys putting like wide speaking and like arbitrary laws that that really limit people from having that again quarter acre estate you know an 80 year old lady who's worked all her life having a pool that she can step out into. And just because she doesn't have enough grass, like, come on, there has to be a much better way to fix this. [applause]

Bridge Littleton: Anybody else. Madam.

Bundles Murdock: Bundles Murdock. What's my address? Something Blue Ridge. [off mic] 609 Blue Ridge Avenue. So as much as I understand what you're saying, I do have a pool and I do have some grass. But I did have I could walk outside and listen to myself, talk to myself. But now, because I have this big house next to me, I can hear everything they're saying because it's seven and a half feet from my property line. I can listen to those people on their porch, have coffee and every single word they're saying. So I am all for the new setback rules and I think Ridgeview had that in place before. We are not the townhouses and we need to do what you're proposing. So I'm all for it. And thank you.

Bridge Littleton: Anyone else. [off mic] We will close the public hearing. Any other feedback, input from council. Kevin.

J. Kevin Daly: Maybe I have a short term memory, but what committee was also working on this?

Bridge Littleton: It's all done by the Planning Commission.

J. Kevin Daly: All done by the Planning Commission, and they're proposing this to the town council. So it's not the town council coming up with these ideas. It's a committee of other citizens in Middleburg presenting this to the town council. Okay. I just wanted to make sure I understood.

Bridge Littleton: So I think the only thing I would say is, you know, Will I totally respect the concerns you raise, you know, and understand what you're saying. And this is hard stuff, right? And it is hard on every decision we make. It affects people positively and negatively. Right. So and that's the hard part of reviewing and making decisions on things like this. Right. There's some negative impact, but there's also positive good that's trying to be achieved, I think, Will, how long did the Planning Commission work on this? Year and a half? [off mic]. Yeah. So this is this conversation and this work has been going on at the Planning Commission hearings and public hearings and public comments for over

a year and a half. And I would say the majority view that came forward was that Ridgeview is a unique, special place that has unique character to it, and people didn't want to see it ultimately end up looking like Ashburn.

William McCullough: That's because you deceived [off mic]

Bridge Littleton: So and that was the concern. And then the second concern, I think that that a lot of people brought forward was increasing and impervious surfaces is what really leads to all the flooding and all the water overflow that infiltrates everybody's yards and driveways and houses because Ridgeview is not built with culverts and stormwater management. And it never will be. It's built. It's already done. So the impervious surface piece of it too, is a really, really important thing, I think as Will stated when many homes were built in the forties, fifties and sixties, there weren't pools. It was a little gravel driveway and people had a little wooden deck and that was it. Now, the newer homes are bigger. They have huge patios. They have asphalt driveways. And that water infiltration really causes property damage to everybody who's below the house above them. So that also, I think, was a significant concern, especially with the bigger house that was built on Walnut. Well Chestnut but the bigger one on Walnut and the other one's on Blue Ridge. So the houses that are below those new houses are getting substantial flooding and really causing property damage and yard damage and stuff like that.

William McCullough: I live in the house that you say is flooded. I'm not suffering the damages you say happened.

Bridge Littleton: But Will others are. Others are. And they have come to council complaining about it that it's causing a lot of monetary damage, a lot of property damage. So this is also an attempt to try to address that. So I thank the Planning Commission for all the hard work. Again, they put 18 months of sweat equity into this, working with as many folks as possible. But did you have a. Oh, okay. I thought so. Anyway, I don't know if there's any other feedback or input from council and if folks would you know, we've had the public hearing, do we want to mull on this more or do we want to move, move to act on it or?

Peter Leonard-Morgan: I move the council to adopt an ordinance to amend Articles two, nine, ten and eleven of the Middleburg zoning ordinance pertaining to definitions of building lot coverage and impervious lot coverage and associated regulations thereof.

Bud Jacobs: Second.

Bridge Littleton: Any other discussion of council? Kevin.

J. Kevin Daly: So again, for my clarification, we had the Planning Commission, a committee of people who live in Middleburg spending a year and a half, and were they compensated in any way, shape or form for this work, or was it all volunteer work?

Bridge Littleton: Rhonda?

Rhonda North: It's all volunteer work.

J. Kevin Daly: All volunteer. Were their meetings open to the public so the public knew what these committees were planning and discussing. [off mic] Did the public have opportunity to come in and speak to the committee members during their planning sessions? [off mic] Thank you. I just wanted that clarified.

Bridge Littleton: Rhonda, do we have to do this as a roll call vote?

Rhonda North: I mean, it wouldn't hurt to do it.

Bridge Littleton: Yeah, we'll do it as a roll call vote. So, do you want to call the roll?

Rhonda North: Sure. Vice Mayor Leonard-Morgan.

Peter Leonard-Morgan: Yes.

Rhonda North: Council Member Bernard.

Chris Bernard: Yes.

Rhonda North: Council Member Daly.

J. Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Rhonda North: Council Member Miller.

Philip Miller: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Ok. The zoning text amendment is adopted. What time is it now? 7:10. I tell you what we'll do. We've got a town hall project update and a couple of other things on the agenda. We'll take a quick two minute break in case anybody wants to leave or more than welcome to stay for the rest of the meeting. But if you want to leave now that all the public inputs are done, we'll take a quick two minute recess. We will reconvene the council meeting. Next item up is we've already done town hall project report and update. And I'm also going to be speaking with Rich from Cooper. Okay. Danny, do you want to start off?

Danny Davis: I will briefly. And thank you, Mr. Mayor, and thank you to Rich and Avon from Cooper Building Services, who are here. Rich Hillingshouse the project executive. Avon Wilson is the project, the senior project manager. Sorry, I got that wrong project. And we've been meeting with Rich twice a week to discuss status and schedule. We've been meeting with Avon and the rest of the team at a minimum of once every two weeks for a large team project status. And where we are to date, as I expressed at our last meeting, is that we are teetering on the edge of being on schedule, off schedule. Some things that have fallen a little bit behind, some things that are moving maybe a little bit faster than expected. And we're at a critical junction right now, which is every day that we stay on schedule is very crucial. Every day we miss our schedule could compound later into the future. And so the mayor had asked for Rich and Avon to be here to talk with council about where we stand on the project, how confident they feel on the dates they've committed to so far. And what are those next steps that are needing action by them, by the town or by our consultants? So with that, Mr. Mayor, I'll turn it over to Rich, if that's all right.

Bridge Littleton: Rich, thanks for coming, Avon as well. Thank you guys for being here. I think just real quickly to cap it off, I think what we really wanted to do was, you know, some concerns around some of the schedule items. And we want to just make sure that from a full council perspective, we hear from you guys on how you're addressing those. You know, how we're going to make sure we maintain oversight and not let other things slip and that your get well plan really is going to be managed to the tee. And because, you know, as we spoke earlier today right every day we lose is it exponentially increases the risk of even further slip. So you know we're now at the point that we're over 50% of the way to, you know, construction to being in the building, not the park and all that kind of stuff, but being moved into the building. And we just really wanted to hear from you guys how we're going to step it up and really focus and drive this thing. And also, I would say keep us alerted and abreast way in advance if you see something coming, that's an issue. You know, and I think I speak for all of council, let's say no, no, no more missed milestones. So with that, Rich, I'll turn it over to you. Be really again. Thank you guys for coming in.

Rich Hillinghouse: Okay. Thank you for having us. Initially, as the project did start off, there were a few bumps in the road. And at that point, talking to Danny and Rhonda and I have been personally getting involved on a weekly basis. Matter of fact, twice a week, every Tuesday and Thursday, Avon. He's also putting in two days coming down here. And I'm going to put in some longer times. I think some of the people that have been intimately involved have realized that when I'm down here at least, and when Avon's down here, we kind of put our foot up people's butts and things are getting done. Yes. Yes.

Bridge Littleton: Actually, it's a government term. [multiple speakers]

Rhonda North: They know how to motivate.

Rich Hillinghouse: That's right. How to motivate. These may look like casual shoes, but they are steel tipped. But no, seriously, we are going to stay on top of it. We know the upcoming issues which we are addressing. We have plans A, B, C, D, just in case we have to make some changes temporarily. I will tell you that in the entire time and I've been in this industry since the sixties. The end result is this pandemic has turned this industry as well as everything else upside down. And learning to deal with those issues we have and we are moving forward. Based on where we stand today I'm going to say and correct me if I'm wrong, Avon, it was mid-September as far as being the envelope end and once we have the envelope of the building in which is your roof and your perimeter walls, then we can fly. I can put a lot of bodies in there. When we set up a program, we basically use it go clockwise with the different trades so the butts and elbows aren't hitting each other and they make a lot of progress. And that's the way it's going to get done and it's going to get done in a very timely fashion. I still live up by the commitment I made to the mayor at the groundbreaking. We are going to get you in in December and things are going to move. Once I get the envelope done, I can get a lot more bodies out here. They get a lot more work done on the inside. We'll still be working the outside at the same time. One of the other things that I plan on doing is once we get all the steel and everything in place, we get the grounds up to the sub grade level. We start getting curb and gutter in, stone in. We'll do the base code on the asphalt where there's going to be asphalt, where the pavers are going to be. We'll leave it as stone. What that will do is eliminate a lot of tracking of dirt coming off the site. We do have a plan and we're going to execute that plan. We're going to work the plan. That's why we have it. Any questions?

Bridge Littleton: Peter.

Peter Leonard-Morgan: So thank you very much for that. Just to mention, this is on camera, on tape. So we've got you there.

Rich Hillinghouse: Let me put it to you this way. I've sat through a number. Cooper [inaudible] does government jobs, anywhere from federal, state, county, city, USPS facilities, you name it. And I've sat through a lot of these. So, yes, I'm used to it.

Peter Leonard-Morgan: We really appreciate I wonder if you could just summarize what the delays have been just for most of us haven't been really involved in it. We've watched the paperwork. We've seen.

Rich Hillinghouse: I think, initially. And Bill can chime in from Downey and Scott getting the list put together of the high priority items to get it through with the submittals and the approvals. That was a rocky start. I'm not going to tell you that it wasn't. It was a rocky start. We're addressing that. We're moving forward between Danny, Rhonda, Bill and my team we're getting through that. I think the architect got a little inundated when all of a sudden just a lot of submittals were just coming in. And that's why we had to prioritize what had to be dealt with immediately.

Peter Leonard-Morgan: Thank you, Rich.

Bridge Littleton: Any other questions for Rich. Bud.

Bud Jacobs: Supply chain issues on the horizon.

Rich Hillinghouse: The issues right now that we're dealing with is we had to come up with a replacement, still meet the spec for the windows. I know that is in there to be evaluated. Correct? [off mic] It's still not approved. So but we are looking at other window providers that will meet the criteria of the design and see if we can get something done much sooner.

Bud Jacobs: And beyond that, what do you foresee?

Rich Hillinghouse: The only other thing that I foresee because a Trane mechanical unit was specified, a particular type, I may have to put a temporary unit in for the building and then once the train comes out, we can just change that out.

Danny Davis: That's an outside air. [off mic]

J. Kevin Daly: That covers parts. What about labor? Are you having any issues with [inaudible] personnel?

Rich Hillinghouse: To answer your question, one of the things Cooper does have, which helps us, is we do a lot of self-performing work as well carpentry, drywall, things of that nature. So if a subcontractor does fall behind, I have more than enough going on. And when I say carpenters, we're talking one of my projects that's that I have to go to on a weekly basis as well is the Federal D.C. courthouse. We're doing the complete renovation of all the courtrooms, the judge's chambers, everything. So and that's very high end millwork. Matter of fact, one of the things that we're going to be taking care of when that tree came down, we're going to be using some of those carpenters to put that fence back up. The only issue I'm having with that is just in case someone should ask you is he wanted it to be replaced with the cedar wood that he had. And that's becoming a supply chain issue at the moment. But we are shopping around for different places. I actually even went down to the Middleburg Mill work place. I think the gentleman's name was Richard. Bob, Bob Ok and no, it was Bob. And he kind of informed me that he says my timing kind of was bad because he was informed by one of his suppliers that they were closing up shop in two weeks. So it's tough right now getting certain things. But, you know, we stay at it and we know how to reach out if we want to hear about supply chain issues. Avon and myself, we have a Fairfax Sulley job, which is a living building, which means a lot of this is all reused material and the type of wood for the trusses CLT panels, they there's only six manufacturers in North America, two in Canada, four here. And they don't do individual jobs. They wait until they collect a whole bunch of jobs before they produce this. So you want to talk about a nightmare. And yes, we're dealing with it.

Bridge Littleton: But back to us.

Rich Hillinghouse: But back to you. I still. [off mic] You know, I'm going to tell you that. And I've already told that to the mayor and other people. It's a one story building. It's going to be nice, a historic looking building. This is not to degrade it, but I, I look at these one story buildings with spread footers, columns and everything else. And to me, it's a barn. It's very simple in construction, there's nothing complicated about it. And I know those go well. They really do. We really did pass a lot of the [inaudible] rock issues. We were fortunate in some parts. I've dealt with that [inaudible]. I've dealt with it where the veins are the worst up in Lansdowne Office Park and some of those rocks are there as a retaining wall because we couldn't even give it away. But they thought it was a great idea. So if you ever go up there by the Inova hospital and look at the ones that are and drive through that parking lot, you'll see the size of these rocks. And it was a lot.

Peter Leonard-Morgan: And I believe you're also working on Saturdays as well.

Rich Hillinghouse: Yes, we're working on Saturdays. That definitely Saturday is a makeup day if for some reason we have bad weather, but we are going to continue working on Saturdays. Our schedule was originally built on a five day workweek, not a six. That's why there's a lot of reasons why I feel very confident that we're going to make it. And once I'm closed in, then Mother Nature is not going to stop me.

Bridge Littleton: So I think the key date is the mid-September date. And we're going to be watching you guys and watching that like a hawk. That's missed. You know where you guys are in trouble.

Rich Hillinghouse: I don't like to be in trouble. I don't matter of fact, I don't need help to get in trouble. I do fine by myself.

Bridge Littleton: So I think from our perspective, from our side, as I mentioned to you guys earlier, but you know, we're going to be touching base. You know, us as council with Bill and Danny and you weekly to go through the action list. And I mean, if we lose 10 minutes, you know, we're going to be. Looking for where you're making it up, and you better have already made it up by the time you tell us you lost 10 minutes. So anyway. All right. If there's nothing else, Danny Ok, we really appreciate you guys staying and walking through it with us. Bill, thank you for coming in. Really appreciate it. You guys can stay for us to talk about Asbury Church lock consolidation.

Bill Downey: [off mic]

Rhonda North: Well, the evening went fast and was very entertaining.

Bridge Littleton: Yeah, let me tell you what come at any other meeting, would have been a hell of a lot more boring.

J. Kevin Daly: Bear in mind, we are keeping an eye on you. Because if you don't do well, we know this guy on Sycamore Street will come out [inaudible].

Rich Hillinghouse: I just got one question to ask you. I understand that they're going to Middleburg is going to build a a museum or a historic type of set up.

Danny Davis: The Middleburg Museum.

Rich Hillinghouse: Yes.

Danny Davis: There was there are discussions and some plans underway.

Rich Hillinghouse: Is that is that going to be handled just by Middleburg or is that going to be handled by.

Bridge Littleton: Oh, it's a nonprofit. Oh, yeah. It's not it's not a governmental. I mean, we're going to support it, but it's a it's totally a private entity with private funding.

Rich Hillinghouse: Okay. Because the lady had come over and given Avon her card and we're reaching out to her because she was.

Bridge Littleton: No, that's great. Absolutely. Yes, absolutely.

Rich Hillinghouse: And you're also getting a library, correct?

Bridge Littleton: We have we have several libraries.

Rich Hillinghouse: I thought you were getting another one.

Bridge Littleton: Oh, well, no. That's the bookstore. [off mic] Hey, Rich, let's not worry about all this other stuff.

Rich Hillinghouse: Once I give you the town hall in December, I'm going to say my hands holding out here.

Bridge Littleton: Rich, as a former government contractor, past performance is indicative of future performance.

Rich Hillinghouse: That's correct.

Bridge Littleton: And I know what the current job before the next job.

Rich Hillinghouse: I know that real well. But I will also tell you, I had never missed the government job yet. Okay. And let me tell you, I've had at Fort McNair, I had the Lincoln Hole National was. And [inaudible] I had the [inaudible] up at the Bethesda Naval, the Intrepid Hospital, which was for brains, injuries, psychological, the whole bit. Plus, I also had the entire facility upgrade during the [inaudible] because of all the hospitals that were being built there. I've had projects that unbelievable easy, well over 300 million, so I'm used to it.

Bridge Littleton: Okay, good.

Cindy Pearson: Well, my suggestion would be when you get done just a little ahead of time, we'll walk you around town and introduce you to everybody that's building something.

Bridge Littleton: Only if you get done on time.

Rich Hillinghouse: I'm going to get done before on time.

Bridge Littleton: Because if not, we're going to walk around without you and tell people.

Rich Hillinghouse: That's fair enough.

Bridge Littleton: All right. Thank you guys very much. [off mic] All right. Danny, project status update.

Danny Davis: Thank you, Mr. Mayor. A few quick updates. As you've seen, the wayfinding program is nearly completed and maybe is complete now. I did notice coming in this morning that.

Bridge Littleton: No, no, no. The deadline was June 30th. Well, we're only getting confirmation of complete today anyway.

Danny Davis: The plastic bag was off the entry sign when I came in this morning. I was really glad to see that. And on the east side.

Rhonda North: It was off on this side, too.

Danny Davis: Good, good. I've been gone for a couple of days, so. Very good. Glad to see that great project. And as mentioned, we are doing an inventory of the old street name signs. We will come back to you either at your second meeting in August, the fourth week of August, or in September with some ideas on maybe how to approach the disposition of those once we get an idea of how many we have that are usable. [multiple speakers]

J. Kevin Daly: Speaking of signs. Have the signs at North Jay Street and Washington Street been replaced?

Danny Davis: Yes. Yes, they've been put up. All right. [off mic]

Bridge Littleton: They were stolen.

Danny Davis: The new ones were still stolen as they were laying on by the Exxon on the side of the road. But they were they were not installed. They were down on the ground. To answer Council Member Pearson's question from before about the water tank project, the yeah.

Bridge Littleton: Oh, Lord.

Cindy Pearson: [off mic]

Bridge Littleton: So it's interesting you say that.

Danny Davis: So the interior blasting of the interior coating is completed and they will be starting work to do the coating of the inside of that. The project manager and team did not adequately manage the project in the timing that we have given to them due to the charter school and the students zoned property. So therefore they are not going to complete the exterior or do any of the exterior blasting and renovation this year. They wanted to begin like today and would have gotten maybe a quarter of it done if that. And in my opinion, there's no point in starting if you're not going to finish. And the contractor fully took responsibility for not properly being on top of their subcontractors and not properly managing the schedule. At the end of the day, there's no, I would say, dire impact to the town, just the significant issue is we've prepped the town for the noise, the inconvenience and the challenge of of the project. And we'll just have to go through that again next year. Some of the aspects of this, perhaps you could argue, were out of their control, but they had 18 months to plan for this and clearly did not do well in planning for this. That's a topic that we will be hitting hard on them as soon as they decommission the site from from this part of the project and ensure that they give us realistic and complete and accurate schedules for next year so that they come ready to go and get it done right.

Peter Leonard-Morgan: I'm sorry. So what's going to happen with all those [inaudible] things?

Danny Davis: Yes, absolutely. So the rods sticking out that the crown that supports the rigging, those are those are actually bolted into mounts that had been welded onto the water tower. So the welded mounts will remain, but they're relatively flush. I mean, maybe stick out just a little bit. So you'll basically see a ring of of mounts. The poles themselves, the support structures will be taken down because if they could have done the job, you know, in the fall or some other time period. They may have left them up, but they wouldn't leave them up for a year and we wouldn't want to risk anything like that. So all the crown, the rigging, everything else will come down. We'll make sure that the site is restored, not just from the equipment, but also the material, you know, as if it were the end of the project. And if they need to store any of the abrasive, we can find locations for that or they can use that on other projects because there's no need for us to hold it for them for a year and.

Bridge Littleton: They need to paint that stuff.

Danny Davis: What's that?

Bridge Littleton: They need to paint those mounts.

Danny Davis: So we'll have a conversation. I don't know their color honestly. They're probably silver steel.

Bridge Littleton: So you can see them. They're dark. You know what you'll see is you'll see these. But we've got it wears all the way around.

Danny Davis: I can I can have a conversation with the contractor. I'm not sure if that works from a, from its future ability, but I can have the conversation.

Bridge Littleton: Well, then make it latex and you can get it off with water, whatever. I mean, it's just it's going to be unsightly.

Danny Davis: So that's.

Cindy Pearson: T-Mobile was up there covering the towers today. They're all covered now.

Danny Davis: All the antennas.

Cindy Pearson: Whatever those things are called. Yes, the antennas. Yeah. They're all covered.

Danny Davis: So. Yeah, I know. I know. Most of them had been covered last week. I don't know if there were some outstanding or if maybe they took some down and put the covers back up. And that was part of the issue was the T-Mobile contracted team their ability to effectively get their antennas either moved onto a temporary tower or make the decision to allow them to be covered and work around them. So we will work with the Utility Services company or prime contractor to ensure that for next year that's dealt with way ahead of time and properly. Ideally, it would be a temporary tower so that our water tower is completely empty of anybody else's equipment, so it can be done the right way.

Peter Leonard-Morgan: So also, there was a lot of dust or dust.

Danny Davis: Correct.

Peter Leonard-Morgan: I mean, I was riding me bike up there and it went straight in my face. So is it not dangerous stuff or is that just the abrasive?

Danny Davis: That's all from the inside, which is, number one, not lead based. So but regardless of what may have been in that, number one, it should not have ever occurred like it did. And number two, the project manager on site on behalf of our prime contractor was ineffective, or I could use some other words in responding to that. And our project manager told me this morning that it should have been stopped immediately and it should have been dealt with immediately, and it wasn't. And that project manager is being dealt with by their team. So it was the sandblasting when they were shooting down the standpipe. There's a vent in the ground and that's meant for the hydraulics of a water tower. But they had not properly covered or protected that pipe stand. And so when they blew straight down, it just went straight back up. And thanks to Will, who was here yesterday and had to had to pull through the dust to make it up the hill. And as he made his way up the hill is when the representative from utility services kind of made the oh, I was just about to shut them down and.

Will Moore: He got out of his truck, pretended like he was already going.

Danny Davis: So some very strong words from both Will and me yesterday to our contractor, some also very strong words this morning in my dissatisfaction with their ability to plan and execute what should be honestly a very simple project.

Peter Leonard-Morgan: And what about payment to them? What's the status with that?

Danny Davis: So it remains to be seen if they will ask us to cover any of the cost of the work done so far. I clearly will not pay them for any work that remains or that has to be done. The interior work, once we have it completed and inspected and shown to be adequately completed, if they ask for payment for that piece of the project, I mean, it's work that won't have to be repeated next year. I will note that next year, even though it's only going to be work on the outside, we will have to drain the tower again because you can't work on the outside with the interior full of water.

J. Kevin Daly: What's the cost of the water?

Danny Davis: We could we could make some calculations and come come back to them with some.

Cindy Pearson: It's not good to leave that empty that long. Correct?

Danny Davis: Well, it's not good from a desirable fire flow pressure. I mean, even with that tank out of service, there's there's adequate pressure on the east side of town. It primarily serves that if there were a fire situation, it's that that extra volume and pressure on that side of town. However, having the 12 inch main that we just relocated, that feeds from west to east as well with significant volumes. So there's there's plenty of water that can go from the west side of town to the east side. So it's not dangerous per se, but you don't want to leave it out of service longer than you need to.

Cindy Pearson: I would just suggest to also that you check things like the fence. Because it's very sick looking.

Danny Davis: Correct and all aspects of site restoration will require of them this year, as if the project were completely finished, as we will also require of them next year as well.

Cindy Pearson: And the grit and the dirt from that, those clouds going up and there was not just one or two like Will walked through. I mean, there were repeated ones and it has left the grit on the house, on the deck, everything. And I can hose it off, but it's still down in it.

Danny Davis: I will talk with them about coming and offering power washing services to anyone in the vicinity who've been impacted because.

Cindy Pearson: That house, that first house and Chinn's got it so bad, the first day because that's the way the wind was going and their way. Yeah, thank goodness for them. But the rest of the time it has just gone. I mean, it was flying across up over the funeral home and out.

Danny Davis: Yeah, yeah. I'll follow up with them because that was one of our significant concerns of the project. Even leading into it was any impact of dust on the neighboring properties, especially the ones that are immediately adjacent. And that was one of the conversations we even had was if there is an excess of dust that they need to be prepared to deal with it. [off mic] It is they use sand for the abrasive in this case. So thank you for letting us know.

Bud Jacobs: Are there any benchmarks or performance measures built into the contract or associated penalties for nonperformance?

Danny Davis: I will review the contract again. My recollection after it's been a year or two of going through it with them, our primary resolution would be an ability to terminate for cause, which leaves us in a little bit of a different situation. I don't believe we have any financial penalties built into that.

Bud Jacobs: And there's.

Danny Davis: No sir.

Bridge Littleton: So here's what I'm going to recommend. We absolutely are going to hold them accountable, and they're going to pay for all the costs of disruption and the delay. And we're not going to pay them one red cent until they make it right. And there absolutely are the tenants in the law that can allow us to, number one, get restitution for the damage and require them to specifically perform. And we're not going to be the nice guys because they've admitted that this is a breach of contract. And so now they have a legal responsibility for restitution. And so the delay, the cost of the schools, you know, and all the hassle they've had to go through arranging all their stuff all the time and energy and effort spent by the town that now is going to have to be redone again next year. The power washing for all that stuff and then just the, you know, the impact on the community as a whole having to get through this whole process. Now we've got to do it all over again. So, you know, I would say this I would like to see and this is a council decision. I would like to see a representative from their company here at the next meeting telling us what they're going to do to make it right and to make and not get the project done next year, but to also also make us and our community whole. So, you know, and here's the thing. I know we talked earlier today about the only guys around. They're not the only people. Right. So like, if we had to go go and get somebody from Ohio and it cost three times as much, guess what? We can charge them for it because that is how we had to get the work done for the breach. So there's a lot of remedies we got on the table. And I don't know, we want to be polite to our contractors. We want to be we want to work with them. They have legitimate issues. But this is a failure of ineptitude, not for me. So I want us to hold them accountable and they need to hold themselves accountable. Ok, any of the questions for Danny on the water tower. Bud.

Bud Jacobs: Not on the water tower, but I've got one on the septic.

Danny Davis: Yes, sir. Yes, sir.

Bud Jacobs: So I've kind of lost the bubble on this one. But we did get the state grant [inaudible].

Danny Davis: We got \$54,000. Yes, sir. From committed to us from VDH for this project. And then we're intending to use some of our other ARPA funds towards that.

Bud Jacobs: That's the \$200,000.

Danny Davis: So in total it's we expect it to be around 200,000, but that's just on an estimate from a design early cost potential estimate.

Bud Jacobs: Could you tell me again what the number of conversions we may be looking at is?

Danny Davis: So it's. Yes, sir. So it's four properties that are currently on septic. On Stonewall there are an additional three properties that by themselves installed individual with their own grinder pumps and individual laterals up Stonewall Avenue. So we basically have a tangled web of probably 40 year old one inch laterals, one of which broke three years ago. And they're under the street. And it's not ideal to have individual laterals that are 500 feet long. So our project will create a town maintained force main from Ms. Milton's house. The very last house on Stonewall up to the manhole will add the two septic properties on Stonewall there into that new force main abandoned their septic systems. We will then take the three existing individual laterals and connect those into the new force main. If that if you track that project and then there are two septic systems on Lincoln Road that we will do now those because they are the last two homes, we will actually just have individual laterals from their grinder pump into the manhole.

Bridge Littleton: [off mic]

Danny Davis: That is correct. Laurie and Jim Olivieri. Yes.

Bridge Littleton: Yes.

Cindy Pearson: What happens when you abandon the septic? Whatever that's called.

Danny Davis: Yeah. So there's abandoning the. So the septic tank itself generally you can just fill in and then with the drain field, I think generally I don't know if I just leave it right.

Bridge Littleton: Just leave it. Yeah.

Danny Davis: But it still has to be done in a certified manner so the Health Department will sign off that it was properly abandoned.

Bridge Littleton: The main thing is the septic tank because that's what will collapse.

Bud Jacobs: So it looks like we have the money to do all this.

Danny Davis: Yes, sir. Yes, sir.

Bridge Littleton: And that will include Terry.

Danny Davis: Yes. Yes. And if something were to change on the dollar side, we would come to you with either using just capital dollars from the budget if prices come in higher than expected.

Bud Jacobs: This is terrific. I'm delighted.

Danny Davis: Yes, sir.

Bridge Littleton: Bud we're delighted when you're delighted. [off mic]. All right. Moving on to the consent agenda, does anybody have anything they want removed from the consent agenda? Is there a motion?

Philip Miller: I move we adopt the consent agenda as proposed.

J. Kevin Daly: Second.

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

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. No action items. No discussion items. I don't think there's any information items.

Danny Davis: Could I just a reminder. National Night Out is Tuesday evening. 6 to 8 p.m. free and it's great event. Of course you all know that. [off mic] And then then we have these, then we have this summer sidewalks. [multiple speakers] Then we have the summer sidewalk sale that next weekend. And then on Tuesday the eighth, we have the retirement party for Officer Tharp. Tuesday the eighth, Monday the eighth, Monday the eighth. I can't do.

Bridge Littleton: [off mic] Peter.

Peter Leonard-Morgan: Quick question. Farmers market for next year. What are the plans on that?

Danny Davis: Yes. Ali, was going to be providing you a response, but our goal is to have a farmers market. She has been in discussion with a few different potential vendors.

Peter Leonard-Morgan: She did respond. I just wanted to raise it and discuss it.

Danny Davis: Absolutely. And we anticipate being available and able to be open by March, April. You know typical opening date in the spring for using the parking lot in the village green. We think that's still going to be a great location for it. We've learned a lot of good, I would say, examples from the Upperville one at Buchanan Hall, just based on kind of the energy and the vibe that they have. There's not been a decision yet on date or day of the week, I should say, because we know Saturdays are overwhelmed with farmer's markets in the area, but I'm not sure if there's an ideal or perfect date at this time. So our goal would be to have a manager firm that is experienced, professional, can bring in music and the vendors and the coordination so that there's not a significant burden on staff. So we still are talking with a few different groups and potential folks. Yeah.

Bridge Littleton: Any other items? Danny I think August 1st is what day? Monday. And so that's when the response is for Asbury Church. Okay, great. So let's absolutely put Asbury Church on the closed session for the second meeting, the 25th. Yes. I don't think we need to have a special meeting for that. But if that the 25th agenda gets chock full with a bunch of stuff, we may move it and just do it all at once Asbury on a separate agenda. But as of right now, let's plan on doing that.

Bud Jacobs: And what are we talking about? I lost track.

Bridge Littleton: Asbury.

Bud Jacobs: Right deadline to review the proposals to submit the proposals this August 1st.

Bridge Littleton: Monday. Yep.

Danny Davis: And it's Monday. That's Monday. And so the mayor, I think, has canceled the first council meeting in August. August the 11th. 11th.

Bridge Littleton: Yeah. Remember, we always cancel one in August.

Bud Jacobs: That's not my issue. My issue is [off mic]

Bud Jacobs: Yeah, we get that information before.

Bridge Littleton: Oh God. Yeah, oh yeah. As soon as you get it, send it to everybody.

Bud Jacobs: But I don't feel compelled necessarily to deal with that in August.

Bridge Littleton: No, I think we know. No, what I'm saying is let's have it. Let's have it on the agenda for the closed session on the August 25th meeting, and we'll discuss it. What we want to do next, where we want to go, all that kind of good stuff. Yeah. I will say I did get a call from Robin Burke a couple of weeks ago saying, hey, I thought you guys were going to make a decision. You know, you said four weeks when we came in and presented. It's been four weeks. And and I told her, I said, well, you guys had presented your written proposals. Then both applicants in their oral proposals said things which contradicted stuff in their written proposal. So that's why we've gone and some additional questions have come up. So that's why we went back to you guys and said, Please answer these questions, please correct the inconsistency. And we gave you a month to respond because you know, it's summertime and people have vacations and stuff like that. Once we get it back from you, you know, we're all then go into our review process and all that kind of stuff. And she said, Oh, okay, I understand what you guys are doing. So, you know, they understand. I will say we don't want to wait around. You know, we want to do a thorough review. We want to do a meaningful review. We want to be but we do want to be judicious in it and coming to closure. Right. Exactly. So right. Whatever we're going to do, because they're waiting, too. And they've been they've been hanging out there for months. And, you know, there's anxious anxiousness on their part. So if there's nothing else, I think we're done going once. No, I mean. [multiple speakers] About the. What now? That was in case we had anything about Asbury, which we don't. Ok.

J. Kevin Daly: No boundary issue. [multiple speakers]

Bridge Littleton: No meeting adjourned.