



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, January 12, 2023



PENDING APPROVAL

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

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Tina Staples, Town Treasurer/Director of Finance
Lieutenant Shawn Jones, Police Department

ABSENT: Councilmember Chris W. Bernard
Councilmember Philip M. Miller

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, January 12, 2023 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.

Special Recognition by Mayor & Council

Council Approval – Resolution of Appreciation – Congresswoman Jennifer Wexton & Staff

Mayor Littleton noted that the Town Hall Project was the largest project undertaken by the Town of Middleburg. He further noted that it was a very expensive project. Mr. Littleton recognized Congresswoman Wexton and her staff for securing a \$2 million grant to help offset almost 20% of the Town’s construction costs. He advised that the new building would be a focal point for Middleburg and the broader community.

Congresswoman Wexton opined that the best thing the federal government could do was to get the resources into the hands of those who needed them and then get out of their way. She advised that she toured the project prior to the meeting and noted the many meetings rooms that would be available. Ms. Wexton thanked the Town for their recognition of her and her staff’s efforts.

Mayor Littleton read the resolution aloud. Following the vote of the Council, he presented signed copies to Congresswoman Wexton and Tammi Davis, of her staff.

Councilmember Daly moved, seconded by Councilmember Kirk, that Council adopt a resolution expressing its appreciation to Congresswoman Jennifer Wexton and her staff for their support in securing \$2 million in federal funding for the Town Hall Project.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Bernard and Miller

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

Council Approval – Resolution of Appreciation – Mitchell & Company

Mayor Littleton read the resolution aloud. He noted that Mitchell & Company, and in particular Sandy Tondreau, had served as the Town’s auditor for the past nineteen years. Mr. Littleton advised that Mitchell & Company helped the Town through some difficult times, as well as good ones. He noted their professionalism and competence and advised that they helped the Town display good governance. Mr. Littleton wished Mr. Mitchell and Mrs. Tondreau well in their retirement and advised that the Town would miss working with them.

Councilmember Pearson moved, seconded by Councilmember Daly, that Council adopt a resolution expressing its appreciation to Mitchell & Company, Jeff Mitchell, and Sandy Tondreau for their exemplary services to the Town in performing its annual audit over the past nineteen years.

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

No – N/A

Abstain: N/A

Absent: Councilmembers Bernard and Miller

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

Mayor Littleton noted a typo in the resolution and advised Mr. Mitchell and Mrs. Tondreau that the Town would correct it and send them framed copies of the resolution.

Jeff Mitchell noted that during their years of service, he worked with five Town Managers, as well as Councilmember Kirk.

Public Comment

Mike Rocconi, 105 Sycamore Street, advised Council that he was opposed to changing to a tiered approach, with regard to the short-term rental regulations, which would restrict the use within the R-2 District. He noted that the argument for additional regulations in the R-2 District was that it was an older, established neighborhood and opined that there was nothing the homeowners in the Ridgeview area could do that would change the character of the neighborhood more than the extension of Reed Street to serve the Salamander development. Mr. Rocconi questioned whether the Council had any data to indicate short-term rentals had a negative effect on established neighborhoods more so than in new neighborhoods. He opined that short-term rentals allowed for an additional revenue stream, which could allow people to purchase homes or residents to stay in their homes. He expressed hope that the Council would pick a reasonable number of days that properties could be used as short-term rentals and apply that number on a town-wide basis.

Kevin Daly reported that Jeffrey Holt, a Gulf War veteran, who was not from Middleburg, was lost when he ended his life on January 1st beside the Middleburg American Legion. He advised that on average twenty-two veterans a day ended their lives. Mr. Daly noted that while some veterans who served their country returned with visible wounds, others carried their wounds on the inside where they could never be seen. He noted that the community grieved for the Holt family.

Gary Nicholson, Commander of American Legion Post 295, advised no one knew why Mr. Holt, who was a proud Marine, chose the Middleburg American Legion and opined that he found peace there. He announced that the American Legion would hold a Celebration of Life for Mr. Holt on January 15th and invited the Council and the community to attend. Mr. Nicholson advised that the Legion was trying to help those veterans who needed it.

Staff Reports

December 2022

Town Clerk North reported that the Town staff was reviewing the proposed mood board and layout for the website refresh. She further reported that she was working to update the Council's Rules of Procedure to bring the section on electronic participation in meetings in line with the State Code amendments that were effective September 1, 2022. In response to an inquiry from Council, she reviewed the changes to the State Code provisions.

Councilmember Jacobs noted that he listened to Business Development & Community Partnership Director MacIntyre's recent Middleburg Podcast and advised that she did a terrific job.

Town Treasurer Staples reported that the paper business license renewal forms went out in the mail and that an electronic version was going out to those businesses that had an email address on record with the Town. She expressed hope that the businesses would use the new online renewal process.

In response to an inquiry from the Council regarding a replacement auditor, Town Manager Davis reported that he reached out to two firms – one of which declined the opportunity and the other of which agreed to provide a proposal and contract, which would ride the procurement contract from another locality. He advised that once the contract was received, he would arrange for the audit firm to meet with the Mayor and Councilmember Bernard, as representatives of the Finance Committee, and then with the remainder of Council.

Town Treasurer Staples noted that the majority of the audit firm's clients were municipal governments.

Deputy Town Manager Moore reported that Building & Facilities Supervisor Cole was doing well and expected to return to light duty next week.

Lieutenant Jones noted that the Police Department's December report included a year-end review, which identified the fourteen community outreach activities that occurred and the training undertaken by the police officers in 2022. He reported that his goal was for the officers to do more training with the Loudoun County Sheriff's Department. Lieutenant Jones advised that it was also his goal to get the officers in active violence training, as well as advanced crisis intervention training. He noted that while Middleburg was a small department, it worked like a larger one. Lieutenant Jones reported that the department worked on nine large events in 2022. He noted that Chief Panebianco served as the President of the Virginia Association of Chiefs of Police (VACP) and taught for them. Lieutenant Jones advised that he also conducted training for the VACP.

Mayor Littleton noted that the year-end review listed three shoplifting incidents in 2022 and questioned how an incident made the list. Lieutenant Jones advised that this occurred when the Police Department received a call from a business. He noted a shoplift incident that occurred at the Safeway and advised that the department was able to send the video to other law enforcement agencies to see if they had experienced similar incidents. Lieutenant Jones reported that he recently met with the Middleburg Business & Professional Association's Board of Directors about developing training for the stores on what they should do if they had an incident of shoplifting. He stressed that if a store experienced an incident, they needed to call the Police Department immediately so they could become involved.

In response to an inquiry from the Council regarding a recent incident involving one of the police cruisers, Lieutenant Jones reported that after he conducted research and found a number of incidents of a similar nature, he contacted Ford's corporate headquarters. He further reported that he was told to take the cruiser to the Ford dealer so it could be checked. Lieutenant Jones advised that they could not find anything wrong; however, he subsequently received an email from the corporate headquarters stating that they wanted to work with him. He advised that he was discussing the options that were available to ensure the cruiser was safe.

In response to an inquiry from the Council regarding inoperable motor vehicles, Town Manager Davis reported that the Town had an inoperable motor vehicle ordinance.

Mayor Littleton advised that he received a complaint regarding an inoperable motor vehicle and would forward the details to the staff.

Town Hall Project Status Report

In response to an inquiry from the Council, Town Clerk North confirmed the contractor had provided the window drawings. She noted that the architect was on site earlier in the day to inspect the window mock-up and advised that there were some issues that still needed to be addressed before a decision could be made. Ms. North reported that drywall had been installed throughout the building. She further reported that the base coat of asphalt had been laid and that the contractor was working to schedule the installation of the permeable pavers. Ms. North advised that some of the electrical equipment had been received, with the remainder scheduled to be shipped on January 13th. She noted that once installed, the building would have permanent power. Ms. North advised that in the meantime, the contractor installed a temporary heating unit so they could continue with the finishes in the building. She reported that the contractor was starting to grade the Village Green. In response to an inquiry from the Council, Ms. North confirmed the building was now watertight.

Consent Agenda

- A. Council Approval – December 8, 2022 Regular Meeting Minutes; December 22, 2022 Special Meeting Minutes
- B. Council Approval – Resolution Requesting the Addition of Chinn Court to the Secondary System of State Highways
- C. Council Approval – Resolution of Appreciation – Joe Boling

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

Vote: Yes – Councilmembers Leonard-Morgan, Daly, Jacobs, Kirk, and Pearson
No – N/A
Abstain: N/A
Absent: Councilmembers Bernard and Miller
(Mayor Littleton only votes in the case of a tie.)

Action Item

Council Approval – Request for Waiver of Section 3.5.B.6 of Middleburg Subdivision & Site Plan Ordinance to Allow for 2-lot Subdivision – 22941 Foxcroft Road – Foxstone Estate, LLC

Deputy Town Manager Moore reported that this parcel was located in the extraterritorial subdivision control area and consisted of 95 acres, located on Foxcroft Road, outside of the Town’s corporate limits. He explained that the property owner wished to subdivide it into two parcels. Mr. Moore reminded Council that Loudoun County’s zoning and the Town’s subdivision ordinance governed this item. He explained that while the Town had a minor subdivision process, the ordinance limited it to parcels that were one acre in size or less and advised that the property owner was seeking a waiver of this provision. Mr. Moore reported that the Planning Commission recommended the waiver be denied, as they felt the public should have the ability to weigh in on the subdivision. He reminded Council that a public hearing was required for full subdivisions. Mr. Moore noted that the Commission was also concerned about the precedent the waiver would set; although, he felt this would be limited due to the conservation easement, which limited further subdivision of the property. Mr. Moore reminded Council that if the waiver was approved, the subdivision would be handled administratively.

Councilmember Jacobs advised that he was one of the members of the Planning Commission who felt it was important for the public to have the opportunity to give input on the subdivision. He opined that it would be approved, as it would be a ministerial act and there were no problems with the application.

In response to inquiries from the Council, Deputy Town Manager Moore advised that he could not give a zoning determination as to what could be built on the property, as it was located in the County. He explained that the proposal was to create an additional home. Mr. Moore advised that the County's zoning ordinance allowed for accessory units in the AR-2 District; however, there could be no further lots created. He reiterated that the proposal was to split the lot in two and to add an additional home. In response to inquiries from the Council, he confirmed there would not be a new driveway on Foxcroft Road and explained that an access easement would be granted over the current one. He advised that the cost to the applicant of going through a full subdivision process was an additional \$2,000 in fees, plus the time to do so. Mr. Moore noted that this would be a ministerial act and advised that he did not see any hurdles to the approval of the subdivision.

Mayor Littleton agreed with Councilmember Jacobs about the precedent the waiver would set.

Vice Mayor Leonard-Morgan advised that he would abstain from voting on this matter; however, he agreed with the desire for a public forum so the public could understand the subdivision request.

The remainder of Council agreed with the need to communicate with the public and noted that there were problems when people did not understand what was being proposed.

Councilmember Jacobs moved, seconded by Councilmember Daly, that Council disapprove a waiver of Section 3.5.B.6 of the Subdivision and Site Plan Ordinance related to a two-lot subdivision as a minor subdivision.

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

No – N/A

Abstain: Vice Mayor Leonard-Morgan

Absent: Councilmembers Bernard and Miller

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

Discussion Items

Short-Term Rental Regulations

Deputy Town Manager Moore reviewed the history of the Comprehensive Plan and zoning text amendments that recently occurred related to the short-term rental regulations. He reminded the Council that when they approved the amendments, they asked that the regulations be revisited. Mr. Moore advised that what the staff heard from the Council were concerns about the affect of short-term rentals on existing neighborhoods. He reviewed the proposed tiered approach for the number of days that short-term rentals would be allowed, depending on the zoning district. Mr. Moore noted that another option would be to not allow short-term rentals in the R-2 District if there were concerns the use would affect the character of the older, established neighborhood.

Mayor Littleton questioned whether the Council wanted Middleburg to become a town of transient occupants or one of residents. He noted the news articles on communities in which most of their housing had turned into short-term rentals, which resulted in there being no place for their workers to live. Mr. Littleton acknowledged that the Town had only approved one special use permit for a short-term rental; however, he noted that a wave of them were coming once the Salamander residences were constructed and people saw how much money they could make using them for this use. He opined that this would take a couple of years to occur and suggested the Town should get ahead of it. Mr. Littleton questioned whether the Council wanted Middleburg to be a place where citizens lived and suggested that if so, short-term rentals would be a threat to that goal. He opined, based on the research he had conducted, that property owners in towns like Middleburg either used a home as a short-term rental or as a full-time home, but not both.

Councilmember Kirk noted that this was a problem once before when farms bought properties for their staff. She further noted that Sycamore Street now contained three large homes because smaller ones were torn down and replaced.

Councilmember Jacobs noted that the staff was asking for guidance with regard to potential amendments to the short-term rental ordinance. He questioned whether there were specific concerns about the impact of that use on specific neighborhoods and opined that the Council needed to grapple with that. Mr. Jacobs acknowledged the issues that have been raised; however, he opined that the Town already had strong regulations that allowed the Commission time to consider what the solution should look like. He noted that he originally believed the tiered approach was the proper solution; however, he had since changed his mind. Mr. Jacobs suggested the regulations apply town-wide and advised that he was willing to consider an outright ban if it was feasible.

Deputy Town Manager Moore reminded Council that they currently did not have regulations that applied across the town. He further reminded them that the nature of zoning was that different zoning districts were treated differently.

Mayor Littleton agreed and suggested the Council should not pre-suppose that a tiered approach was the right way to address the issues. He inquired as to the direction the Council wanted to give the staff that would achieve the goal of being a community of residents, not transient occupants. Mr. Littleton opined that the Town had not gotten the regulations “right” yet. He reminded Council that financially, short-term rentals were profitable. Mr. Littleton questioned whether the Council was ready to give the staff the charge to look at the options, to which the members agreed they were. He suggested the staff develop three or four options for the Council’s consideration and advised that if they decided they wanted to pursue any of them, they could forward them to the Planning Commission.

In response to an inquiry as to why the ordinance allowed the use for up to one hundred eighty days per year, Deputy Town Manager Moore explained that the original premise was that properties should not be allowed to be used solely as short-term rentals. He explained that the properties must be used for residential purposes for at least one hundred eighty-three days/year. Mr. Moore noted that the intent was not that an applicant would automatically be able to use it as a short-term rental for one hundred eighty days/year and explained that this was only the maximum number of days for which they could apply. He reminded Council that they could impose conditions on the special use permit, including one that limited the number of days per year for the use.

Council questioned why the maximum number of days was not limited to a lower amount, such as sixty days/year.

Mayor Littleton noted that he was on the Planning Commission when the regulations were originally adopted. He advised that the Commission focused on making sure the primary use was as a residence and noted that they didn’t go deeper into the issue of the number of days it could be used as a short-term rental.

Deputy Town Manager Moore suggested that a recommendation of the Council could be to reduce the maximum number of days the use would be allowed. In response to an inquiry from the Council about mother-in-law suites, he advised that the ordinance did not allow accessory dwelling units to be used as short-term rental uses.

Councilmember Kirk encouraged the Council to make sure Middleburg remained a community of people. She noted that if it primarily consisted of transient occupancy units, there would be no families living in town or people to serve on committees.

Deputy Town Manager Moore advised Council that he would return in a month or two with some options for their consideration.

Councilmember Kirk asked that he also focus on making sure the smaller houses were kept rather than being torn down and replaced with larger ones.

Information Items

Councilmember Pearson encouraged the members of the American Legion to remember that Mr. Holt chose their place. She noted that no one would ever understand why he did what he did and should not even try, as they could not. Ms. Pearson advised that they were chosen for a reason.

Closed Session

Vice Mayor Leonard-Morgan moved, seconded by Councilmember Kirk, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall Project contract as allowed under Subsection (A)(8).

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

No – N/A

Abstain: N/A

Absent: Councilmembers Bernard and Miller

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

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

There being no further business, Mayor Littleton declared the meeting adjourned at 7:45 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

January 12, 2023 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: We will call the January meeting to order. First item is Pledge of Allegiance.

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

Bridge Littleton: All right. Next item is the roll call.

Bud Jacobs: Bud Jacobs.

Darlene Kirk: Darlene Kirk.

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.

Martin Crim: Martin Crim, Town Attorney.

Bridge Littleton: Okay. The first item of business we have is special recognition by Mayor and Council. And the first item is a resolution of appreciation for Congresswoman Jennifer Wexton, and no less importantly, her awesome staff. So just a quick little background. As a lot of you know, there's this little tiny building going up right behind us which will serve as our new Town Hall. It's been, I will absolutely say it's the largest project that the Town has ever taken on and it's absolutely transformative. And in the world we live in, it's very, very expensive. So through the hard work of Congresswoman Wexton and her staff, we were able to receive a 2 million dollar community grant to help offset the cost of the building and the facility for the citizens and residents of Middleburg. Now, the total project construction cost is about 10.6, 10.7 million dollars. So this 2 million grant is going to offset almost 20% of the cost of the building. And that is no small number for a town of

786. Well, wait, as of last week, 85 people. And really what we wanted to do is we really appreciate Congresswoman Wexton being here with us in the in the Council Chambers tonight, as well as Tami, a part of her staff. And we wanted to take this opportunity to recognize you all. And thank you so much for everything you've done to support the Town, our citizens. And quite honestly, this building will be a focal point for the broader Blue Ridge District Community. So we built it with the intent of not only servicing the people in Middleburg, but everybody in the broader region around Middleburg. So I don't know what else I can say but thank you all so much. [off mic]

Peter Leonard-Morgan: Thank you.

Bridge Littleton: So if you'd like to add anything, please.

Jennifer Wexton: I was just going to say that government works best when it's closest to the people as you guys are. And I find that what we can do in the federal government is really to get you the resources you need to be able to do what you need to do and get out of the way. [laughter] And I think we're able to do that mostly. I really appreciate all the work that you've done to make this project a reality. And thank you also for thanking my staff, because I know that they worked extremely hard on it and I'm glad that we were able to help it come to fruition. I just went on a tour of the property. It looks amazing. It's going to be fantastic. So glad there's a big meeting area of meeting rooms for people from all of the area because the [off mic] HOA pretty much out of luck and you've got to have a place to meet people. So I look forward to using some of those meeting rooms myself at some point. I want to thank you very much, Mr. Mayor, Danny Davis, the Town Manager, the entire Town Council for everything you've done. And thank you so much and take care. I look forward to coming to the actual ribbon cutting one of the many ribbon cuttings that will take place in the future. So thank you very much.

Bridge Littleton: Thank you. Well, we greatly appreciate it. So we have a resolution we want to present to you, but we've got to read it and vote. And it might be a close vote. [multiple speakers] So what's that? Can

J. Kevin Daly: I make the motion?

Bridge Littleton: Well, we got to read it first.

J. Kevin Daly: Oh, then make a motion?

Bridge Littleton: Yeah. Then you can make a motion. So this is a resolution of appreciation for Congresswoman Jennifer Wexton and her staff. So whereas since 2019, Congresswoman Jennifer Wexton has served as the United States representative for Virginia's 10th Congressional District, which includes the Town of Middleburg. And whereas, recently, Congresswoman Wexton supported federal funding for Middleburg's Town Hall project in the appropriations bill through the community project funding legislation, said support included listing it on the Congresswoman's list of projects and pushing for approval of full funding

for all CPF projects; and whereas, this support resulted in Middleburg receiving a \$2 million dollar federal grant for the project, which will cover almost 20% of the construction costs. And whereas, in addition to Congresswoman Wexton's support the members of her staff, including Abby Carter, Mike Lucier, Chris Gibson and Tami Davis were instrumental in helping to secure this funding, as well as in assisting the Town staff as it worked with the Department of Housing and Urban Development to ensure the funding was made available to the Town in a timely fashion. And. Whereas, the mayor and members of the Town Council would like to recognize and thank Congresswoman Wexton and her staff for their support to the Middleburg community in securing this grant funding for the Town Hall project. Now, therefore, be it resolved that the Mayor and members of the Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the support of Congresswoman Jennifer Wexton and her staff, specifically Abby Carter, Mike Lucier, Chris Gibson and Tami Davis, and the Town of Middleburg and Middleburg Town Hall Project. [applause] Now Kevin would someone like to make a motion?

J. Kevin Daly: Yes. I move that council adopt a resolution expressing its appreciation to Congresswoman Jennifer Wexton and her staff for their support in securing 2 million in federal funding for the Town Hall project. [off mic]

Bud Jacobs: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? All right. The resolution passes. [off mic] so I will walk around. And we also have this for you. And then we also have [multiple speakers] copies for all your staff.

Jennifer Wexton: Wonderful. Fantastic. Good. Well, thank you for calling Tami up. And she hates being called out.

Bridge Littleton: Tami, we're going to give you yours in person. [laughter] So here you go.

Jennifer Wexton: Thank you so much.

Bridge Littleton: Absolutely.

Bridge Littleton: You want to, I guess, Tami. [multiple speakers] Come on up if you like.

Jennifer Wexton: That's great. Thank you. [off mic]

Bridge Littleton: Awesome.

Jennifer Wexton: Wonderful to get accommodation for doing my job. [laughter]

Bridge Littleton: Thank you so much. And Tami. Thank you so much.

Tami Davis: Thank you.

Bridge Littleton: Awesome appreciate it. [off mic] Well, would you like to keep it in the box?

Jennifer Wexton: Sure. Yeah. Very good idea. Thank you. [off mic]

Bridge Littleton: All right. Thank you.

J. Kevin Daly: Safe travels home.

Bridge Littleton: And thanks for trekking all the way out.

Jennifer Wexton: It was our pleasure.

Bridge Littleton: Okay. Next item is a second resolution of appreciation for Mitchell and Company, specifically Jeff Mitchell and Sandy. So let me read the [inaudible] I'll just take it out here. Read the resolution. Okay. So let me start off real quickly. As everybody knows, Mitchell and Company and Sandy have been our auditors of record. Is that the correct way of saying it? For the town for the last 178 years.

Sandy Tondreau: Nineteen years.

Bridge Littleton: 19 wow. [off mic] Wow. And, you know, they have helped shepherd us through some very tough and turbulent times as well as the good times, but nothing less than representing the Town in a stellar fashion with absolute professionalism and competency. And you guys have helped us ensure that we are where we are today, not only from a compliance perspective, but from a good governance perspective. And we're going to deeply miss all of your expertise, your guidance, your. What's the word I'm looking for here, recommendations on how to run the Town more fiscally responsibly. And we wish Sandy you all the best as you take on new, funner challenges in life. And again, we're going to really miss working with you and with your team. So I don't know if anybody wants to add anything or Danny, since you guys or Tina? [off mic] Okay.

J. Kevin Daly: You will be missed.

Bridge Littleton: Yeah. So let me read the resolution and then we can vote on that. So a resolution of appreciation for Mitchell and Company. Jeff Mitchell and Sandy, I always get your last name wrong, Tondreau? All right. [inaudible] What's that.

J. Kevin Daly: Saying you pronounce it the same way it's spelled.

Bridge Littleton: Yeah. Trudeau okay, got it. All right. Tondreau. Whereas in 2003, Mitchell and Company began performing the financial audit for the Town of Middleburg. And whereas, Mitchell and Company has continued to perform the Town's fiscal audits since that time. And whereas, Sandy Tondreau of Mitchell and Company has been the one constant auditor assigned to the town's audits since Mitchell and Company's tenure as the Town's audit firm and assumed responsibility for solely handling the presentation of the annual audit report to the Council in 2014. And whereas, with the retirement of Jeff Mitchell, owner of Mitchell and Company and Mrs. Tondreau, Mitchell and Company has elected to stop performing principal audits with the completion of the fiscal year 2022 audit report. And whereas, the Town of Middleburg would like to express its appreciation to Mitchell and Company and specifically to Mrs. Tondreau for their.

Peter Leonard-Morgan: Exemplary?

Bridge Littleton: No. We got to fix this.

Rhonda North: Do we have a typo?

Bridge Littleton: We have a typo. [multiple speakers] It says exception work. Not exceptional. Exceptional work over the years in performance of the Town's audits. Now, therefore, be it resolved that the Mayor and Members of the Town Council of Middleburg, Virginia, recognize and express our sincere appreciation to Mitchell and Company and its many employees for their exemplary service to the Town of Middleburg in performing its annual financial audits over the past 19 years. Wow. Be it further resolved that the Mayor and members of the town Council recognize and express our sincere appreciation to Jeff Mitchell and Sandy Tondreau for their outstanding service to the Town and hope they both enjoy a long and well-deserved retirement. So would anybody like to make a motion?

J. Kevin Daly: I believe Darlene, didn't you raise your hand? [off mic] Yeah, I saw you raise your hand and look at me. Say, I'll do the second. [off mic]

Cindy Pearson: I got [off mic].

Bridge Littleton: Go ahead.

Cindy Pearson: I move that Council adopt a resolution expressing its appreciation to Mitchell & Company. Jeff Mitchell and Sandy Tondreau for their exemplary services to the Town in performing its annual audit over the past 19 years.

J. Kevin Daly: Second.

Bridge Littleton: Any discussion?

Bud Jacobs: One quick point.

Bridge Littleton: Yes.

Bud Jacobs: You couldn't make it 20? [laughter] [off mic]

Bridge Littleton: Hey, Bud. I think it's lack of dedication. [laughter]

Bridge Littleton: All right. All those in favor say aye.

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Jeff, Sandy, thank you guys very much. [applause]

Jeff Mitchell: Thank you. I just want to say, we've worked with in the 19 years, and we worked with five town managers, different town managers. And Darlene was there the first year that we worked in 2003. And so, again, we certainly appreciate the recognition tonight. Thank you very much.

All of Council: Thank you.

Darlene Kirk: We're going to miss you.

Bridge Littleton: Yes. And we're going to miss those sterling audits. But okay. [laughter] So what we'll do is we'll take some pictures and stuff like that. We will correct these and then get them sent to you guys.

J. Kevin Daly: If only we had a suitable spelling auditor. [laughter]

Danny Davis: That could be a second [off mic].

Rhonda North: They were like four eyes four sets of eyes on that.

Bridge Littleton: Okay. So, Peter. Yeah.

Rhonda North: Nobody caught it.

Bridge Littleton: All right. Awesome.

Jeff Mitchell: Thank you very much.

Bridge Littleton: Thank you so much.

Sandy Tondreau: Thank you.

Bridge Littleton: Thanks a lot. And we'll fix it.

J. Kevin Daly: Enjoy your retirement.

Sandy Tondreau: Thank you. Thanks for everything.

Jeff Mitchell: Thank you for the recognition.

Sandy Tondreau: Thank you.

Bridge Littleton: And if you want to moonlight, let us know. [laughter]

Sandy Tondreau: Bye thanks. [multiple speakers]

Bridge Littleton: Okay that's the fun part of the job. All righty. Next item here is public comment. So any member of the community would like to speak to the Town Council. We will open the public comment. Remember, please state your name and address and you have 3 minutes to talk on any topic you wish. And what's that?

Rhonda North: Come forward to the mic.

Bridge Littleton: Oh, yeah. No, no. And I wasn't done. [laughter] And do remember, it is public comments. So there is no discussion back and forth between Council and when you are ready, approach the desk for the microphone. So we will now open public comment. Is there anybody who wishes to speak on public comment? Sir.

Michael Rocconi: My name is Michael Rocconi. I live at 105 Sycamore Street. I am opposed to the tiered approach to short term rentals that aims to restrict short term rentals within the R-2 Residential District. The argument often used for placing additional zoning restrictions on R-2 is that R-2 is for older established

neighborhoods. This argument is losing its validity. At this point there isn't anything that an individual Ridgeview homeowner will do that is going to change the character of Ridgeview more so than the extension of Reed and Chestnut Streets into the new Salamander Development. The Middleburg Comprehensive Plan states that we should not allow a saturation of short-term rentals in new construction neighborhoods. This would seem to imply that it is the Salamander Residences that should be restricted when it comes to the short-term rentals. Do you have any data to indicate that short term rentals have a negative effect on older established neighborhoods as opposed to newer neighborhoods? The Salamander Rentals will be internally managed. However, according to a map provided by town government, there are 12 homes excuse me, 14 homes that are eligible for short term rentals, but that are not located in either Salamander or the R-2 District. They would not fall under the internal management program that Salamander offers. Is there any reason that those 14 homeowners should be afforded a greater number of days per year for short term rentals than the homeowners within R-2? Short term rental zoning regulations involve access to a potential revenue stream. This may be one reason our surrounding jurisdictions have chosen to allow the same number of days across all of their residential districts. One of our own Planning Commissioners commented that it almost seems backwards to allow the residents of the new Salamander Neighborhood greater access to this potential revenue stream than the residents of R-2. Short term rentals are not just for investors and not all short-term rental homeowners or absentee landlords. It is possible that a young family might be able to buy into Ridgeview because the house they want to purchase happens to have an in-law suite that could produce short term rental income, or an elderly Ridgeview resident might use short term rental income in order to be able to stay in their Ridgeview home. You have approved one short term rental application in recent history. In public comments, Mayor Littleton observed that this approval effectively removed a relatively affordable unit from the long-term rental market. That happened in R-3 District, not R-2. My hope is that you will pick a reasonable number of days per year, 30, 40, 50, whatever and apply that number town wide. Thank you for your time.

Bridge Littleton: Thank you very much.

Michael Rocconi: Thank you.

Bridge Littleton: Anybody else wish to address Council? Gary?

Gary Nicholson: Hello Mr. Mayor, fellow Council Members. My name is Gary Nicholson. I'm the commander of Post 295 here in Middleburg. We had a pretty rough start to the new year this year.

J. Kevin Daly: We lost a veteran. The individual was not from Middleburg. He was not a member of the American Legion. He was our brother, a fellow veteran who in the early morning darkness the first day of the New Year ended his life by the Legion Post. From what we understand, he was survived by a wife and two children. He was a Gulf War Veteran. And sadly to say, he is only one among 22 veterans on average per day that end their lives. We served our country, all of us. Some of us came back with wounds that are visible. Others came back with wounds that can never be seen, but they are scarred deeply inside. This Veteran

wasn't able to leave those scars and those nightmares behind. And we are [off mic] feel less than [off mic]. By his loss and we grieve for his wife and his children.

Gary Nicholson: Thank you, Kevin. I'm very lucky to have a friend like Kevin to stand with me. Jeffrey Holt from Manassas, age 44, survived by his wife, Nicole, and three daughters. As Kevin, Council Member Daly mentioned we do have a connection with him. We don't know why he chose our post here in Middleburg. But the way the body was found was looking at the flagpole is we were lucky enough to run into his wife and brother as they were grieving at the post. And got some more background information on Jeffrey. He was a proud Marine. He loved his country. He loved the flag. So whatever drew him to the post, you know, we have the flag lit up at night. We have the emblems of the six branches across our building. That morning was it was a beautiful New Year's Morning. So we believe that Jeff found peace at our place and the pain that he was suffering felt connected and was able to end it on his terms and the way that he felt most comfortable. And so we take pride and that we could offer some solace in that. For 48, 24 hours we're kind of in the dark. I had no knowledge of what's going on, reaching out to the different organizations, and I completely understand how procedure has to play out. So I'm not blaming anything, but it was difficult to provide answers because I was blindsided. And people are calling me from all these different organizations with alerts or looking for information and we have no answers of what to give and how to even explain this away. I was lucky to have one of my friends, you know, that when I finally got the information, we went to the site, and everything still remained untouched where he laid. And we have scouts that afternoon. So the only thing we had to do was react accordingly. And me and another buddy cleaned the site in a way that we felt appropriate for the veteran. And look back, I think was definitely a mistake on my part. But calling around, even though that we're supposed to be a veteran's organization, there's no book on this. There's no answers. I call around and I got 20 different answers on how to act and what I should do or what I should say. But I don't even know where to begin or what to say on this. So we just felt we're doing this right. And I just the members got together last Thursday, and we had a small memorial for Jeffrey. And through that, in that time, we got in contact with his family, and we offered the post to hold their celebration of life. So the family is going to be holding a celebration of life this Sunday from 3 to 4. And Nicole has been, she is overwhelmed by the outreach and support of the veterans here in Middleburg and the community for all the love and support that we have shown Jeffrey. So she is open to that invite to the town and community as well. So if you're in the area, please come and I will continue to allow others that opportunity. Just you know, we're always looking out for our brothers, and we don't know what the right answers are. We'll just look to one another to do what's right. And when we do find those that need help, we hope to put our arms around them before they can do harm to themselves. So I just want to thank you and update you on the latest information that I have on this.

Bridge Littleton: Thank you, Gary. Okay. Is there anybody else who wishes to address the council during public comment? Okay. We will close the public comment session and move on to staff reports. Rhonda.

Rhonda North: Thank you, Mr. Mayor. As you know, Danny, Ali, and I are working with Civic Plus on our website refresh. We have received the mood board and layout and we are working with with Civic Plus to try to come up with a new layout. Also, I'm working to draft an update to the Council's Rules of Procedure to

include the new regulations adopted by the state that were effective September 1st with regard to electronic meeting participation policies. So we will be getting that to you here, if not the next meeting, the meeting after. And that's all I have.

Bridge Littleton: Any questions for Rhonda?

Darlene Kirk: Did you [off mic] waiting for?

Rhonda North: On the Town Hall Project?

Darlene Kirk: Yes.

Rhonda North: Yeah, I was going to talk about that during the Town Hall Project Report.

Bridge Littleton: Yeah.

Peter Leonard-Morgan: Do we know about those changes on the electronic meeting participation? If it's easy to quickly summarize all?

Rhonda North: So, I mean, in a nutshell personal if you need to miss or participate in electronically for personal reasons you can do so up to twice a year or 25% of the meetings. Obviously medical or temporary or permanent disability they've also added in to care for a family member who's having a medical emergency as well. And then one that probably will not apply to us is if a meeting is held and it's more than 60 miles from the Council Members primary residence, then they can ask to participate in electronically. So I don't think that's really going to apply to us. Otherwise, it's just a few tweaks here and there.

Peter Leonard-Morgan: Thank you very much.

Rhonda North: Yes.

Bridge Littleton: And other questions for Rhonda? Ok. Next is Ali.

Danny Davis: Mr. Mayor, Ms. MacIntyre is not able to be here tonight, so I'm happy to answer any questions. In her report, she has updates on December activities and then looking forward to 2023. So I'm happy to answer any questions or provide any information if needed.

Bridge Littleton: Anybody have any questions for Danny on Ali's report?

Bud Jacobs: [off mic] Question?

Bridge Littleton: Yes, sir.

Bud Jacobs: I happen to listen to Ali's interview on the Middleburg Podcast, and I have to say she was terrific. So if you could convey that to her it would be really useful.

Danny Davis: Absolutely. Thank you. I've not listened to it.

Bud Jacobs: You should it's good.

Danny Davis: Very good.

J. Kevin Daly: There's going to be a mark on your [off mic].

Danny Davis: Keeping up with the staff.

Bridge Littleton: Well, when Council can find time, I mean, you know you're paid to be here.

Danny Davis: I only drove 25 hours or 28 hours over the last week. I should have had some time. [multiple speakers]

Bridge Littleton: That's personal time. Yeah, exactly. You got 28 hours of opportunity to listen to a podcast. [multiple speakers]

Bridge Littleton: Okay, Next is Tina.

Tina Staples: Hi, everyone. My throat's a little scratchy. I'm sorry. I swear I'm not sick. I just had a wet head and was running around outside in 30 degrees this morning. My water went out in my house.

Cindy Pearson: Yeah, it's soaking wet I take it.

Tina Staples: Yeah. I warned them when I got here that I was going to smell like Cocoa Butter all day because that's what my shampoo smells like.

Danny Davis: For the record not in the Town of Middleburg.

Tina Staples: No. [laughter] No, thank you. Yeah. My report I wanted to emphasize that the business license renewals have gone out. We mailed hard copies to all the businesses. We're also emailing every business that we have an email account on to give them the electronic version, as we are hoping as many will use the online renewal submission form this year just as a way to try to streamline the process a little better. So if you

haven't gotten an email yet, Dana is getting the last of them out tomorrow. And there are instructions in the email on how to use the system. Are there any questions?

Bridge Littleton: Any questions for Tina? Have we found a replacement audit firm yet?

Danny Davis: So we've reached out to two firms. At this point, one has declined just the opportunity to work with us. The other is intending to provide us with a proposal and also a contract that we could write. It's a firm that serves numerous, numerous towns across Virginia and I think would be a great firm to work with. So once we find that firm, we'll probably have them meet with the Mayor and with Mr. Bernard as our Finance Committee reps and then have them probably come talk to you as well if they can as a whole Council.

Bridge Littleton: Okay.

Tina Staples: The nice thing about that firm is the majority of what they do are government audits. So they're very exposed to all the different sizes and shapes of government. So I think he said 80%.

Danny Davis: Are all governments. [multiple speakers]

Tina Staples: Governments, 80% of their work. So that's a good sign.

Bridge Littleton: You've got to be real careful about trusting any professional firm that the majority of their work is for government. Look at Martin. [laughter]

Tina Staples: I'll make a little note of that.

Bridge Littleton: Yeah. Really scrutinize their rates. Okay. Thanks, Tina. Next is Will.

Will Moore: Thank you, Mr. Mayor. Members of the council have a couple of agenda items later, but you have my report. I don't have anything especially to highlight, but happy to answer any questions you might have.

Bridge Littleton: Any questions for Will?

Peter Leonard-Morgan: One quick question. How's Tim?

Will Moore: He's doing really well. He's going stir crazy, but he is expected to be released to a light duty status starting sometime next week. So we'll be seeing him.

Peter Leonard-Morgan: Yeah. Thanks.

Will Moore: Yeah, absolutely.

Bridge Littleton: Yeah. I think his definition of light duty and a doctor's definition of light duty are probably two very different things.

Will Moore: The doctor's definition is very explicit.

Bridge Littleton: Good. Okay. Is it detailed?

Will Moore: He'll be holding to the doctor's definition.

Cindy Pearson: Okay. And he hears these voices in behind his head. [laughter]

Bridge Littleton: That's going to be Darlene whispering over his shoulder. [laughter] Okay. Thank you Will. Next item is Shaun.

Shaun Jones: Good evening, everyone. Everyone you should have a copy of our attached report for December. One of the things that I did this year was add a 2022 Middleburg Police Year in Review. We had over total cost of services \$9,929. That's our property checks and everything as well. Also, I listed some of the community outreach initiatives that we incorporated this year. We have 14 listed. Actually, there's a few more I forgot, but out of that 14, we created seven new events this year as well for community outreach. So we're constantly growing. Corporal Putnam has now started his first week in PELS, Professional Executive Leadership School at the University of Richmond. Also listed here some of the training that we have done throughout the year and also some of the training that we completed in 2022. One of our goals this year is to, I've been working with Loudoun County Sheriff's Office to do more training with the sheriff's office. And one of our goals now is to get all of our staff trained in active violence; that's their version of active shooter training. So I had right now, my goal is to get all of our full-time staff completed first. So I have about half of our full-time staff completed and Jason is scheduled to go at the end of this month as well. So we're almost there with that. Another goal this year to get as many officers as I can into advanced CIT or one of the agencies in the area that has 100% compliance with all of our officers trained in basic CIT training.

Cindy Pearson: What's CIT?

Shaun Jones: Crisis Intervention Training. So our goal is to get some of our staff in some advanced training as well. One of the things is we're a small department, but we work like we're a large department. You know, I listed some of the events that we've worked, special events worked out through the year. We did nine large events, but also take in consideration we are small. The Chief was the President of the VACP. He also teaches for the VACP, and I teach for VACP in the Department of Criminal Justice Services that governs our licenses as well. So we're small, but we do big things. So any questions?

Darlene Kirk: So what did you do with the Grinch when you arrested him? [off mic]

Shaun Jones: That's your question. We got the Grinch out of Middleburg so we can save Christmas in Middleburg. [applause]

Bud Jacobs: Well done.

Shaun Jones: All right. Any other questions? [off mic] Okay.

Peter Leonard-Morgan: He was released on his own recognizance.

Shaun Jones: We got rid of him. [laughter] He was disposed of properly.

Bridge Littleton: So, Shaun, I do have one quick question.

Shaun Jones: Yes, sir.

Bridge Littleton: So I'm looking at the full year in review. So and I'm going to zone in on one thing specifically. So shoplifting.

Shaun Jones: Yes.

Bridge Littleton: It says three.

Shaun Jones: Yes.

Bridge Littleton: Now what happens in order for that to for an event or an incident to make it to your list?

Shaun Jones: So for an event to make it to our list is if we get called to a store. One of the businesses here, Safeway had a problem with people coming in stealing alcohol. So that was generally.

Bridge Littleton: Oh, the champagne guy.

Shaun Jones: Champagne guy. Yeah. Okay. So that would generate to our list or if we have a business clothing store or something like that that will report shoplifting, we'll go in there and take a report that will make it to our list as well. So when we get shoplifting, like the champagne guy, once we got something like that, I took it, and I got the video footage that we had. And then I send it out to Loudoun County Sheriff's Office, and they send it amongst everyone else to see if anyone else around had any similar incidents. So while you're on the topic of shoplifting, we're met with the MBA Board Members the other day. So we are going to actually try to put together some training for the stores here on what to do if they have shoplifting incidents and so forth. So that's one of the projects that we're starting working on right now as well.

Bridge Littleton: Okay. So for and I'm just trying to make sure I understand. So for example like shoplifting. So that means somebody in town called you about a specific incident of shoplifting?

Shaun Jones: Correct. Yes sir.

Bridge Littleton: Okay. So if someone says I think shoplifting happens all the time, that doesn't count.

Shaun Jones: That does not count. Okay. Because we have no way of proving that.

Bridge Littleton: Right no and it doesn't mean and the three doesn't mean you caught them, and they went to jail. But there was a specific incidence of shoplifting that was reported to you guys.

Shaun Jones: Correct.

Bridge Littleton: Got it. Okay.

Shaun Jones: One of the problems that we're having is that if you have an incident that goes on inside your business, do not wait till the last minute to tell us, see something, say something, so that way we can get involved. And also notify the other businesses in the area as well if it's something that will fit, that will affect them as well.

Bridge Littleton: Perfect. All right. Thank you.

Shaun Jones: Yes, sir.

Bridge Littleton: All right.

Peter Leonard-Morgan: Oh actually one quick question?

Shaun Jones: Yes, sir.

Bridge Littleton: No, no, you passed.

Peter Leonard-Morgan: Oh sorry.

Bridge Littleton: No what's up?

Peter Leonard-Morgan: That issue with the police cruiser rolling off?

Shaun Jones: Yes.

Peter Leonard-Morgan: Did you find anything more about that? Was that actually missed in the Ford Recall?

Shaun Jones: So with the vehicle, with the cruiser rolling off, I had the vehicle. And first of all, I researched it before it happened, and I found the number of incidents that happened. They did a recall of almost a quarter million vehicles that had problems with the vehicles going into gear and rolling off. So I contacted Ford Corporate at the national level and reported it to them. They advise for us to take it to a local dealer to get the vehicle checked, which I did. And they said that they couldn't find anything wrong. However, Ford just sent me an email tonight said it in here that, you know, they want to work with us to try to resolve the problem. If we have any more issues, let them know. They suggested we go get a technician and have them ride with us. Well we can't just make that happen. So I'm actually going to be in contact with them again tomorrow morning to see what our other options are.

Peter Leonard-Morgan: Great thanks, Shaun. Appreciate it.

Shaun Jones: Yes, sir.

Bridge Littleton: Thank you, Shaun.

Shaun Jones: Thank you.

Bridge Littleton: All right, Martin.

Martin Crim: Thank you, Mayor. You have my report. Happy to answer any questions.

Bridge Littleton: Any questions for Martin? Martin, I did have one quick question and I just forgot it. Hold on. Oh, well, it might not so much be a question for you. Maybe more so for Will. But your report made me think about it. So dangerous structures, hazardous structures, ordinance. And I know this is totally, but you had it in here Item number five. Does that include like if somebody has a derelict vehicle in their yard, what would that be? Is that a public nuisance?

Martin Crim: Some places have specific ordinances requiring inoperable motor vehicles to be covered and or limiting the number of inoperable motor vehicles on a particular property. I don't know if you have such an ordinance, but that's easily written. But if you have an inoperable motor vehicle on your property, that is not by itself a nuisance.

Bridge Littleton: Got it okay. So it'd have to be a specific ordinance that we adopt to then be able to redress it, okay. [off mic]

Danny Davis: We do have one.

Bridge Littleton: We do?

Cindy Pearson: We do?

Danny Davis: We do have an ordinance related to it. I have not read it in detail, but there is Chapter 52 of our ordinances.

Cindy Pearson: It's something about being tagged.

Danny Davis: Town code.

Bridge Littleton: Okay. No, no, I got it. I got it. Okay. No a citizen stopped me earlier in the week and had a concern about a basically abandoned vehicle in town. And then I went over and checked it out and I'm like, Oh, yeah. So I will follow up with you guys about that. Okay. Rhonda, we're back to you.

Rhonda North: Thank you, Mr. Mayor. So to follow up on Council Member Kirk's question. Yes, we have received the drawing on the windows. The architect and the construction management team were, in fact, here today to inspect the mockup for the windows as well as the mockup of exterior trim. We still have one issue that we need to figure out, and hopefully we'll have some idea where we're going with the windows in the next few days. I'm happy to report that drywall has been installed throughout most of the building. The base coat of asphalt has been laid. We do have one little issue we're trying to resolve. Once we do that, they'll be looking to put the final coat of asphalt down, assuming we can get warm enough weather to do that. The contractor is also starting to work with his sub in preparation of starting to put the pavers down in the parking lot and in the parking spaces. The electronic equipment is starting to come in. The equipment room is starting to fill up very rapidly. The last two pieces are supposed to be shipped tomorrow. So hopefully next week they will be setting those. At which point we will have permanent power into the building. In the meantime, the contractor has brought in temporary heat so that they can continue to do some of the finishes in the building that require a certain temperature in order to proceed. And the contractor did move the construction trailer earlier this week and they're starting to work on the grading for the Village Green. So progress definitely happening.

Bridge Littleton: Great. Any questions for Rhonda?

Peter Leonard-Morgan: Does that mean it's watertight now or whatever you call it, airtight?

Rhonda North: Yes.

Bridge Littleton: I forgot. [off mic] I know. It just hit me. It was [multiple speakers]. Oh, I just looked at the weather. It's going to be in the 50's next week. There we go. Wow. Okay. Any other questions for Rhonda? All right. We're moving on now to the consent agenda. Would anybody like anything removed from the consent agenda? All right. Is there a motion?

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

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Next item is action item nonpublic hearing Request of Foxstone Estates LLC for waiver of section 3.5.B.6 of the Middleburg Subdivision Ordinance. Mr. Moore.

Will Moore: Thank you, Mr. Mayor, Members of Council, you have my report on this. Just a quick overview. The subject parcel of land is in the town's extraterritorial subdivision control area, so not in town. It's just shy of 95-acre parcel that's on the west side of Foxcroft Road, just north of the Wolver Hill tract. So we have the Town, including the Salamander, then the Wolver Hill tract, and then this is the next parcel up.

Bridge Littleton: This is where [off mic].

Will Moore: No.

Peter Leonard-Morgan: It's nearer [off mic].

Will Moore: So the property owner wishes to subdivide do a one lot into two lot subdivision of the land. They had originally applied to the county as many potential subdividers do because the extraterritorial control is not well known necessarily. So the county did a cursory review and returned it to the applicant, informed them that they had to process through the Town because it's in our control area. So when you do that, it's our subdivision and site plan ordinance that governs, but still Loudoun's zoning that governs. So in our process and let me back up. They originally applied to the county for what's called the Subdivision Waiver Plat. So a Subdivision Waiver Plat in the county is used for this particular type of situation, when you're dividing one lot into two and there are a number of other criteria, meaning that there aren't extensive public improvements involved with the subdivision. There's no extension of utilities, there's no extension of streets. Those kind of things that would require more detailed engineering review. So the county does not have a limitation on the size of the lot when it's being divided from one into two for what they call the Subdivision Waiver. However, since this is being processed under our procedures for our subdivision ordinance, our equivalent of the Subdivision Waiver Plat is called a Minor Subdivision. It also has some of those criteria no extension of

utilities, no extension of the public streets. However, we have a one-acre limitation on the size of the parcel for a Minor Subdivision, obviously nearly [multiple speakers].

Bridge Littleton: [off mic] to approve the waiver.

Will Moore: For it to be processed as a Minor Subdivision. Correct. Correct. So obviously, this is a much larger piece of land. So that is the subject of the waiver request, is that size limitation. You do have the power to waive provisions of your ordinance, that is done through an application. It is reviewed and given a recommendation by the Planning Commission. And then ultimately, it's your decision whether or not you would waive any specific provision of your ordinance. So the Commission did review this at their meeting in December. They [inaudible] it to you recommending disapproval of the waiver. They cited a couple of reasons in that recommendation, one being that they felt that the public should have the ability to weigh in on these kind of applications in the Town, because our subdivision ordinance, if it is processed not as a minor subdivision, but as a full subdivision, it does necessitate a public hearing to be advertised. So that was one of the reasons the commission cited. They also cited a concern that there might be a precedent in granting a waiver of this sort. Staff's position is that you could rest easy on the concern of precedent. I think there's some specifics about the specific application. And any time you're being concerned about precedent, it's the precedent of that specific type of application. In this case, there is a limitation through an existing conservation easement on the property that would prevent its further subdivision. The conservation easement for the 90, approximately 95-acre tract limits it to being divided into no more than two lots. So this would be a one and done. So I think the concern about precedent is maybe a little overstated. However, it is absolutely correct that again, if this waiver were approved, it would be processed as a minor subdivision with no further opportunity for input by the public, which would take place through the required public hearing that the Planning Commission would hold. Happy to answer any more specific questions you have on the application. Again, it's a request specifically of that size limitation for it to be processed as a minor subdivision as opposed to going through the full subdivision process.

Bridge Littleton: Okay. Questions? Well, real quickly, actually, Bud, you were on the Planning Commission. Do you have any input you'd like to add or thoughts from the Commission or?

Bud Jacobs: As always, Will does a terrific job with his summaries. I was one of the Commission Members who felt that even though approval for this ultimately will be ministerial for us, that it was nonetheless important that the public be given the opportunity to give us their views on this particular subdivision. I honestly don't think it will be that controversial, but I do think it's important, even if it makes more work for all of us to hold those hearings and hear what the public has to say. And Will actually assured us that it's not, in fact, all that much more work to go ahead and hold the public hearing and proceed to process this without a waiver. Let me repeat, recognizing that in the end it will be approved. There's no trouble at all with the application.

Bridge Littleton: Cindy, you have a question?

Cindy Pearson: And what can be built on this after it's approved?

Will Moore: I can't give a full and complete answer because it's Loudoun Zoning that governs. And I'm prohibited from issuing what could be viewed as a determination for them. I will say that the proposal which is indicated on the plat is to do an additional dwelling on the lot that would be carved out. There's one home on the property now. There would be an additional one created. County zoning has provisions for accessory units in AR-2. So I can't tell you what might happen in the future other than there would be no further lots created because the conservation easement would prohibit additional lots.

Cindy Pearson: But it is not, quote a subdivision as we're thinking of subdivisions with lots of houses?

Will Moore: Correct. This is splitting one lot into two and with a proposal to create one additional home.

Cindy Pearson: All right.

Bridge Littleton: Any other questions? Yeah, Peter.

Peter Leonard-Morgan: And Will just for clarification, my understanding is that there will be still one entry, ingress, egress on Foxcroft Road?

Will Moore: Correct. There's no proposal for a new driveway. There would be an easement, ingress, egress, easement established over the existing driveway and that would be extended into the new lot.

Peter Leonard-Morgan: And just to follow on, does it cost the [inaudible]? Is it much more costly to do it this way rather than get the waiver?

Will Moore: It's at least it's in the neighborhood of \$2,000 additional in application fees. There will be additional time as well.

Cindy Pearson: And it does all come down to the final line that they'll get this approved anyway. Is that what I'm hearing? Whether.

Will Moore: I mean, it's a ministerial act. Again, I can't answer for Loudoun, but I don't see any I don't see any hurdles in the way at this time.

Bridge Littleton: Any other questions for Will or for Bud? Ok. I mean, Bud you and I talked about this. Will, Danny you and I talked about it. I guess my thought is sort of where Bud is, is that, you know our waiver process says if it's under one acre, then it's minor. And that's kind of when the waiver approves. And this one is, you know, I mean, I get it right. This is all ministerial. It's they do it, all right. It'll happen. But it's a 95-acre

parcel. And I mean, my concern not so much about legal precedent that we end up in court, but it's public precedent. Right. It's the next landowner that comes along and it's not exactly the same. So there's not a judge or a court issue, but it's public [inaudible]. Well, you did it for them. Why don't you do it for me? We might have some real legitimate concerns. So, you know, I don't know everybody else's, but I'm more, you know, sort of feeling like I think the Planning Commission got it right. So.

Bud Jacobs: I would say that. This town is blessed with relatively high levels of citizen participation across the board. And with respect to requests for these kinds of approvals. As we all know. The idea of subdivision growth around Middleburg is something that people get pretty upset about. And they have great concerns and I know individually we share many of those concerns. If that is all true, then it seems to me, even if it may appear to be a pro forma exercise, that it's incumbent upon us to hear the views of those people who have the view and care to express it on this particular application. Let me stress nothing at all wrong with the application. [off mic]

Peter Leonard-Morgan: [multiple speakers] To add to that, I did watch the whole public, the Planning Commission Meeting about that. And actually I do know this property, so I will have to abstain. But I think what you say is absolutely right and I think further to that is it gives a forum for the public to hear more about it, to understand more about it, because otherwise there is that possibility that folks may go, Well why don't they just [inaudible] subdivision but actually it's not really that.

Cindy Pearson: Yeah. Yeah, I think that's where the a problem will come as they don't understand subdivision because I didn't at first. You know I'm thinking oh my God here we go another, you know 40, 80. [off mic] Right, whatever. So it needs to be communicated clearly. You know, for people that don't understand all the legal.

J. Kevin Daly: I agree. Without having that, then it's opened up to wild speculation and assumptions. And next thing you know, you got 149 homes going into 94 acres.

Bridge Littleton: Wait, there's not. [laughter] Okay, So do we need to vote on this Will?

Will Moore: You do.

Bridge Littleton: We do, okay. Is there a. Let me see. Which one was it? Okay, let's see where is it?

Bud Jacobs: I've got it.

Bridge Littleton: Go ahead. Yeah, if you've got it.

Bud Jacobs: Mr. Mayor, is it your sense that we should vote on the disapproval waiver motion or the approval?

Bridge Littleton: Yes.

Bud Jacobs: Yeah. All right. I move that Council disapprove a waiver of section 3.5.B.6 of the subdivision and site plan ordinance related to a two-lot subdivision at 22941 Foxcroft Road.

Bridge Littleton: Second.

Bridge Littleton: Any further discussion? Rhonda, let's do this as a roll call.

Rhonda North: Okay.

Bridge Littleton: Well, just because we're moving on a disapproval, it's sort of like, you know, it's not like Yes, No. It's so yeah, if you want to call the roll.

Rhonda North: Vice Mayor Leonard-Morgan.

Peter Leonard-Morgan: Abstain.

Rhonda North: Council Member Daly.

J. Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: I say aye, but it's a shame that it has to go through all this to get there. But I understand it. So Aye. [laughter]

Bridge Littleton: Rhonda. That's one, two, three, four. So we're good?

Rhonda North: The motion passed.

Bridge Littleton: Yeah. Okay. Good. Great. Are you well you already abstained. Yeah. So. And [inaudible]. Okay, good. All right. That was a complex one for being so easy. [off mic] What's that?

Darlene Kirk: It was [off mic].

Bridge Littleton: Well, yeah. Could have done it different. There's any number of ways you could have written the motion, but we got there. We got there. Okay. Next is a discussion item.

J. Kevin Daly: Before we go forward.

Bridge Littleton: Yeah.

J. Kevin Daly: Just so I understand. So we're not allowing the waiver, but they are allowed to go for public discussion. [off mic] Oh, okay. That's, I want to make that clear, because that.

Bridge Littleton: They just got to use the normal process. Yep. Okay. Next is discussion items, Short Term Rental regulation. Mr. Moore.

Will Moore: Thank you again, Mr. Mayor. I won't give you the full background here. I think this is still fresh and on many members minds, but the quick version is in late 2021, Council requested that the Commission study the subject of short term rentals with a concern that there might be an influx, even though we haven't had at that point in time any applications in the, at that point in time, five years since the ordinance had been adopted. Throughout 2022, the Commission worked on the subject, starting with a Comprehensive Plan Amendment recommendation that Council adopted, essentially providing a statement related to short term rentals in the Comp Plan. And then they proceeded to work over several months on a Zoning Text Amendment, which was ultimately adopted last month by Council excuse me, as we discussed during that process, the Commission started with a more Complex Text Amendment than what was ultimately recommended and adopted. Mr. Rocconi, who spoke to you earlier, referenced a tiered approach that he was opposed to, but that was what was the more complex version. And in your adoption of what was recommended by the Commission, you asked that we revisit and discuss the topic further. So that's where we're here now. What staff heard and what Mr. Rocconi was referencing was what staff was taking away from many of the comments from Mayor and Council was specific concern of the effect of short-term rentals on our older established neighborhoods. So on your Ridgeview, on your Chinn Lane, the R-2 zones in particular. So the tiered approach that that was studied early on gave more protection, if you will, to the R-2 area where we're in those homes within R-2 would be eligible for fewer days per year if they were to apply and be approved for a short-term rental. If you were outside R-2 but close to it, you could be eligible for more. And if you were separated even further from our older neighborhoods, you could be eligible for the greatest number of days. So that's one approach. If the concern still remains primarily as to the effect of the use on our older established neighborhoods. Another approach which could be used and it kind of came up in discussion amongst Council and it may have been Mr. Jacobs I can't remember exactly, but when we kept talking about

do we need to go further, the idea was floated that maybe we just shouldn't have short term rentals, but maybe that's an approach for R-2. You know, if the concern is that great of the effects in our older, established neighborhoods, one potential approach without creating this more complicated tiered approach would be simply to remove it as a Special Exception Use and only allow it for consideration in R-1, R-3. So those are a couple of ideas that staff has off the top of our head, either to revisit the tiered approach or to consider an outright prohibition in R-2. But clearly there are some citizens, Mr. Rocconi, who spoke to you who don't necessarily feel that would treat folks who might be interested in that use in R-2 equitably. So that's probably a consideration that Council would want to take into you know consideration. So that's really my starting point for discussion, is am I hearing your primary concerns correctly? And if so, those are two possible avenues to explore.

Bridge Littleton: Perfect Will, [inaudible] you captured. So at a high level, I think the item is. So I think this goes back to the initial concern. Right. Do we become a town of renters and transient, not renters, transient occupancy, or is it a community of people who by and large all live here? And we've seen like in that article that Terry Cooke found and sent out and there was that 60 Minutes thing a couple of months ago about Aspen and Vail and those communities, which were communities not unlike Middleburg, was 30 or 40 years ago, not thinking about especially, you know, that was all pre Airbnb and VVRO and all that kind of stuff. But they were very highly sought after tourism destinations, and it sort of happened organically. And then lo and behold, they wake up one day and 90% of the housing there is short term transient rental and then there's no space for teachers, no space for workers, no place. And is now I mean, I remember that that one article where it had the guy who was literally renting was working in one of these resort towns and was renting a storage unit and living in the storage unit because he you know, and he was obviously breaking the law. But I mean, it was the only place he could find to live within a drivable distance that was affordable. So., I think you know why we've only ever approved one. The wave is coming. And I think what's actually going to really drive the wave is once Salamander really gets their short-term rental program running and people and investment firms and real estate firms see the economics of what they could make. You know, that's where you really could have a fast drive on, a run on, especially like R-2. Now, will that take a couple of years? Yeah. Absolutely right. It's going to be a couple of years for them to build out and see that, you know, that income stream and things like that. So do we want to get ahead of it now? And, you know, I guess the big question is, what's our vision for the future? Is our vision for the future that we want R-2 and most of our town to be 90% citizens who live here and are part of the community? And if we do, then the downside of unregulated or not well-regulated short-term rentals could be a huge threat to it. So, you know, I appreciate the gentleman from Sycamore Street's input, you know, but at the end of the day, when you have an investment firm or real estate firm, it's going to be economics. Right? It is clear and I've gone and done some of this research. There is not really many, many things where in towns like Middleburg, it's either a short-term rental through and through or it's a house that people live in full time. It's not both, you know, it's not the, oh, this older couple, that's great. They get to rent it. Well, where does that older couple go? Because the older couples here that we have living in Middleburg make \$54,000 a year. They don't have vacation homes in Florida. You know, so that's not what'll happen.

Darlene Kirk: Remember we had this problem once before. When a lot of the farms on the outside of town bought a lot of the houses.

Bridge Littleton: For their staff, yeah.

Darlene Kirk: Putting their staff in there. Yeah. And that finally went back to where we have houses and families. But if you look at Sycamore Street right now, there are three houses on there that are huge because we've allowed regular houses to be torn down and replaced. And that's something we need to face. It's important. Probably more important, I think.

Bridge Littleton: And that's the other thing we'll look at R-2 zoning. So I know I just went off with some hot air there for a minute, but I think that's the challenge we're trying to wrestle with.

Bud Jacobs: Can I?

Bridge Littleton: Yeah. And Bud. Sure, sure, sure. Yeah.

Bud Jacobs: A couple of quick things. What Will is asking us to do is give him and the Commission explicit guidance on what you want to see the Commission do with respect to potential further revision of the short-term rental guidelines. So that's a question we have to answer. I believe the answer is yes, but I'm not speaking for you guys. And the second part of Will's question, which is the more difficult one, is are you specifically concerned with potential impacts on specific neighborhoods? And that's a key feature of this discussion, and we need to grapple with that a little bit. I hear you loud and clear when you start talking about the issue and the problem of short-term rentals. I've read most of the same material that you have and have come to generally the same conclusions. The only part I think I would quibble with, Mayor, is that we do have a strong regulation. We are not inadequately regulated with respect to short term rentals rentals, and that gives us, I think, enough time to carefully consider over the coming months, because as you point out, we've got time to carefully consider what we think the solutions might look like. And in my own case, you know, I started out sort of a fervent believer in the tiered approach, but I've changed my mind. I don't think it's the way to go. Noise is noise. A nuisance is a nuisance. And that is not a rational basis to discriminate among neighborhoods. It seems to me if we have an ordinance governing short term rentals, then that it will and must apply across the board to the town. And I wouldn't be opposed if it were legal to do so. I think there are problems with it, but I would absolutely be willing to ban short term rentals outright if that were feasible.

J. Kevin Daly: I concur. It should be across the board. Why do we designate an older section of town to be protected whereas new dwellings being built? Oh well, they can have short term, but we don't want that for our folks over here. It should be across the board for the entire town and each section R-1, R-2, R-3. I don't know, R2D2 all treated equally.

Will Moore: If I might weigh in on that. I hear what you're saying. But when you say across town, we don't have a regulation across town as it is, we allow for the use only in certain districts. The very nature of zoning is to treat different zoning districts differently. So I hear the argument, but that argument could be expanded to say that, well, we should also allow it in R-4, we should also allow it in townhouses. We should also allow it in dwellings above businesses, which we don't currently. So I'm grappling a little bit with the concept of one rule for the entire town.

Bridge Littleton: Yeah, and yeah, it's a good point, right? So and it's the same with commercial, right? Where you allow certain types of businesses on downtown and not in other areas so. And so but I think what I would say to your question or to your input is. So I mean the reason we have R-1, R-2, R-3 is because they all are actually different, you know, and we allow certain things to be built certain ways and so. I guess where I have in my mind is we shouldn't presuppose that a tiered approach or something else is out of the chute the right way to handle it. It might be something totally different. Right To your point, right. It might be that banning it in one section because of its proximity to a school or whatever it is makes sense. And again, I'm not saying that's what we should do or not do. So I guess my question would be, so Bud raised exactly the right question. The right question is what direction do we want to give staff to take this to the doing of the homework to see what options there are to try to achieve the ultimate goals of ensuring that we actually have a community of residents and not of short-term transient occupancy. So that's our goal. We're all sitting here going, don't know the answer, but to your point, maybe we've gotten it right. I don't feel like we have because I've run the numbers and, you know, being able to rent 50% of the year, the numbers work. You know, you buy a Rambler for 600 grand, you put 100 grand into it. And if you can only rent for half the days, you're going to be making a lot of money. So at the end of the day, for a developer, it all comes down to the economics. So Bud, I think Bud what you're saying is, do we give or are we ready to give staff the charge that what we have right now doesn't appear to be enough? Please take this and figure out what options are available over the next couple of months. And let's work the next layer of detail. Am I capturing that right, Bud? Okay.

Bud Jacobs: Works for me.

Bridge Littleton: Yeah. Yeah.

Darlene Kirk: Me too.

Bridge Littleton: Yeah. Is that. And one one quick thing. And I don't think we were saying send it back to Planning Commission.

Will Moore: And that was a good question.

Bridge Littleton: Right.

Will Moore: That I would have obviously they would be involved if there were further amendments they would be involved. But they spent a lot of time getting to the point that they got to. And I think and I don't want to speak for the Commission, but I think. Mr. Jacobs statement that there's a belief that we actually have a good ordinance, as it is right now, seemed to be a thread that ran through the Commission, which is why they kind of went away from that tiered approach. And maybe as it became would become tested with more applications over time that might change that feeling. But one of the other threads that came up in discussion over time was we don't really have anything to go by. We've had the ordinance for five going on six years and at that point in time we'd had zero applications when they started working on it and the one came through.

Bridge Littleton: So I think the idea is, you know, you guys, in all the spare time you have, you know, look at this and, you know, see what the three or four good options are, and you know how they've worked or not worked or whatever. I think the idea is come when that's ready for us to take a look at. And if we then want to act on it, then we would give it back to Planning Commission to take it and do their do their great work. Ok I'm sorry, Peter, go ahead.

Peter Leonard-Morgan: Yes. So I followed this a lot and I know how much work has gone into it by you and staff and the Commission. And I know it hasn't been easy at all. I'm curious why we're focusing on 183 days or six months. That would seem to be an area to really look at in order to, you know, retain some property rights for people, you know, genuinely own their homes and want to rent it out for a little bit. But this whole six months is like, oh, it's a long-term rental almost.

Will Moore: So the original crafting of the ordinance, one of the things that was insisted upon was we don't want to allow for any property to be converted solely into a short-term rental. So that meant that it had to be used primarily for residential purposes as a residence and to be considered primarily that was at least half of the year or half the year plus. I think we have 183 days, something like that. So which would then in turn say the absolute maximum that it could be rented out for short term purposes would be whatever that balance is. So roughly 180 days is what we put. It was never staff's intention in the original crafting of that language, that 180 days, an applicant should read that and say, Oh, I can do this for 180 days. That was the absolute max that could ever be considered. But you can even as the language stands today, because Special Use Permits are looked at on a case-by-case basis, you can impose conditions, one condition being the maximum number of nights per year. So you could say 60, you could say 40. [off mic] You do. And that was one of the things why I started off with that first draft, that kind of tiered approach, because there will always be some sort of subjectivity because again, it's a case-by-case basis. The unique circumstances of each property and it surrounds can be taken into consideration, but it would have been a better framework than simply, Oh, it's 180 days or something less than that. And taking a wild guess at what that something should be so.

Bridge Littleton: Right.

Peter Leonard-Morgan: So I guess what? I'm sorry. What? I'm sorry. I'll just finish that question. So what I was interested to know is, you know, why wasn't it, say, for example, maximum of 60?

Bridge Littleton: I can tell you why. So I was on Planning Commission at the time when this all first started with the Airbnb law at the state level, and this is 15 and 16 and whatever. The only thing we actually really focused on was making sure it was primarily a residence, and we didn't even go into any discussion as to. And so it was like, okay, well, how do we define it as primarily a residence? It's like, well, more than half of the year. So that's 180 plus two or whatever it is. So it's like, okay, well, that must be what it is. We never went any deeper or further saying, Well, it really should only be 60 days of rental. And you remember that? Yeah.

Will Moore: I do. And that could be another recommendation that comes out for you to consider is if you do want to keep across those three zoning districts, at least a similar approach, maybe it's just changing that maximum of 180 to a much lower number and applying it the same across those three districts. [off mic]

Bridge Littleton: I'm sorry.

Cindy Pearson: When the gentleman from 105 Rotoni?

Rhonda North: Rocconi.

Cindy Pearson: Okay. Sorry. I was thinking of pasta, wasn't I. Must be that time, I think. He said something about the short-term rentals being like a mother-in-law suite or that's not part of this, is that.

Will Moore: It's not. In fact, that was one of the amendments that you passed that the Commission recommended was to clarify in the ordinance that you cannot create an accessory dwelling unit or use an existing one if there is a legal one for a short-term rental.

Cindy Pearson: Right. Because he even said, like if the older folks had an extra something room, whatever.

Will Moore: Mother-in-law suite.

Cindy Pearson: Mother-in-law.

Will Moore: Yeah, right.

Cindy Pearson: Yeah. Okay. I just wondered if I heard that. Okay thanks.

Bridge Littleton: Darlene.

Darlene Kirk: Well, there's several houses in Sycamore not Sycamore Ridgeview that are split. I mean, there are quite a few that have an apartment up and apartment below, and it's like one family living there, and maybe the kid goes downstairs, but that's not what I was going to say. The whole point, I think we have to be

very careful numbers is because we want this to be a town of people. And if somebody is going to have six months to rent out a house, then they're not going to live there with children. And very often, you know, have people that are going to be on our committees or even be interested. So we have to really be careful on our numbers.

Bridge Littleton: It's a great point. So Will do you guys feel comfortable? You got enough guidance from us?

Will Moore: I think so. I can come back in the next month or two with some initial rough options for you to kind of look over and.

Bridge Littleton: Okay that'd be great. Okay. Anybody have any other input for Will or Danny? Once. Twice. Yeah.

Darlene Kirk: The only other thing I was going to say is if look into keeping our houses like they are, rather than letting so many of them be torn down up in any area and being replaced by these houses that are from one edge to the other because people can't afford those houses, they may have five bedrooms. So you could have all your kids have a bedroom, but you can't pay 1.4 million for it.

Will Moore: Yes ma'am.

Darlene Kirk: So that's what we've got to that needs to be focused on too.

Bridge Littleton: Awesome. Thank you.

Darlene Kirk: You're welcome.

Bridge Littleton: Okay. Any information items? Going once going twice. [off mic] Yeah. Okay. No, that's it. And then we're going to Closed Session.

Cindy Pearson: Can I just make a comment to Gary?

Bridge Littleton: Yeah. Oh.

Cindy Pearson: When you were telling us about that, I hope each and every one of you at the Legion. I don't know how to put this, and I hope I can get through it. Just remember that, you know, you were the chosen place for that gentleman to do what none of us will ever understand. So don't try to. I did have someone we had a lot of these things go on years ago. We had three local people go through this and, you know, they say if you understand what was going through their mind, you're in a bad place, too. So it's like we can't understand what they were going through to do that and just know that you were picked for a reason and thank you for doing what you're doing.

Bridge Littleton: Thanks. Any other last information items before we go to Closed Session?

Peter Leonard-Morgan: I don't think so.

Bridge Littleton: Okay, great. Well, we'll now head into Closed Session. Would someone like to read the motion?

Peter Leonard-Morgan: Yeah. [multiple speakers]. [laughter]

Bridge Littleton: You mean assigned to read the motion?

Peter Leonard-Morgan: Right. Okay. I move that Council go into Closed Session as authorized under Section 2.2-3711 of the Code of Virginia for consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall Project contract as allowed under subsection A8. I further move that the Council thereafter reconvene in open session for action as appropriate. [off mic]

Bridge Littleton: Is there a second?

Darlene Kirk: Second.

Bridge Littleton: All in favor say aye.

All of Council: Aye.

Bridge Littleton: Opposed? [off mic] Abstentions? We are in Closed Session. [inaudible] Okay, I ask that Council certify that in the Closed Session just concluded to the best of each member's knowledge, nothing was discussed except the matter or matters one specifically identified in the motion to convene in Closed Session and two lawfully permitted to be discussed in a Closed Session under the provisions of the Virginia Freedom of Information Act as cited in the motion. I would like to remind those present for the Closed Session that any discussion that occurred within it should be treated as confidential.

Bud Jacobs: Yes.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Peter Leonard-Morgan: Yes.

Cindy Pearson: Yes.

J. Kevin Daly: Aye.

Bridge Littleton: Any other items for Town Council? Meeting adjourned.