



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, July 13, 2023**



**PENDING APPROVAL**

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

**STAFF:** Danny Davis, Town Manager  
 Martin Crim, Town Attorney  
 Rhonda S. North, MMC, Town Clerk  
 Tina Staples, Town Treasurer/Director of Finance  
 Shaun Jones, Chief of Police

**ABSENT:** Councilmember J. Kevin Daly

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, July 13, 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 – The Fun Shop**

Mayor Littleton noted that The Fun Shop closed after sixty-seven years in business and advised that it was the cornerstone of the community for three generations. He noted that the Allen family ran the business, with Betsy Allen Davis and Page Allen having carried on their mother’s legacy of caring for and cherishing their employees, which was a mark of success. Mr. Littleton wished Mrs. Davis and Ms. Allen the best in whatever they chose to do in the future. He read the resolution aloud. Mr. Littleton announced that a bench in the Village Green would also be dedicated in honor of The Fun Shop; and, he displayed the plaque that would be placed on it.

Councilmember Bernard thanked Mrs. Davis and Ms. Allen. He noted the challenges associated with running a business and advised that they brought a lot of joy to everyone who ever walked into their shop.

Councilmember Pearson wished Mrs. Davis and Ms. Allen well.

Councilmember Jacobs noted that his daughters always made it a priority to visit The Fun Shop when they were in town and were distressed to learn of its closing. He acknowledged the contributions of the store and the Allen Family to the town and advised that the closure was a loss to the community.

Councilmember Kirk advised that she loved The Fun Shop and noted that it was an integral part of the community. She wished Mrs. Davis and Ms. Allen a happy retirement.

*Councilmember Miller moved, seconded by Councilmember Kirk, that Council adopt a resolution expressing its gratitude to the Allen Family and the employees of The Fun Shop for their faithful support of and service to the community over the past sixty-six years.*

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

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Mrs. Davis expressed appreciation to the Mayor and Council for honoring the shop and her parents, family, and employees. She advised that it had been a joy to be a part of the town. Mrs. Davis noted that before they passed, her parents told her and her sister that they needed to close the shop and have fun. She thanked the Town for its support.

Ms. Allen thanked the Mayor and Council for their kindness. She expressed appreciation that their employees were mentioned in the resolution and noted that The Fun Shop would not have been what it was without them. Ms. Allen also thanked the customers for their support.

Mayor Littleton presented framed copies of the resolution to Mrs. Davis and Ms. Allen.

Mayor Littleton asked that the Resolution of Appreciation for Raven Orlikoff be moved to the consent agenda since she was not present.

### **Public Comment**

Megan Gallagher, 214 E. Marshall Street, appeared on behalf of herself and those who wished to save the Mickie Gordon Park. She thanked the Mayor and Council for their leadership in this matter and opined that the public meeting that was held was a good example of community engagement. Ms. Gallagher thanked the Mayor for his efforts, including framing the debate, offering solutions, and starting the online petition, as well as the members of Council for attending the Parks & Recreation Department’s community meeting. She also thanked the Town Manager for drafting a letter to the County regarding this matter. Ms. Gallagher suggested the need for the County to improve upon how it planned for recreational resources.

Chris Gore, 1 Piedmont Drive, advised Council that the Post Office removed the public notice bulletin board from their facility. He noted that lots of information that used to be available to the community was now gone. Mr. Gore explained that the removal was done in accordance with federal postal regulations. He advised Council that the Town Manager mentioned that the plan was to have a community bulletin board in the new Town Hall. Mr. Gore opined that people depended on and enjoyed the posting of notices and suggested they enriched the small town.

### **Discussion Items**

#### **Follow-Up on Mickie Gordon Park Meeting**

Town Manager Davis noted that the members had his report and a draft letter to the Director of the County Parks & Recreation Department expressing the Council’s position on this matter. He advised that he was open to edits. Mr. Davis suggested the letter be sent by the end of the week and noted that he and the Mayor were scheduled to meet with Steve Torpe, the Director of Parks & Recreation, next week.

Mayor Littleton noted that the community meeting was amazing and credited those present with focusing on the issues. He advised that Mr. Torpe told him that normally, the Parks & Recreation Department saw fifty people at such meetings and noted that there were two hundred fifty present for this one. Mr. Littleton expressed appreciation for the community’s support.

Councilmember Kirk noted the need to determine when the Parks & Recreation Department would return to Middleburg. She reminded Council that they had provided no services in this area since they pulled out of the Community Center.

Mayor Littleton advised that he would raise that during his meeting with Mr. Torpe. In response to a comment from Council about including the language suggested by Ms. Gallagher about long-term planning, he suggested the Town get through the Mickie Gordon Park issue first.

Councilmember Pearson advised that she was proud of everyone who spoke. She thanked them for doing so.

The Council held some discussion about the services the Parks & Recreation Department used to provide for children. It was noted that the Community Center, where they used to be held, was not handicapped accessible.

Mayor Littleton suggested the letter be sent on July 14<sup>th</sup>. He advised that he would follow-up with the Council the following week and let them know how the meeting with Mr. Torpe went.

## **Public Presentation**

### **Use of American Legion Property**

Gary Nickelson, Commander of American Legion Post 295, advised Council that there were a lot of British expatriates in the area; therefore, the Royal British Legion created its own local chapter. He noted that they were a big supporter of the American Legion. Mr. Nickelson reviewed the Legion's activities and noted that they were located in a one-hundred-year-old building that had issues. He further noted that they had secured grants to help them with improvements to the building and advised that the Royal British Legion had also provided financial support. Mr. Nickelson reminded Council that their back lot, which consisted of three-quarters of an acre, had been used for overflow parking and advised that they now had a vision for its development.

Steve Carney, Vice Commander of the Royal British Legion East Coast Chapter, advised that they would like to collaborate with the American Legion. He further advised that they developed a sustainable plan that would allow for the use of the back lot; increase the interoperability of the lot; allow for increased pedestrian access for the public; be attractive; and, be relevant. Mr. Carney explained that they would like to develop an Allied War Memorial on the property and opined that such a project would fit within Middleburg. He reiterated that the project would allow the back of the American Legion lot to be connected to the town from a pedestrian standpoint and would consist of extensive landscaping, drainage, and grading work, as well as improvements to the existing American Legion building and its parking lot and the construction of a building by the Allied Veterans Foundation. Mr. Carney explained that their intent was to turn the property into a veterans' campus that would be open to the public. He reminded Council that soldiers were fighting daily and advised that this would be a war memorial that would be "young" in its approach. Mr. Carney noted that he had spoken with the diplomatic community about it and opined that it could be a regional draw. He stressed that this project would be compliant with all regulations.

Mr. Nickelson noted that the American Legion had operated for seventy-seven years in Middleburg and advised that the sustainment of their facility was always at the forefront of his mind. He opined that by collaborating with the Royal British Legion, it could serve the community for another seventy-seven years, and allow for the hiring of part-time staff.

The Council opined that this was a wonderful presentation. They thanked Mr. Nickelson and his wife for being so active in the community. Mayor Littleton asked Mr. Nickelson to let the Council know if he needed anything from them to advance the project.

## Donations to Middleburg Charitable Foundation

Town Manager Davis noted that the Middleburg Charitable Foundation just began operation this calendar year and advised that the proceeds from the Health Center Fund were transferred to them. He reminded Council that the Foundation could only spend the interest earned on the money, not the principal, for charitable purposes, as the goal was that it would remain in perpetuity as an ongoing endowment. Mr. Davis questioned whether the Council wished to provide the Foundation with an annual donation to support charitable causes and noted that the FY '24 Budget included \$20,000 for charitable donations that had traditionally been used to supplement the Health Center Fund donations. He suggested this could be given to the Foundation to support their efforts.

Councilmember Miller, a member of the Middleburg Charitable Foundation's Board of Directors, reported that the Foundation had \$896,000 between its checking account and investment funds. He thanked the Council for their support. Mr. Miller advised that the Foundation had a draft website, and the Board drafted a vision, mission statement and DEI statement. He acknowledged the \$20,000 in the Town budget; however, he expressed hope that the Council would make a substantive contribution this year and agree to make a financial commitment in the future if the Town had a revenue surplus. Mr. Miller noted that the Foundation relied upon donations and asked that the Council be more generous in their giving. He noted that people were struggling and advised that the Foundation aimed to fill the gap for those most in need. Mr. Miller expressed hope that the Council would make it a policy to provide future donations, as the Foundation's money would be used to support town citizens. He reiterated the Foundation's request that the Council be deep with their generosity. Mr. Miller further reiterated that the Foundation had developed a website, which it would use to seek donations and offer grants. He advised that they did not want to use their money for the grants this year, as it was just invested in the market. Mr. Miller opined that it would be better if they did not have to do so.

Howard Armfield, 6452 Old Goose Creek Road, Co-Chair of the Middleburg Charitable Foundation, reminded Council that he served on the Health Center Advisory Board (the predecessor to the Foundation). He further reminded them that the Health Center came about as a result of a donation from the Mellons, who wished for any profits to be used for charitable purposes. Mr. Armfield noted that the money stayed in the town. He advised Council that the Foundation needed money to support charitable organizations in the community and asked that they consider increasing their donation this year.

Eric Scheps, 35761 Poplar Path Lane, Co-Chair of the Middleburg Charitable Foundation, reminded Council that the Foundation was in its infancy. He noted that its monies were only recently invested and advised that they were already seeing an increase in the fund. Mr. Scheps requested a commitment from the Town in order to help the Foundation get running so it could help the citizens.

Vice Mayor Leonard-Morgan thanked the Board of Directors and noted that nothing was more important than looking after fellow citizens. He advised that he could support an extra donation and inquired as to the order of magnitude.

Councilmember Kirk noted that she also served on the Foundation's Board of Directors, as did Pam Curran. She questioned whether the Foundation was looking for a donation that was equal to the amount of money the Health Center Fund gave away last year, plus more. Mr. Scheps confirmed they were.

Councilmember Miller reminded Council that the Town had been experiencing budget surpluses. He reiterated his request that the Council adopt a policy to give a portion of the surplus to the Charitable Foundation to help those most in need in Middleburg. Mr. Miller reminded Council that those involved in the Foundation were volunteers and that the Foundation incurred almost no operating costs. He advised that they would prefer to not touch the principal amount of

their investment this year. Mr. Miller opined that the Foundation would receive an unprecedented number of applications once they opened the grant period. He reiterated his request that the Council adopt a policy to make a donation to the Foundation when it had a budget surplus. Mr. Miller suggested this be discussed during a future meeting. He questioned whether there was an agreement amongst the Council to adopt a policy and advised that anything it did would allow the Foundation to move quicker and would help even more.

Mayor Littleton opined that the Council wanted to supplement the Foundation, as the Town created it. He noted that the Foundation's goal was for the principle to grow. Mr. Littleton expressed an understanding of the monetary constraints this year and the desire for an additional \$20,000 to be distributed to the community. He opined that the question related to adopting a policy was a legal one.

Town Attorney Crim advised that the current Council could not adopt a policy that would bind future Council's to a financial commitment. He suggested they could identify this as a budget priority to assist the Town Manager in the development of the annual budget.

Mayor Littleton noted that the Town also gave donations and suggested that all such requests should go to the Middleburg Charitable Foundation.

In response to inquiries from the Council, Town Attorney Crim advised that the Health Center was gifted to the Town, with the caveat that any profits from its operation must be used for charitable purposes. He noted that having donation requests go to the Foundation would allow the Town to get out of the political position of making decisions on which organizations were worthy. Mr. Crim noted that the definition of the term "charitable" was a broad one.

Mayor Littleton suggested the need to define "charitable" in terms of what requests would go to the Foundation. He further suggested that if more requests were forwarded to them, the Council needed to think about giving more money to the Foundation.

Councilmember Kirk suggested the Council's hands not be tied and noted that future Council's had the right to make charitable donations.

Mayor Littleton questioned whether the Council wanted to consider this. He acknowledged the need to think carefully about sending all requests to the Foundation and loading them up with requests without providing them with the money to be successful.

Councilmember Kirk reminded Council that the Foundation was separate from the Town. She asked that Town donations not be eliminated.

Mayor Littleton noted the need to structure the grant process so it would not be confusing to the public.

Mr. Scheps noted that not all requests for donations were appropriate for the Foundation to fund and cited the donation to Christmas in Middleburg as an example.

Councilmember Miller noted the need for communication. He reminded Council that two Councilmembers served on the Foundation's Board of Directors. In response to a comment from Council, he advised that the Foundation's vision and mission were tied to the history of the Health Center Fund's donations, which limited the scope of their donations.

Town Manager Davis reminded Council of the Town's grant policy. He opined that what he was hearing from the Council was related more to infrastructure grants, which were different than charitable donations. Mr. Davis suggested the Council may wish to retain those requests. He further suggested it was time to review the Town's grant policy. Mr. Davis noted that a process could be introduced for directing charitable grant requests to the Middleburg Charitable Foundation and suggested this could be used as a tool to inform the public.

In response to an inquiry from Council as to whether a budget amendment needed to be done quickly to support a donation to the Charitable Foundation, Councilmember Miller opined that a response was needed by September.

Town Manager Davis opined that by September, the staff would have a general idea of the Town's financial position. He suggested the Council could make the donation from the FY '23 Budget surplus. Mr. Davis noted that once the Foundation built some experience, they could provide information that would help guide the Council in the development of the FY '25 Budget, as well as future budgets. He reminded Council that the current budget forecast a \$700,000 contingency reserve and noted that this line item had been used in the past for donations.

In response to an inquiry from Council, Councilmember Miller advised that there would be a deadline established by the Foundation for organizations to submit their donation requests.

In response to an inquiry from the Council, Mr. Scheps confirmed the Foundation would return with a specific grant request.

Council agreed with the need to review and update the Town's grant policy. It was suggested that a Venn diagram be developed to help inform the public of where they should submit a grant application.

Councilmember Pearson cautioned that the Council still needed to build the Town's surplus funds so it could be prepared for emergencies. She agreed it wanted to be as generous as possible but noted the need to be prudent as well.

## **Staff Reports**

### **June 2023**

Town Clerk North reported that she was working to order signage associated with the new Town Hall, as well as coordinate items associated with the move.

Town Treasurer Staples reported that she was in the process of reviewing all the Town's tax rates and would provide a comparison with other localities. She advised that she would have this information available for Council's review by the end of September. Ms. Staples noted that this report would also include an updated utility rate comparison. She reminded Council that the June numbers shown in the report were temporary until all the revenues/expenditures for the month were known.

Town Manager Davis noted that the June meals tax number was significant and opined that the Town would end the year with a decent surplus. He advised, however, that the lodging tax revenues would be less than projected. Mr. Davis reported that the Town was on track for a very successful fiscal year.

Police Chief Jones recognized the police officers for their hard work during the Fourth of July Celebration. He also recognized Officer Riley who assisted an elderly lady after she came home and found her door was open. Chief Jones thanked the community for their support during the Stuff A Cruiser event and noted that the food was donated to Seven Loaves Food Pantry.

Vice Mayor Leonard-Morgan advised Chief Jones that he would not be available to sit in the dunk tank during National Night Out. Town Manager Davis volunteered to take his place.

Town Manager Davis reported on behalf of Deputy Town Manager Moore who was on vacation. He noted that a lot of new businesses had opened.

Town Manager Davis reported on behalf of Business Development & Community Partnerships Director MacIntyre. He advised that he was in the process of updating the Shopping/Dining Guide and expressed hope that it would be sent to the printer by the end of the week and available for distribution by the end of July.

Town Attorney Crim reported that in response to a change in the State Code, the Loudoun County Board of Supervisors recently changed their rules for how public hearings related to land use decisions were advertised. He explained that under the new State Code, the first notice for a public hearing could not be advertised more than fourteen days before the intended adoption date. Mr. Crim advised that under Loudoun County's new rules, if adoption did not occur the night of the public hearing, another public hearing must be advertised and held. He noted that Fairfax adopted the same rules. Mr. Crim suggested it would be prudent for the Town to do the same thing to avoid voiding a decision.

Town Attorney Crim reported that the Virginia Supreme Court recently decided a FOIA case involving Prince William County that could affect the Town. He explained that the members of their Board of Supervisors attended a citizen advisory board meeting and the Supreme Court ruled that because issues that could have been on a Board of Supervisors agenda could have been discussed, the public forum exception did not apply. Mr. Crim noted that the public forum exception was essentially eviscerated by this decision. He advised that the result was that no more than two officials could attend such an event.

In response to an inquiry from the Council as to how this would affect something like the Virginia Municipal League conferences, Town Clerk North advised that she would notice those as public meetings in order to avoid possible FOIA violations. Town Attorney Crim suggested that minutes should also be taken and noted that they could simply say that "three members of Council attended the VML meeting".

### Town Hall Project Status Report

Town Clerk North reported that the furniture had been delivered. She further reported that a deficiency walk-through occurred on July 13-14, with Downey & Scott, Glave & Holmes, Creech & Associates, The Timmons Group and LPDA all reviewing the construction. Ms. North advised that a deficiency list would be created that would identify each deficiency by three categories – those items that were building code deficiencies, those that would affect customer service and the Town's ability to occupy the building, and those items that could be done once the building was occupied. She noted that the start-up of the HVAC system and the installation of the counters in the Council Chambers were the two main issues that were driving the move-in date. Ms. North advised that the contractor installed temporary air conditioning units in the building. She reported that Vision Tech continued their installations; the cabinets and counters were installed, minus those in the Council Chambers; the signage was being installed; and, miscellaneous items were being done.

Town Manager Davis reported that the cupola was scheduled to be delivered July 26<sup>th</sup>. He advised that the Town and Downey & Scott were pushing the contractor hard to get the HVAC system operational as soon as possible. Mr. Davis noted that it must be commissioned and balanced. He opined that the Town would not move into the building on July 31<sup>st</sup> as was shown in the contractor's schedule.

In response to an inquiry from Council, Town Clerk North confirmed she had a plan for the surplus property that would be left following the move. She further confirmed that she had a plan for moving the pictures on the walls.

In response to an inquiry from the Council, Town Clerk North reported that following the installation of a piece of equipment, it was anticipated that the contractor would call for the start-up of the chiller unit. She noted that the problem was that whether the chiller manufacturer's representative would be available to do so quickly was an unknown.

### Consent Agenda

- A. Council Approval – June 22, 2023 Regular Council Meeting Minutes
- B. Council Approval – Resolution of Appreciation – Raven Orlikoff

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Miller, that Council adopt the consent agenda as presented, with the addition of the resolution of appreciation for Raven Orlikoff*

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

No – N/A

Abstain: N/A

Absent: Councilmember Daly

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

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**Discussion Items** (continued)

**Zoning Text Amendment 23-03: Definition of Professional Offices & Associated Regulations**

Town Manager Davis reminded Council that the zoning text amendment involved the question of whether the Town should continue to provide an exemption for real estate offices on the ground floor in the C-2 District, without the need for a special use permit. He reported that the Planning Commission recommended approval of the ordinance and advised that it would be scheduled for a public hearing before the Council during their July 27<sup>th</sup> meeting. Mr. Davis noted, as a follow-up to Town Attorney Crim’s report, that if the Council did not act on it during that meeting, another public hearing would need to be scheduled.

Council agreed they were fine with the scheduling of the public hearing for the July 27<sup>th</sup> meeting.

In response to an inquiry from the Council, Town Manager Davis confirmed that if approved, the ordinance would not prohibit real estate offices in the C-2 District - it would only require that they apply for a special use permit to locate them on the ground floor, locate their offices on the second floor, or locate their offices in a different zoning district.

**Process for Review of Zoning Text Amendment 23-02: Additional R-2 Amendments**

Councilmember Jacobs reminded Council that they developed a work plan related to the consideration of additional R-2 zoning regulations. He reported that the Planning Commission had a sense that the sequence of events was wrong with regard to holding a community meeting, followed by a meeting between the Council and the Commission. Mr. Jacobs advised that he, the Mayor, Town Manager and Chair of the Planning Commission met to discuss this. He reported that, based on that discussion, the staff was working to engage The Berkley Group to develop the framework for and facilitate a community meeting in September, with the goal of getting as many stakeholders as possible to participate. Mr. Jacobs noted that the stakeholders would consist of residents in the R-2 District and developers.

Town Manager Davis noted that his memorandum was drafted prior to the meeting cited by Councilmember Jacobs. He advised that the goal was to hire The Berkley Group to guide the discussions during the community meeting and to hear whether there continued to be concerns following the last zoning text amendments that were adopted. Mr. Davis suggested that if there were any further changes proposed to the regulations, the residents needed to be aware of the impact of those changes on themselves.

Councilmember Jacobs advised that if they agreed to facilitate, The Berkley Group would be the ones doing the speaking, with the Council listening. He opined that the community meeting would be a useful exercise.



Mayor Littleton opined that The Berkley Group did an amazing job with the Comprehensive Plan discussion and noted that they were objective. He advised that the goal was to not put numbers in front of the community, but rather to get people's thoughts and feelings. Mr. Littleton noted that as a result of the last zoning text amendment, there may no longer be concerns. He advised that the Town Manager was working to engage The Berkley Group.

### August Meeting Calendar

The Council agreed to cancel the first meeting in August.

### Annual Volunteer Appreciation Reception

The Council agreed to hold a Volunteer Appreciation Reception again this year. They further agreed to hold it in the new Town Hall Council Chambers. They suggested the volunteers be given a tour of the building that evening.

### Information Items

#### Board of Supervisors Candidates Debates

Mayor Littleton reported that the Coalition of Loudoun Towns (COLT) was planning to hold debates for the six contested Board of Supervisors races. He reported that one would be held at the Middleburg American Legion and that facilities were already booked for two other debates. Mr. Littleton further reported that COLT would do a survey, in consultation with Loudoun Now and the Loudoun Times Mirror, to develop the questions that would be asked during the debates. He noted the desire for county-wide questions, as well as town-related ones. Mr. Littleton reported that the debates would be live streamed. He noted the need for financial support to cover the costs and recommended the \$3,000 for COLT expenses that was included in the Town's budget be used for this purpose. He suggested more may be needed and advised that he would return with the total amount needed. Mr. Littleton advised that five of the debates would be held in September and the Chair's debate would be held in October. He reported that COLT reached out to every candidate. Mr. Littleton advised that he was responsible for the debates for the Dulles and Little River Districts, with all the candidates having agreed to participate. He further reported that the candidates for the Chair, Ashburn, and Catoclin Districts all agreed to participate. Mr. Littleton opined that there may only be one district in which all the candidates would not be participating. He noted that several organizations volunteered to assist with the debates; however, COLT declined as they wanted to keep them non-issue related. Mr. Littleton reiterated that he would work with the newspapers and mayors to develop the right questions to ask. He advised that a member of each of the newspapers and a mayor would ask the questions and he would serve as the time and rule keeper.

### Closed Session

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Miller, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for (1) consultation with legal counsel retained 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); (2) appointments to the Middleburg Arts Council and (3) for the performance review of the Town Manager, both as allowed under Subsection (A)(1) . Vice Mayor Leonard-Morgan further moved, seconded by Councilmember Miller, that the Council thereafter reconvene in open session for action as appropriate.*

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

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

**Appointments to Middleburg Arts Council**

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Kirk, that Council re-appoint Punkin Lee and Susan Pollard to the Middleburg Arts Council for two-year terms, said terms to expire June 14, 2025.*

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

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There being no further business, Mayor Littleton declared the meeting adjourned at 8:11 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

## July 13, 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](http://www.middleburgva.gov))**

**Philip Miller:** And the baseball stadium. Yeah. All right. We will talk later.

**Bridge Littleton:** All right we will call the meeting to order once I bring up the agenda. All right. The 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:** Okay, next item is Roll Call.

**Chris Bernard:** Chris Bernard.

**Bud Jacobs:** Bud Jacobs.

**Philip Miller:** Philip Miller.

**Darlene Kirk:** Darlene Kirk.

**Bridge Littleton:** Bridge Littleton.

**Peter Leonard-Morgan:** Peter Leonard-Morgan.

**Cindy Pearson:** Cindy Pearson.

**Martin Crim:** Martin Crim, Town Attorney.

**Rhonda North:** Rhonda North, Town Clerk.

**Danny Davis:** Danny Davis, Town Manager.

**Bridge Littleton:** Okay. I think what we will do is no, no. We'll do the special recognition first. So we've got two items on the agenda tonight for special recognition. The first one is one, that is [off mic]. No I'm not going to say bittersweet. It's not sweet at all. It's bitter. But it's it's very happy for the family. And that is a resolution of commendation for The Fun Shop and also for Betsy and Page. So as everybody knows, and if you don't, you live under a rock. Betsy and Page, after 67 years of continuous operation, are or have closed The Fun Shop, Middleburg's Department Store Middleburg's Central Location Middleburg's quick and easy answer to all immediate gifting problems and just a cornerstone of our community for three generations. You know, we'll be transitioning to a new business and new owners and so to Betsy and Page carried on their mom's legacy of, you know, the business she started in the 50s with absolute grace, dignity, care, concern not only towards running a wonderful business, being incredibly thoughtful and caring of the community whenever somebody needed to contribute or step up, Betsy and Page were there. But I think the biggest legacy is the way that they cared for and the way in which they cherished their employees. I mean, that is, you know, if you can own a business and walk away making such a positive impact on so many people's lives for decades, for the people who work with you and help you be successful, that's the truest mark of success. And those people's lives are better for having been a part of The Fun Shop forever. So I know we will all miss being able to go in. Betsy I'm going to miss sitting in the kitchen [laughter] having some little shop talk conversations over the over the table and I'm just going to miss

everybody's smiles and friendship and cheer. You guys aren't going anywhere, but you're moving on to the next stage and we wish you all the best. I'm not going to say in retirement, I'm going to say in whatever it is you're choosing to do, big or small and I know your families will be a really big part of that. So we will deeply miss The Fun Shop. But since you're not going anywhere, you know, I'll see you Friday. [laughter] But anyway, so what we wanted to do was we have a resolution of commendation for The Fun Shop and for Betsy and for Page. And we also have something that's really kind of special and neat that we're going to install in the new town hall once it's open and operational August 1st. Right, Rhonda? [laughter].

**Rhonda North:** I'm not making any promises. Hold on. Hold on. I also didn't say what year. [laughter]

**Bridge Littleton:** Yeah, right. Even though Will is not here, I get it, right? Yes. Hope is a plan. All right. So one of the things we normally do for businesses who have been in the community for such a long time is we do a resolution of commendation. And obviously that's something very important. But The Fun Shop has been such a unique cornerstone to this community for so long one thing that we're also going to do is we're going to dedicate one of the benches at the new town hall with this plaque for The Fun Shop. So in honor of Betsy and Page and their mom and their dad and all that they've meant to the Middleburg community for so long. And it's it's not worthy, but it's important. It says Dedicated in recognition of The Fun Shop for 66 years of business from 1956 to 2023. So once Rhonda gets the building open and the benches are already here, so we will be yeah, we will be installing this on one of the benches. So. Okay, with that, what I'll do is we'll read the resolution and then if any other Members of Council would like to provide input at that time, you can as well. And so we'll start with that. And I do not want a single comment about how far I hold this away.

**Cindy Pearson:** Would you like me to hold it for you?

**Bridge Littleton:** Please, could you stand over there? [laughter] Okay. All right. Resolution of Commendation, The Fun Shop. Whereas in 1955, Howard and Nancy Allen moved to the Town of Middleburg. And Whereas, in 1956, after experiencing frustration because there was nowhere in town to buy children's clothing and toys, Mrs. Allen opened The Fun Shop, one of the first women owned businesses in Middleburg, which specialized in hunt country gifts, home decor, kitchen, bath and stationery items, clothing, toys and a variety of products that met the needs of the local customers and visitors alike. And Whereas, after serving the community for over 66 years as a family owned business, The Fun Shop closed its doors on July 8th, 2023. And Whereas, The Fun Shop exemplified the charm and friendliness that drew visitors to Middleburg's historic village. And Whereas, the Mayor and Town Council recognized that the closing of The Fun Shop is the end of a long, tenured and well respected business in the Town of Middleburg. And Whereas, the Mayor and Town Council would like to formally recognize The Fun Shop and honor Mrs. Allen's legacy and values of serving as a customer oriented specialty department store that provided exceptional personal customer service. And Whereas, In addition, the Mayor and council would like to recognize Betsy Allen Davis and Page Allen for their many years of hard work and operating The fun shop which provided economic benefit to the town, including including having employed three generations of Allen family members and local citizens. And. Whereas, the Mayor and council would like to to recognize Howard Allen, who served the community as a member of the Middleburg Town Council from December 2nd, 1957, to May 9th, 1962, and Betsy Allen Davis, who served the community as a member of the Town Council from July 1st, 1998 to June 30th, 2006, and as Mayor from July 1st, 2006 to June 30th, 2018. Now, therefore, be it resolved that the Mayor and Members of the Town Council of the town of Middleburg express its gratitude to the Allen family and the employees of The Fun Shop for their faithful support of and service to the community over the past 66 years. Be it further resolved on that. On behalf of the Middleburg community, we extend our best wishes to Betsy Allen Davis and Page Allen for their continued success and happiness as they pursue the next steps in their lives. [applause]

**Betsy Allen:** Thank you.

**Bridge Littleton:** Okay. Any Member of Council would like to add anything? Chris.

**Chris Bernard:** Sure. So thank you guys so much. I certainly understand how challenging and intense it can be to run a retail operation and especially one of that size with that much different stuff in it. So that's a lot of hard work for a long time. And, you know, as someone who owns a toy store, right, I know that you guys have brought a lot of smiles and joy

to not just kids, but, you know, everyone who's visited Middleburg lived in Middleburg or has ever walked into your shop. So thank you, guys.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** And I'd like to wish you well on your next phase and hope you get to do a lot of really anything you'd like to do.

**Betsy Allen:** Thank you.

**Bridge Littleton:** Bud.

**Bud Jacobs:** I have a complaint. Oh, which my daughters who don't live in Middleburg but who visit regularly, always made The Fun Shop, if not the first place they visited, certainly the highest priority place they visited. And I must tell you, they were very distressed to learn about the closure of the store. I was distressed too, because of the contribution that the store has made to the community and Betsy and Page's activism and leadership, not just in retail, but all over this place. I was also distressed because I thought it might reduce my attractiveness as a host to my kids if they didn't have The Fun Shop to come to. [laughter] However, they assure me they'll still come, but there's going to be a little hollow spot in their hearts as a result of what I'm going to call a loss to the community. So thank you. Thank you so much.

**Betsy Allen:** Thank you.

**Page Allen:** Thank you.

**Bridge Littleton:** Anyone else? Okay. Did you want to? Okay.

**Darlene Kirk:** You going to go first? Oh, I'm just going to say I loved The Fun Shop ever since it's been there. And when your mom had it and when you guys had it and my girls love it, too. And Zoe just about fainted when she found out it was closing. But you guys have been so integral to make Middleburg, Middleburg and that's going to be missed. But I know you all need a break too, and I hope you have everything that you want in your retirement. Both of you and all your people, too, because they were great people you had working for you.

**Betsy Allen:** Thank you.

**Bridge Littleton:** I saw Terry this morning scurrying across the street. Hey, Bridge. [off mic] Okay. Yeah, right. And I will. I do think we do need we probably need to notify MBPA that when Christmas in Middleburg comes, Betsy and Page are now available to volunteer at other retail establishments. [laughter] I'm sure you're very excited to be back to wrapping gifts. Okay. We need to make a motion. Who would like to make a motion?

**Philip Miller:** I move that Council adopt a resolution expressing its gratitude to the Allen family and the employees of The Fun Shop for their faithful support of and service to the community over the past 66 years.

**Darlene Kirk:** Second.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed? Abstentions? Okay. Betsy Page. You guys want to come up and have anything you'd like to say? And then we got to do pictures. I mean, Norm's here. [laughter]

**Danny Davis:** Well, you going to hold her to three minutes? [laughter]

**Bridge Littleton:** No, no. Yeah.

**Betsy Allen:** Well, I mean, that was beautiful that you not only honored the shop and us, but our parents and employees. And that that means an awful lot to us because, I mean, you know, people go, Oh, we're going to miss you, or what are we going to do? And I said, Well, hey, we still live here. I got to go find a place to buy these things, too. But it's been a joy being part of this town. And, you know, we would have loved to have kept going, but we can't quite go much more. And, you know, as we said before, mom and dad both said not long before they died, you know, you really need to settle and go have some fun and do some things on your own. So, you know, we kept it going a while still. But anyway, we thank you all for your support all these years and helping us with all the different things we needed. And I don't know if wanted to add anything?

**Page Allen:** Well, I just want to first of all, just thank all of you for your kindness and giving us this lovely honor. Also, I appreciate so much that you have mentioned many times our employees, because without them, The Fun Shop wouldn't be quite what it is. They really we have had kind of one of the best crews ever anywhere. They're just lovely people and wonderful to all our customers. And to us last night they gave us this lovely little party at the coffee shop and it just took my breath away.

**Betsy Allen:** So it was a surprise.

**Page Allen:** It was a big surprise. [laughter]

**Bridge Littleton:** I wondered why they weren't taking the balloons in yet?

**Page Allen:** Yeah, it was a big surprise. But anyway, they are certainly a huge part of what The Fun Shop has been, at least for the last many years. And Mom, I'm sure, is looking down, smiling, blessing everybody and thanking all of you all and all the community for for supporting us all these years for being you know for keeping The Fun Shop going. Because without our customers, we're nothing either. So and we thank everyone for coming in and buying all the merchandise at the last and even our fixtures. [laughter] Yeah, it's really empty in there right now.

**Bridge Littleton:** Good.

**Betsy Allen:** Yeah, yeah, yeah. So, anyway.

**Page Allen:** But a lot of dust bunnies.

**Cindy Pearson:** Oh, yeah. They're free.

**Bridge Littleton:** Tumbleweeds.

**Betsy Allen:** A lot. It's a lot.

**Page Allen:** You know, I had to pull some off of a chair. Hope Morrison came in to pick up today. She goes, No, no, no, it's okay. I said, no, we're not sending you home with the dust bunnies.

**Bridge Littleton:** So I will say, I can remember as a kid being in The Fun Shop and Terry smacking my hand out of the peppermint patty jar. [laughter]

**Page Allen:** And she'd probably still do it now.

**Bridge Littleton:** Absolutely. So if you all want to turn around.

**Betsy Allen:** Oh, gosh.

**Bridge Littleton:** Okay, here we go.

**Danny Davis:** One, two, three, four. One more here. One, two, three. Let's see. Very good. She's done it once or twice. Want to thank you so much.

**Betsy Allen:** Thank you.

**Betsy Allen:** Thank you so much.

**Bridge Littleton:** Page, thank you. Absolutely. [applause]

**Page Allen:** Oh, thank you.

**Bridge Littleton:** One for each. Is another lady here? [off mic] Okay. Double check. Okay. We had one more item here and we'll go to public comment for. Reagan.

**Rhonda North:** Raven.

**Bridge Littleton:** Raven. I'm sorry. Is Raven here? Nope. Okay, so we'll just add it to the consent agenda. Okay, perfect. All right. Next item is the public comment. If anybody would like to address the Town Council during the public comment session, you may come forward and do so. You need to give us your name, address, and you'll have three minutes. As I understand, we had a extensive list of people sign up in advance. So we'll let those folks go first. Speaker number one.

**Rhonda North:** Would be Megan Gallagher.

**Bridge Littleton:** Oh, my goodness.

**Megan Gallagher:** Surprise.

**Bridge Littleton:** Miss Gallagher.

**Megan Gallagher:** Hi, I'm Megan Gallagher. I live at 214 East Marshall Street Middleburg. And yes, I have other things to do on Thursdays, but I'm speaking on behalf of me and some other people who worked really hard to turn the public out at the Mickie Gordon meeting. And Jim Benedict is here and Chris Gore is here. And many others asked me to share this. Thank you to the Mayor and all on the Town Council for your leadership on the issue of the Mickie Gordon Park Development Plan. The Community meeting June 29th was a remarkable example of civic engagement. There was a lot of energy in the room and some of it was really cranky, but it never really got ugly. And the best part was seeing Mark Winchester and other locals talking to cricket players in the parking lot during and after the meeting and finding they had a lot of goals in common. I specifically wanted to give special thanks to Mayor Bridge Littleton for framing the debate to avoid any us versus them context and for offering solutions that meet multiple community needs. We cribbed his language a lot in organizing concerned citizens. Also, thanks for the petition watching it get to more than a thousand signatures and reading over 350 comments was surprisingly fun. Thanks to all of you on the Town Council who attended June 29th. It means so much for worried residents to have their elected officials turn up and show their support. It really mattered to them, thanks to Town Manager Danny Davis for an excellent memo and draft letter for consideration tonight. I was going to thank you for all the great new friends I've made on this issue and on the hotel issue. But since only two of them are here, thanks for that too. Bridge one last thing. If you feel like bumping the park discussion up on the agenda, thanks for that, but I'm not expecting miracles every time I come. [laughter] All right. And I brought a book I wanted to share with you one thing that crossed into my email box this afternoon from Gem Bingol, who's 25 years for working for the PEC, Piedmont Environmental Council in Loudoun. And she summed up what this fight really comes down to. You've got your three asks there in your letter, They're great, but I'm going to quote her memo because it was really great language and cribable. I think. These asks emphasize a need for the county to improve how it plans for recreational resources. In this case, the lack of public process resulted in unnecessary distress in the community and time

and money wasted by the county. Mickie Gordon Park exemplifies the importance of establishing specific criteria to avoid, minimize and mitigate impacts when providing desired county park facilities. Wow. Great stuff. Thanks again. [applause].

**Bridge Littleton:** Thank you, Megan. Okay. Who was number two?

**Rhonda North:** Chris Gore.

**Bridge Littleton:** Neighbor.

**Chris Gore:** Good evening. I'm Chris Gore. I live at number 1 Piedmont and East Marshall Street. I want to speak about folks may be aware of that the post office has now started to remove all the little signs that were on the lobby hall that people would put up there when you lost a dog or maybe you're going to call a medical. Your musical group was going to have music on Friday night down the hall or somebody's daughter or somebody wanted to provide daycare to drive somebody to a hospital, to a nurse or a doctor or run an errand or whatever. So a lot of that information that we all inadvertently, many of us buy in the go to the post office is now gone. And that apparently is in accordance with federal post office regulations. So apparently for the time, that's the situation. Maybe in time, who knows, maybe that could change. We'll see. But in response to that and the loss of The Fun shop, which was another source of communication. But Danny pointed out that the new town hall is going to have a space that we could perhaps have a fairly good board with some tacks and odds and ends. We can put up our odds and end pieces temporarily, not so temporarily, that folks can still put up information and share information that way. And it doesn't have to be an overwhelming database. It is not it's not internet. It's not all that other stuff that we have. This is just folks living among folks. And a lot of us really depend on that and just enjoy it. If nothing else, it enriches, I think, the sharing we have as a town, small town, people who, hey, somebody's dog is missing. I think I might have seen that dog or I found a cat and I want to find a home for it, whatever. So just to bring that up to you all. And then as the town hall gets built and finished, maybe there'll be a place for that in that situation. Thank you very much. And Danny, thank you.

**Cindy Pearson:** Thank you.

**Bridge Littleton:** Thanks, Chris. Okay. Would anybody else like to. Now it's free for all. So whoever wants to run up next. Anybody? Going once. Going twice. All right. We will close the public comment. And Megan, I have no problem moving that item up next. So we will take up item number 12 D, which is the Mickie Gordon Park letter that Danny drafted with input from the Council that we would want to follow up and send out to the county. So Danny, if you want to just give us a quick 15 seconds.

**Danny Davis:** Thank you, Mr. Mayor and Council members, you have my report, obviously a brief overview of the community meeting. And thank you to Ms. Gallagher for that as well. The letter is just intended to at the last Council meeting, you discussed the topic and said, well, let's wait, hear from the community and then we will send an official letter from the Town Council just expressing the Council's position on this matter. So this is just a draft. I'm open to edits or suggestions either now or offline if you'd like to suggest anything. But I do think it would be helpful to have this completed tomorrow so that we can send it to Mr. Torpy and then the Mayor and I do have a meeting with him at 1:00 on Monday. So we'll be discussing that with him and getting further information on their next steps.

**Bridge Littleton:** So one quick thing I wanted to mention, just in general, since we're on Mickie Gordon, I did. I thought the community meeting a couple of weeks ago was absolutely amazing. You know, it's a credit to everybody in this room and a credit to everybody in the community who got the word out, showed up, raised awareness, raised concern. And I think Megan said it exactly right. There were some people who were, you know, disgruntled, but it never got rude. It never got nasty. It got passionate. And, you know, we stayed focused on the issue at hand, which was meeting the needs of the community here, a concern for the level of intensity that was planned and what that means to the quiet nature of where we live. So it was probably one of the most inspiring community meetings I've seen in a long, long time. Steve Torpy afterward mentioned to me. He said, Oh, well, I had I had talked to him, I had emailed with him earlier, and he sort of, you know, went through what he was going to do. And he said he expected, you know, 30, 40, 50 people. He's been doing meetings like this for, you know, dozens and dozens of these types of meetings. And the best he's ever seen is



50 people at a Brambleton meeting about a year or two ago. And so he didn't expect to get too bad. And I got there about 30 minutes early and there was a whole set of chairs set up for about 30 people. And Kevin Daly was great. Kevin's like, We need more. So he and Gary and a bunch of guys started setting up all the chairs that were there. And with about 250 people that showed up. I mean.

**Peter Leonard-Morgan:** [inaudible]

**Cindy Pearson:** [off mic]

**Bridge Littleton:** No, no, no. That's just the number that signed in.

**Peter Leonard-Morgan:** No, that's the number that the room is allowed to hold. [laughter]

**Bridge Littleton:** Oh, Gary, the other 31 were outside looking in the door. Yes. Yeah, exactly. [laughter] It was incredible. I mean, it was bigger turnout than we had for Banbury Cross, bigger turnout than we had for what was the other one. Oh, the retirement home. So really appreciate everybody, you know, showing their support. So. Okay. Have you guys anybody have any changes or additions or subtractions they want to make to the letter? Yeah. Darlene.

**Darlene Kirk:** I'd like to ask them.

**Bridge Littleton:** Well. So real quick on the letter and.

**Darlene Kirk:** I mean, okay. On the letter, but they do nothing here. You know, we talked about this. They pulled out of Middleburg Parks and Rec a number of years ago.

**Bridge Littleton:** From the community center, yeah.

**Darlene Kirk:** And they used to do a lot of stuff for the kids in the community and they do nothing. And I'd like to know when they're coming back.

**Bridge Littleton:** Well, we'll bring it up with Steve on Monday.

**Darlene Kirk:** All right.

**Bridge Littleton:** Yeah, but anybody. [multiple speakers] What's that?

**Darlene Kirk:** I said wrestle them to the ground if you have to. [laughter].

**Bridge Littleton:** I don't think I'd like that picture. [off mic] Yeah. No, no, no. Yeah. Cindy.

**Cindy Pearson:** Do we want to add the paragraph that Megan just read? I think it's. [multiple speakers]

**Bridge Littleton:** I think it's. Yeah, I thought it's a great what Jim said was great.

**Cindy Pearson:** Important to know what they did to the community.

**Bridge Littleton:** Yeah. Oh, you know what, though?

**Cindy Pearson:** Or do we want to save that for next time?

**Bridge Littleton:** Well, my only. Yeah, My only thought is this is about Mickie Gordon. Gem's has a very legitimate point, but that her point is we need to do better about how we. We fell into this because we don't have a good process for

planning. So I think that's like, let's get through the Mickie Gordon moment and then that's the long term follow up that we've got to do better as a county.

**Philip Miller:** Let's not criticize them while we're also asking them to do something for us.

**Cindy Pearson:** No, I get that. And we can save I'm sure there will be an appropriate time. And I'd also like to say that I was so proud of everyone that spoke that night at the meeting. I was like, This is awesome. I mean, you know, I've been here a few years too, and I have never been in something like that. It was really good. So thank you all.

**Bridge Littleton:** And I mean, as many members of the Hall family that came out and just I mean, you know, the diversity of the community there was incredible.

**Cindy Pearson:** Yes.

**Bridge Littleton:** So, yeah.

**Peter Leonard-Morgan:** Darlene, I think part of it is reference what you're talking about, unless I'm mistaken, asking a dialog with with Middleburg about improving Mickie Gordon and. Is that what you're talking about?

**Bridge Littleton:** She's talking. So they used to do the kids center stuff at the community center, and they pulled the after school stuff and they pulled out of that a couple of years ago. Yeah.

**Darlene Kirk:** That's what I'm asking about because they.

**Philip Miller:** Programing and preschool and aftercare and all kinds of stuff.

**Bridge Littleton:** Yeah, they pulled that. Was that 5 or 6 years ago? [off mic].

**Peter Leonard-Morgan:** I do remember.

**Bridge Littleton:** 5 or 6. Yeah.

**Darlene Kirk:** I was thinking 7 or 8. Yeah. Been a while.

**Cindy Pearson:** Mayor and.

**Darlene Kirk:** We pay taxes just like they do everybody else.

**Cindy Pearson:** The problem with the community center is it's not handicapped accessible for people. So there could be some work done maybe to that addressed at some point. You know, I knew a new public facility that's going to be open that has just thinking about it. Danny right now is cringing. [multiple speakers] No, it's a good point. Right? It's got to have the right facility, but then providing those services should be on a priority.

**Chris Bernard:** Danny's office is just big enough [off mic]

**Bridge Littleton:** Yeah. Yeah, big enough for a lot of stuff. [off mic] Yeah. Okay. Anybody else have any changes? Okay, So, Danny, I think we're good with the letter. Go ahead and send it off to Steve tomorrow morning. That'd be great. Or Philip did you have something? Nope. Okay. And then.

**Philip Miller:** I'm sorry I missed the meeting. I had surgery that day.

**Bridge Littleton:** Oh, whatever. [laughter]

**Philip Miller:** Sounds like a hullabaloo.

**Bridge Littleton:** Excuses.

**Chris Bernard:** Lame excuse. [laughter]

**Bridge Littleton:** Yeah, right. Yeah, exactly. Yeah.

**Peter Leonard-Morgan:** So talking about lame, I actually get claustrophobia, and I had to move outside. It was so packed in there.

**Bridge Littleton:** Did you really?

**Peter Leonard-Morgan:** Yeah. Oh, yeah. So I hung out the side door, you know? Amazing.

**Bridge Littleton:** Okay, so we're good. Send that to Steve in the morning. And then once we have that meeting, we'll follow up with everybody next week on the how it goes. Okay. Now we will go back to our regularly scheduled program and go to public presentations. Now, who could that be? Gary? [off mic]. Yeah.

**Gary Nickleson:** Two of us. All right. Good evening, Mr. Mayor. Fellow council members. My name is Gary Nicholson. I'm the Commander of American Legion Post 295 here in Middleburg. To my right here is Steve Carney, who's also a member as well, but he's also the Vice Commander of the Royal British Legion East Coast Chapter. And about two years ago, we started a partnership between the American Legion and the Royal British Legion. What we've experienced is there are a lot of British expats who are living here in this area. And so Steve and his fellow members have created their own chapter, if you will. That kind of mimics the American Legion, but focused on the the British Legion. And they've been a big support of us. You know, I've come and talked to you guys a few times about the stuff we've been doing in the last year, and I think we kind of showed. So last night we had our Boys and Girls state awards dinner and I we were able to see in action kind of the positive impact that we've had on the community talking about this town meeting that we just had Mickie Gordon Park, you know, I was working. So Bridge you set that up. But I was working with Loudoun County, put about 15 hours and just working with the county, meeting with the representatives beforehand and kind of setting up everything in motion. You know, when we had the Chiefs promotion ceremony, I met with Danny and Council Member Daly and we kind of set that script in together a few weeks ago. We're at the 4th of July, we're flipping hamburgers and hot dogs serving the community. Once again Danny and I and Brian and Ron Lang, the Middleburg Lions president, were out there at the charter school setting up the plan for the community. So I think that kind of shows what the American Legion brings to the community. But we also have a 100 year old building. We've been in service here for 76 years now, actually going on 77. And there's a lot of issues that come with your old building, that old building and what you've seen. You know, I've come to you for other grants such as plumbing and old oil tanks, and you guys helped with those grants. But it's really kind of the background, the Royal British Legion has helped us out with a lot of those costs as well, because they want to build a partnership with us and with their help allowing to kind of take away some of the financial costs of that. I think that allows me to just execute on what really matters and serving veterans and serving their community. And I hope that kind of has shown in the last year. I joke that I almost feel like an unpaid intern for the county for here at the town because I try and be involved as much as I can. I try and, you know, keep everyone here on the Board up to date regarding elections or other events going on. So what we are presenting here today is kind of what we want to do with the back lot. So we have a back lot attached to our property, just a three quarters of an acre. It's been undeveloped since day one. I've reached out to the guys. I've always asked them what was the initial plan for this place. There was never one. We utilized it as a parking space. We use it for the Christmas in Middleburg parade, but otherwise there was never really a vision. And today we'd like to present to you what that vision can be. This is the initial planning stages. We have met with Will to kind of talk about the permits, but this is we like to just kind of show you what we have planned and envision and then solicit feedback, if you will. And then do we have a slide show up or have? [multiple speakers] Okay you have them on there. Okay. Yeah. So so I'm going to hand it over to Steve Carney of the Royal British Legion. And he's kind of going to go over this plan here.

**Steve Carney:** Hi, Good evening, Mayor, Vice Mayor, Members of the Council, interested public. Thank you for the time. So we do enjoy a very active collaboration with American Legion and indeed with the town. We've sustained and moved a second chapter book. Ladies we've done a lot I think, to show that we are all in and vested. And we wanted to take our military veteran experience and fold it into the American Legion for a plan at the back that would be sustainable, number one. And number two, it would increase the interoperability of that lot so that you do not lose any of the current facility you have from it. And nor do we. But three increase accessibility to the public. Four make it a more attractive area, if you will, and five be very relevant in what we do. So we planned a project that's centered around an allied war memorial. And I say Allied War Memorial because remembrance now has to become more relevant to what's going on at the moment. And today, there's 168,000 allied troops deployed around the world with the US serving right now, Mali Sinai, the Persian Gulf. It goes on and on and we've all been a part of that. And I will see actually any recon I've done around the world has always been easier than finding my way around The Fun Shop. [laughter] But. Deepest, darkest Bosnia did not present that kind of a conundrum. But we want to show output to the town. And we wanted a project that fed into the cadence of the town and fit the DNA. So even though we want to make a splash, we don't want anyone to get wet, but we want it to become the interoperability to become increased. We looked at your foot traffic plan for the town as well. And at the back of that lot, there's kind of a decisive area there that if it were connected and if it were beckoning, if you will, to an attraction, it would actually create a loop for you on foot traffic. So I'll leave you a plan because I know we're conscious of time, but it would involve landscaping, extensive landscaping, and it would involve extensive drainage and grading of course. We would improve the car park. We would plan to improve the building so that when we look to cross from the post, we weren't so envious of the the museum across the road. We'd like to be suitably attired, if you will, but we'd like to approach a building of our own, which would be hosted and built by an Allied Veterans Foundation. The box that we operate in at Royal British Legion for projects is very tight. Just like the American Legion. We have a charter, we have a royal charter, and London's reach is still just as extensive to us, if you will, for how we operate. But we can operate with foundations. And the foundation proposes an allied war memorial with an allied veterans garden. So do we turn the whole area into a veterans campus, if you will, accessible by the public. They walk through the gardens from the back of the lot, accessible into the front. They walk through the new landscapes and the garden. We would plan a new public bathroom at the back that we would pay for and sustain and clean and operate. It would be ADA approved because obviously the general nature of a lot of veterans is that they're disabled. So we would have to cater for that, but we would make it even though it's a solemn, gesture of homage that we're setting up. We believe that if it's done in the right way, it will become very dynamic and very relevant. We want to pay tribute to the Caribbean forces that we work with every day in the drug war. You know, Iraq and Afghanistan comes and goes, but the drugs war is there every day. And there are people there tonight, you know, trampling their way through Venezuela, trying to stop the stem of drugs into this country. So and we work with other countries in that war as well. So we want the memorial to expand out from the usual expectations of a war memorial and be very, very relevant and very young in its approach. So people returning from Mali, people returning from Sinai, people returning from the Western Sahara, we'll see that and say, gosh, I was there, we were there. But this also talks to the diplomatic community in DC. So the event structure would be in cadence with some national events from those particular nations that don't have anywhere to go at the moment to celebrate their allied war put, if you will. So it becomes a regional draw as well. And we believe with some of those events, we can feed into the Salamander resort for overnight accommodation. We can really start to collaborate within the community and build a sense of the fact that even though it's a veterans campus, it's answering to some of the areas of need within the town. We would share our catering requirements. We would start to work and collaborate. And we're already doing this, I think, with the American Legion. I'm conscious of time. There's a lot more to say. And there's a long process. I know I will say this, though, if I may, Middleburg being the kind of town it is. Beautiful town. Always loved it. We did. The British are good allies, I believe. I think we we support America to the hilt and as do you to us. But with a town like Middleburg, we would be insistent that our project works in cadence with your requirements. We would be compliant with all your stipulations and we would like to have the project become a pleasurable experience for the town rather than offsetting getting construction amnesia. And you along with us afterwards. So that's where we stand. A lot of details and a lot more to say, but I appreciate the time. Thank you very much.

**Darlene Kirk:** Thank you.

**Bridge Littleton:** Thank you. Absolutely. Gary, was there anything you?

**Gary Nickleson:** Other than any questions that you may have about the project? I just want to say that, you know, we've been in operation for 76 going on 77 years. Sustainment of the facility is always at the forefront of my mind as a nonprofit. With this plan in place and the partnership we have, I believe that this will give us another 75 years just off the bat. And it's going to allow me to do more for the community. It's going to allow me to reach out more to the veterans. It will allow me to have the budget, to have someone on staff that will actually be at the Legion 2 or 3 days a week so that we don't have people knocking on the door and being turned away because there's no one in or they can't get ahold of me because we're just a bunch of volunteers. And, you know, when we're having to scramble to pay the electric bill every month, that's less time I can take away from my youth programs, less time I can take away for the veterans programs, just less time I give to Danny and the Mayor and Chief of my own time for public relations. So thank you.

**Bridge Littleton:** Well, I just real quickly, I will say it's a wonderful presentation. I think it's a fantastic idea. You know, to your point. Right. You've got to do everything right and there's a lot of planning that goes into. But the idea and the concept that you guys have scoped out I think is really exciting. So I'm, you know, I'm 100% there. So anyway. Yeah, Bud.

**Bud Jacobs:** I think this is wonderful. I'm sorry. Council Member Daly is not here today. Between us, I think we've covered all but two of the focused conflicts that you outline. It is an understatement to say that the Brits are good allies. They're much more than that. And the same goes for the Australians and the New Zealanders. So I'm delighted to see honor paid to those forces and those individuals who sacrificed for us. I was quite taken as a former diplomat myself that you are focusing on the area's diplomatic corps. That's something that I think could bring real value not just to your own efforts, but to the town as a whole. And in that connection, I think you need to reach out to Peter Galbraith, who runs a what do you call it, a Chautauqua called the Middleburg Forum, which is comprised of lots of foreign affairs specialists, former diplomats, military people. Galbraith, in his own right, is a former very senior official in the State Department, and I cannot imagine that they would not want to jump in with both feet to support you guys on this. And I know the State Department is if they haven't done it already, is making a presentation to the Middleburg Forum about the Diplomatic History Museum in Washington. This is a lovely follow on and something I think you guys could well profit from. So well done. Good on you. Thank you. Thank you. Thank you. Any other feedback? Oh, Darlene. Sorry.

**Darlene Kirk:** Really? Is so active in the community and a blessing to everybody. Thank you very much for all you're doing. Thank you. [off mic]

**Bridge Littleton:** Sure. I'd like to add on to that to add your wife to that, because you can see her touch and absolutely everything that's done there. So thank you very much. [laughter]

**Gary Nickleson:** It's a nice touch.

**Bridge Littleton:** Well, thank you guys a lot. And as you go forward and do your planning, I mean, I know you'll work with Will and Will's the best, but if there's anything you need from us, you know, introductions, lifting hands, whatever, you know, let us know.

**Gary Nickleson:** Thank you for the opening you're all invited. And we'll be out there for speeches and cut the ribbon. I saw the big scissors in Danny's office. [laughter] [off mic] That's what we're looking for.

**Bridge Littleton:** Thanks, Chris.

**Gary Nickleson:** Thank you.

**Steve Carney:** Thank you.

**Bridge Littleton:** Appreciate it. Thank you for your time. Okay. Yeah, I will what I'm going to do, too, is I know we've got the Middleburg Foundation agenda item. I'm going to go ahead and move that up since we got folks here from the foundation waiting. [off mic] And then what's that?

**Darlene Kirk:** [off mic] The foundation. Can we go home after? You can.

**Bridge Littleton:** So. All right. Danny, do you want to open it up since your name is on the memo? Was it a well-crafted memo? I did see bullets.

**Danny Davis:** Thank you, Mr. Mayor and Council Members, at your last meeting or in discussions with the Mayor, the Mayor asked that we just bring forward a topic of conversation about the charitable foundation. I think you all are very well aware of the history. It just began this calendar year. The town gifted the full principal of the Health Center Fund to the Middleburg Charitable Foundation. However, that gift contained with it some limitations and restrictions for the long term sustainability of the foundation, and that is related to the ability to spend the principal or the corpus of that gift. The goal being that it remain into perpetuity as an ongoing endowment for charitable purposes throughout Middleburg. And so I do know that the conversation is does the Town Council wish to continue providing annual donations to the charitable foundation to support these charitable causes? As a reminder, and in the memo, I did continue the kind of past few years of having \$20,000 as a line item in the budget for charitable donations that traditionally has gone to supplement donations out of the health center fund. So a portion of the health center fund, a portion out of general fund. My intention in that without calling out specifically was that this \$20,000 would go towards the Middleburg Charitable Foundation to again, support their efforts. So that's a baseline there. The balance generally of the funds of the charitable foundation currently is in the ballpark range of \$860,000, give or take.

**Philip Miller:** Between the checking account and the investment. It's \$896,582.02.

**Danny Davis:** Well, there we go. Thank you. Someone has access I don't have.

**Philip Miller:** Somebody was able to get me that number before the meeting. Thank you. Thank you Treasurer of the foundation.

**Danny Davis:** So with that.

**Bridge Littleton:** Did we bill her time back to the charitable foundation pro bono?

**Danny Davis:** So with that, it's really a discussion topic right now. I not to speak for him, but I do know that Councilmember Miller would like to provide some comments and make some requests to the Council.

**Bridge Littleton:** Okay. Well, and I mean, so real quickly, did any of the did you want to have the members of the forum. The forum, gee. Sorry. Foundation. The foundation come up or just?

**Philip Miller:** They're welcome to I think they kind of want me to be the leadoff hitter.

**Bridge Littleton:** Okay.

**Philip Miller:** Kind of back clean up. So obviously, thank everybody for the support. And this has been, what, almost eight years, getting this to this point with this thing from the idea to selling the building to creating the foundation. Now we actually, I shared a link earlier at 5:00 of a draft of our website. So we're really moving. And so now you see our vision and mission and DEI statements in front of you. Hopefully everybody got a chance to look at that before the meeting. But you know, we obviously appreciate the \$20,000 earmark that Danny has put in the budget and the intention behind that. As Bridge has noted in previous meetings, there's been a lot of buzz about the foundation lately. What we will be able to do and what we won't be able to do and when we'll be able to do it and when we'll be able to do it and how to get in touch with us. So, we're still getting the ball rolling on the organization and we are doing this prudently with an eye on the long term for the investment and the lifespan of the foundation's vision. The money is invested, but we won't be able to achieve our full financial potential for donations this year. We are hoping for a substantive contribution this year to help us reach that potential. But beyond that, tonight, it is my goal that we hopefully as a Council can come to an agreement that as a matter of policy to make a financial commitment for future years if the Council sees the town have a revenue surplus, kind of like a covenant agreement, if you will. So unlike some organizations that have come before

Council, I know we've always had the concern that, you know, people have treated it like a piggy bank or they've needed us for infrastructure needs. The foundation is a very different animal reliant solely upon the donations and the investment proceeds. But the town is a stakeholder in this organization, as you know. So we will not be doing that. We actively will be putting this money back into the community where it is needed most. And so a big reason why I'm asking for more generosity or we are all asking for more generosity is I've been really just looking at the needs of the community. So over the last three years, the pandemic laid bare for us the disparity and the hardships faced by many in our community. And I think Bridge can speak to that, especially as of recently, but they still exist. And the struggle is a true burden. Just as we were able to budget use our budget surplus to help the businesses and citizens during the pandemic. The charitable foundation aims to fill the gap for the most needy moving forward. So I'm not looking to make sausage as Bridge likes to say in the meeting here tonight, but I am hoping that we can agree that that's a good intention and that we can make it a matter of policy to have a future donation policy to the charitable foundation. And we can ensure that a portion of the funds is specifically dedicated to using being spent in town on town citizens, anything like that that we can talk about. We can hammer out details later. And then of course, I think we're all asking for your deepest generosity. Whatever your hearts may be feeling today. [off mic] But we obviously have members of the board. If anybody would like to say something or if you have any questions for us. I mean, we are still in the process of getting our website up, seeking donations, trying to put together a grant process so that we can have it more on an annualized basis and a rolling basis. But the way it is right now, the funds just basically got put into the market. So we are not going to be able to really take money out this year. I mean, we can and we will if we need to, but it would be much better if we didn't have to. So. Questions?

**Bridge Littleton:** Yeah, Well, first, any member of the charitable foundation. Yeah. Howard, please.

**Howard Armfield:** I'm Howard Armfield. I live at 6452 Old Goose Creek Road, Middleburg. Was there more information? [off mic] Anyway, ever since the town got the building, when the Loudoun/Fauquier, Community Health Center closed [inaudible] Paul Mellon's wishes to keep the money that would ever come through rent early on. And now, having sold the building used for charitable purposes. So the money that Philip is talking about stays in town. This is not infrastructure for anything. We don't need any infrastructure, but we really need the funding and it's very important and it's things like we all know about here. Windy Hill. Fish. Seven Loaves, all those types of facilities who are really overloaded with need and and what they get here is very important. And so we'd really like your consideration to boost what you're doing certainly this year because we just got that 896,000 and you won't earn that much money this year because we're already in July, but next year it should be a big help. But and more than two because of the general needs and the plan that the town could work out that Philip referred to would be a help in an important way for the town. And again, the money doesn't go anywhere. It stays right here. So anyway, thank you.

**Bridge Littleton:** Thank you, Howard.

**Eric Scheps:** Is this on?

**Bridge Littleton:** Yes, just for you.

**Eric Scheps:** So my name is Eric Scheps. I'm at 35761 Poplar Path Lane off of Kirk Branch. Does everyone know where Kirk Branch is? Now, I just wanted to echo.

**Bridge Littleton:** But you're still in Loudoun, right?

**Eric Scheps:** I'm still in Loudoun We have so much history with Howard Armfield. I'm so excited to be involved with Howard and anything that this town does because Howard is definitely one of the mainstays and the keepers of this town. But yeah, we're just we're looking for for some support. We're still in the infantile stages of this. The money has been allocated to Wiseman Associates. I'm not sure if you guys were aware of that. So Tom Wiseman has taken over. It's already invested. And the number that we got from Tina this afternoon I think is an increase from when we deposited it six weeks ago or whatever. So that's a good thing. Everyone wanted to be here. Not everybody is here on the board. We're actively, aggressively trying to get some good people on the board. I think we're almost there. The money's been invested and we are just looking for a commitment from the town in order to really get this thing up and running and

really help the citizens and the people in the surrounding area. And if you guys have any questions, you can always obviously reach out to Philip or myself or Howard. You know, we're still sort of early. So if you have specifics, we probably don't know the answers yet. But whatever you have to say is we can try. So. Thank you. Awesome.

**Bridge Littleton:** Anybody have any questions for Eric? Peter? Oh, sorry.

**Bud Jacobs:** Did we. Did we make the foundation [inaudible].

**Bridge Littleton:** Yes. The 200 we took out. We? Yeah, we did. Yep.

**Eric Scheps:** Hold on. We took some Make the foundation. Whoa, whoa, whoa. No. Yes, We have been made whole. Yes.

**Peter Leonard-Morgan:** First of all, Philip, thank you for that excellent summary. And Howard and Eric, thank you so much for being here. And I can't think of anything more important than looking after our fellow citizens in Middleburg who aren't able to, you know, do basic things they need to do. I'm obviously fully supportive of something extra. I don't know what that would be. And obviously we need to talk about that. And I think it's the more we can do, the better. During COVID, we were so fortunate to be able to help out our fellow human beings in Middleburg and businesses at the same time. And to be able to do that because we had surpluses, because of the people in Middleburg and the businesses in Middleburg was just fantastic. So obviously I'm fully on board. I'm sure we all are, but I'd love to hear what else everyone else has got to say, but I don't know what sort of order of magnitude it would be, but that's something maybe we need to just talk about.

**Eric Scheps:** Absolutely.

**Peter Leonard-Morgan:** Thank you.

**Bridge Littleton:** Bud. Oh, okay. [off mic] I'm sorry. Okay. Yeah, [off mic] We all do, Darlene.

**Darlene Kirk:** Just so everybody knows [inaudible] in the audience. Pam on the back row is also on the. [multiple speakers].

**Eric Scheps:** That's great. So, Pam and Darlene, obviously. Yes.

**Darlene Kirk:** I was the chair of it for a number of years. But my question is, are you looking at, I guess, a larger amount, like the amount that we gave away last year? Is that what you're talking about? Like amount like. Are you looking for that every year from us or no? I guess I'm talking both sides of my mouth.

**Philip Miller:** Yes and yes.

**Eric Scheps:** Yes, I would say yes to both of those.

**Philip Miller:** Yeah. So yeah, when the because the town's in such a great financial position and because it's a stakeholder in the organization, I think that in years of surplus it would be great for us to put a policy in place that gives money directly to this foundation that is dedicated to helping those who are most in need in our community and takes nothing to run it. I mean, we're all volunteers. Our costs are extremely minimal. We are directly giving this money back into the community, which is going into the hands of the citizens to do as much good as we possibly can to help our fellow man. And so this year, certainly we would rather not touch the money that just got invested six weeks ago. And we know what roughly numbers of past years of total donations have been. And I think based on the buzz and what we're hearing, we'll probably get an unprecedented number of applications this year once we figure out that process, which hopefully we will do in the next eight weeks. We've already got a timeline kind of put together. We're just working through the issues. But in an ongoing way. I would love to see a policy agreed to that in years where we have surplus in the town revenue, that some of that can go back directly to helping the neediest among us.



**Bridge Littleton:** Cindy.

**Cindy Pearson:** And I appreciate the word the surplus, because I think that's very important. I mean, we can be as generous as we can, but, you know, we never know how the economy is going to go. So we don't want to say we will give X and not be able to do it.

**Philip Miller:** I've got a number of ideas that we can all do at another meeting. We can go through some things to figure out how that can work and what kind of percentages or what formula we can use. Just but what I'd love to know is if we have agreement on that as a policy we'd like to achieve. So. I mean, you know, obviously operationally, operationally, that would help us, you know, for future planning. I mean, essentially right now we're in the infancy stage. So. You know, we have our seed capital. We're not going to touch the seed while it's germinating. Anything that the town is able to do for us, we're able to move more quickly and do more good more immediately. This year. And in the future years if the town has surplus, that will also help us to make more of an impact more immediately and be felt in town directly. So that's all.

**Bridge Littleton:** So I've got a question from Martin. It's a procedural question. So I think. So let me back up. Absolutely, 100%, I think everybody wants to support the foundation. I mean, that's why we created it. It's why we spent eight years putting it together to try to put as much money as possible into the hands of an organization that can get it directly to the people most in need.

**Philip Miller:** And they can do things that this council cannot do.

**Bridge Littleton:** Sure. Yeah, yeah, yeah, exactly. Well, and it's much more efficient, right? I mean that's, it's purpose built. So I think that was the whole idea of it. And I think our another one of our goals was that we wanted a principle amount that always grew right. So that this year it's 900,000 and next year it grows to a million. And there's it. It made 100,000. It distributed 5050 went to principle. So that principle is always growing. So 15 years from now, it's five and one half million and it's giving away a half a million every year. I mean, I think that was the long term goal that it it, it becomes a beast of its own creation, which is which is great. So on the front end, as I hear what you guys are saying is, you know, the money has been invested. It's only been there six weeks, it would be kind of foolhardy to be in alignment with that goal if the first thing we start doing is removing money from the principal to make donations this year. I totally get it. Totally makes sense, right? That's kind of your self-defeating your your main purpose the first year. So there's a request you guys would their number to be determined. I guess as I'm reading it's more than 20,000 that the ask would be for the council to put it forward this year. Maybe some portion of it goes to the principle, but by and large, the funds for this year is what would be distributed to the community. Okay. I think that's easy. Speaking for myself, I think that's easy. That's pretty straightforward. It's just what's the number? Right. Okay. The second question around policy and stuff like that. It's a I have a legal question about it, and it's a question for Martin. So, Martin, am I right or am I wrong? And I'm thinking of the federal government. Current councils can't financially bind future councils. Is that correct?

**Martin Crim:** That's generally correct.

**Bridge Littleton:** Okay. So a policy, you know, a goal, whatever it is. I'm all in. But there is the legal thing that you know that future council, it's advisory. Right. We can't bind them that oh there's a surplus and we today say all future surplus is 50% must go to the we can't do that. So I think we got to come up with what we can. So again, I think we all today say that's exactly what we want to do. We got to make sure we do it, that it doesn't violate any state law.

**Martin Crim:** Basically what you're talking about is a budgeting priority that would help Mr. Davis put together his budget. Right.

**Bridge Littleton:** And the other question I would have is, and this is maybe not part of that conversation, maybe it is. I don't know that we've actually talked about it in detail. So the town directly gives certain grants to certain people, you know, on an ad hoc basis, like we gave one to the Legion earlier this year for whatever it was. The [off mic] Yeah, exactly. Or somebody, the charter school or somebody else. Right. Do we want to ask the question of do we want to have

all those types of community based requests go to the foundation or do we want some of the. You see what I'm saying? I mean, again.

**Philip Miller:** So we did actually have this discussion in when we did when we went through the building and how it was tied and charitable contributions. Was was the language correct?.

**Martin Crim:** You're talking about the the gift of the building to the town was. Yes. For charitable purposes. And so the discussions you had previously was that you could get out of the political business of making determinations as to who is worthy and who is not worthy of gifts and assign that responsibility to this new board of the of the charitable foundation.

**Bridge Littleton:** Real quickly, define charitable. That's the operative word. Can that mean a nonprofit?

**Martin Crim:** Charitable is a very broad term. And so I think entire books have been written on that and there are probably case books on that issue. But yeah, it is it is a pretty broad topic. So okay.

**Bridge Littleton:** Yeah. Real quickly, real quick, the reason I ask is because if we define the things around charitable and we want those to go to the foundation, that could be a much larger definitional thing that we may need to be thinking about more money each year because it won't if it's a charitable one and we want the charitable things to go to the foundation. As an example, the Legion might be defined as charitable because it's a nonprofit service based organization, so they should come to you guys instead of us. So we should be making sure that we're funded thoroughly. Exactly. Or do we keep that here? And this is a completely side conversation, but it all goes into amounts and calculations and stuff like that.

**Darlene Kirk:** [off mic]

**Bridge Littleton:** I mean, yeah.

**Darlene Kirk:** I think the Council still has the right to make its own charitable donations without including you. But not, not including you either.

**Bridge Littleton:** No. Darlene, I don't disagree with what you're saying at all. I'm just saying, you know, do we want to think about that element of it because, you know, you get a council ten years from now can go, you know what, we want to start supporting the Legion ourselves again and that's totally fine. But as we all think about it and think how much money we want to be putting into the kitty for the charitable foundation, Right? So if if again, I'm going to use the Legion as a great example, they come in with a charitable request for something that's really important if it's not going to you guys. And we feel it's important we fund it out of ourselves. Okay. But if we feel like no, we've set you guys up to actually do this exact work, then those types of things. We need to think about how much we do each year for that, and maybe that goes to the foundation. Again, it's I don't want to I would like. Hang on one sec. I wasn't done. I want us to be very careful about sending stuff to you guys to run the process on behalf of the town and load in more financial stuff we may be asking you to be responsible for that we didn't think about and then we didn't give you the money to be successful in doing it. That's my question.

**Darlene Kirk:** Okay. My point. What you just said is we separated this from the town because we wanted it to be a separate organization. So if it's a separate organization, yes, it does depend on the town, just like every other organization that's charitable in town. I don't think we want to get rid of us giving money away either. And I don't think that we should tell everybody to go to this organization if we are trying to separate them.

**Philip Miller:** So they're not mutually exclusive.

**Bridge Littleton:** Right. But they do overlap. They could overlap. And that's where. Well, my my my concern will be the confusion with the public. Do I go to you or do I go to the town? And then how do how do you and how does the town budget for those ones that are you know, it's a Venn diagram, right? There's going to be ones where it would be appropriate to go to both.

**Eric Scheps:** Christmas in Middleburg is not going to be appropriate for us. July 4th, fireworks are not going to be appropriate for us. But American Legion would totally be appropriate for us as well and us and you guys. So, I mean, operationally, I mean, that could work. Obviously. That puts a.

**Philip Miller:** Operationally, I would say in the short term, the way to handle it is through communications since two of us sitting on that board, obviously we can communicate what we can handle and can't. So something is pretty simple right now. But moving forward in the future, yes, it does have a financial implication on planning.

**Cindy Pearson:** And their mission, it would be only certain things that the Legion would need. Because their mission does not include whatever.

**Philip Miller:** Our vision and mission were written specifically tied to the the way that the the health center board made donations in the past and the historical documents and the charitable definitions that had been used in the past. So but that also helps us limit our scope in terms of what we would be thinking of spending and what we expect to receive on the principle.

**Bridge Littleton:** Danny.

**Danny Davis:** If I could just make one point. The council's current grants and sponsorships policy talks about grants for infrastructure requests and needs, which is some of what I think we're hearing as examples of if there's an infrastructure type request different than a service based request. The service based requests have really been the ones going through the health center fund in the past, and that I think the charitable foundation board anticipates being the focal point of their giving into the future. Infrastructure requests could be something that the Council wishes to retain as part of your overall grants policy. And what I think this brings up and Miss North and I have talked about this over the last few months is probably time to review the Council's grants and sponsorships policy. Anyway, we've used it for a few years now. It's clunky in many ways, and I think now that we have the charitable foundation we could introduce into that. Policies not binding financially. Future councils, but potentially policies or processes. If nothing else, just a process for how grants to the charitable foundation may work into the future, while also creating a little bit of a division between the things that you might expect to go towards the charitable foundation and those that still might come before the Town Council. And then that's a tool we use to help inform the public. If you're looking for grants or donations, here are ways that you can go about it. Charitable Foundation town, depending on what you're asking for. So a lot.

**Bridge Littleton:** You captured it, you captured it.

**Danny Davis:** It brings up the idea we need a conversation.

**Bridge Littleton:** Okay. Darlene.

**Darlene Kirk:** I have one more question. We passed our budget. So do we need to? Doing a budget amendment quickly because are we talking about quickly you want money or. Do you have a time frame, I guess is what I'm trying to say is that is there a time frame? And an amount that we need to change.

**Philip Miller:** I would say September.

**Danny Davis:** And and so there are a couple of pieces of that timing wise by September. We may have a general view of our financial position at the close. Closing out fiscal 23. Our audit process takes place in August, so we'll get some preliminary feel of that by early September that we won't have a draft report until probably late September or early October, but we'll have a good sense of that. One option in front of the council is to the point of surplus. And we've talked about this with infrastructure as well. If you complete a fiscal year and there's a sizable surplus, the council has an opportunity to use those as one time dollars. And that can be not just capital projects, but also one time gifts or grants. We don't want those to be used for recurring purposes, the surplus. So that's one side of it. The second side of it would be if we build this into an expectation, that thing gives me, as Mr. Crim noted, guidance into building the FY 25 budget, and

that would be for future years. But in terms of this year as well, fiscal 24, unless things change drastically, you have forecasted a significant unallocated revenues contingency in the fiscal 24 budget north of \$700,000. And that's the money that you have used in prior years when a group has come forward and asked for a donation outside of the scope of the approved budget. So there are multiple ways to approach that.

**Eric Scheps:** [off mic] And Darlene, as you know, we can get the distribution of those funds to those in need still could be done in ample time and ample time if that was done in September, bleeding into October.

**Bridge Littleton:** Real quick, I don't I can't remember the answer. Are you guys doing applications and awards on a rolling basis or a hey in by X out by x? So so there's a deadline.

**Eric Scheps:** There is a there is a deadline. Now, that deadline is to be determined.

**Bridge Littleton:** Sure. No, I get you. I get you. Okay. But yeah,

**Darlene Kirk:** I don't think that foundation, if somebody came and said, I know I missed a deadline, but our group really does need your help, [off mic].

**Bridge Littleton:** We just we let you guys figure that out. [off mic] With the recognition that you have to be fair to everybody. Absolutely. So, okay. So I guess you guys will come back with what you're thinking on this year. [off mic] All right.

**Eric Scheps:** And then we'll get that to you.

**Bridge Littleton:** Okay, cool. Thank you. Yeah.

**Bud Jacobs:** I don't want to lose. I guess it was your suggestion about taking a look another look at our grants mechanisms.

**Bridge Littleton:** I think it's a great idea.

**Bud Jacobs:** Yeah, it's exactly the right time. It's a perfect timing.

**Bridge Littleton:** Yeah, exactly.

**Eric Scheps:** And then having the MCF as a variable for that process, that that might be a win win for all parties involved.

**Darlene Kirk:** I just think we want to make sure that since we have separated them that we keep a little bit of separation too, so that people don't mistake or we don't end up getting sued because of something.

**Bridge Littleton:** No, totally. I mean, like. Yeah, yeah. I mean, like I said, I really want to see the Venn diagram because that's where I think people can get really confused and, and it can be frustrating. And, you know, we need to have as there's always going to be a little bit of this. But as much as we can clearly identify what it is, then the public has absolute certainty of where they're going, what people's budgets are, how the process works. They don't get hung up in the, Oh, you spent three weeks filling out the application. You should have gone to the foundation. Yeah, that just ain't fair to folks, especially the ones who are most in need, so. Okay, cool.

**Cindy Pearson:** One more comment. And with the contingency or whatever it's called at the end of the year that we're over, we need to remember that we need to continue to build ours as the town for things that will go wrong in the future. Because it will. We want to be as generous as we can be, but we need to remember too. Yeah. Thank you. Be prudent. The word. Yep.

**Bridge Littleton:** Okay, You guys good? Thank you. Okay, great. All right, so I'm trying to think if there's anything else here that members of the public are waiting on. Definition office. Zoning Text amendment. Calendar. Okay, good. So I tell you what. We'll take, like, one minute in case anybody would like to quietly depart, because the rest of it is utility report meeting minutes. It's exciting stuff. [multiple speakers] Okay. Next item here is staff reports. Rhonda.

**Rhonda North:** Thank you, Mr. Mayor. You have my monthly report. I will be quite honest with you almost all of my time these days is dedicated to the town hall, which we'll.

**Bridge Littleton:** You've never said that. Any questions for Rhonda? No. Okay. Tina.

**Tina Staples:** That was quick. Okay. Yeah. Sorry. Just running all over the place today. Hi. So you have my report. I just. I had a couple of notes for you. We're going to work on the review of the tax rates, all the tax rates, business license, meals, tax occupancy, and compare it with other towns and other localities similar in size to ours. And we should have that ready for you by the end of September. And then we're also going to bring back that utility comparison report that we did with the other towns utility rates, because a lot of those have increased, as you all know, with the new fiscal year. So we want to run that comparison again. I just had one other note to remind, probably more of the public, because I know you all remember that the June revenue numbers are not final until July comes in. So if you see your graph going like this, it's temporary. Do you have any questions?

**Bridge Littleton:** Any questions? Any questions for Tina?

**Peter Leonard-Morgan:** So on the front page, it says 95 utility fund expenses. Is that just a typo, presumably, or is that meant to be? [off mic].

**Tina Staples:** Oh, my gosh. You're so right. Thank you.

**Peter Leonard-Morgan:** No, I'm not being funny. I just didn't know.

**Tina Staples:** Yeah, no, it's a typo. Thank you. I don't know where it came from. Thank you, Peter. That's why I graduated high school.

**Bridge Littleton:** That would be an old form. [off mic] Oh, the 93 general plan.

**Tina Staples:** I got to send my reports to Peter now to proofread for me before I.

**Bridge Littleton:** Oh, Lord, I don't think you want to do that. Danny.

**Philip Miller:** He'll start spelling things with weird O's and U's and, you know.

**Bridge Littleton:** Yes, Danny.

**Danny Davis:** I would note the meals tax line for June and this is from meals sold in May is a significant number 147,000. Now that does include some collections of past overdue payments that Tina very diligently went after, but that is a very large number. So continuing to see strength in the meals tax is very good and we anticipate to have a fairly decent surplus in the meals tax line Item occupancy, as we've talked about before, will likely have a deficit for reasons that we've discussed previously.

**Bridge Littleton:** Not a deficit, a decrease.

**Danny Davis:** Well, compared to our projections, it will be a deficit. It'll be less than what we projected. But it does balance out and we are still on track for a very successful fiscal year.

**Philip Miller:** Going on meals, on your point, there are two openings coming.

**Danny Davis:** Yes. And two additional restaurants coming in.

**Bridge Littleton:** Okay. Next is Shaun. What's that? [off mic] Shaun, let me make a comment on that. You have not yet required a timer. Okay. So AJ did very quickly. So as long as you stay on track, you're good.

**Shaun Jones:** All right. First of all, good evening, everyone. You have my staff report in front of you. I just want to give kudos to our staff for the 4th of July. We were able to get vehicles in and out in a nice, quick and safe manner. I just want to give also kudos to Officer Jamie Riley. The Mayor contacted me and also I spoke with a resident the other evening. She's a very elderly lady, came home, her front door to her home was open. Long story short, Officer Riley went and checked the whole entire house, made her feel very comfortable and made her at ease. And he did a wonderful job for that. And also, community outreach wise, just want to thank everyone who helped participate with the Stuff the Cruiser event. We were able to collect 762 pounds of food and donated to Seven Loaves. That's my report. Thank you. Any questions?

**Bridge Littleton:** Any questions for Shaun? [off mic] Well, you can still buy stuff and take it over Seven Loaves. [off mic].

**Peter Leonard-Morgan:** Anyway, I apologize. I can't do the dunk tank this year.

**Shaun Jones:** Not a problem, sir. We. Mr. Davis has stepped up and Mr. Bernard as well. R.

**Bridge Littleton:** Even better. I heard Norm will do it.

**Shaun Jones:** Thank you, everyone. Have a good day. Any other questions?

**Bridge Littleton:** Any other questions for Shaun? Okay. Thank you, Sean. All right. Next up is the deputy town manager.

**Danny Davis:** Mr. Moore is on a well-deserved vacation this week. And appreciate you can tell by his report all of the work that's happened. And in the last month. We do have. Yeah, we have a lot of new businesses coming into town, some being offices, some being retail. They're listed out in his report of zoning occupancy permits. But we're really excited about that. And I will, if I may take the opportunity, since I was not able to put together an economic development report. We are updating our shopping and dining guide. We're probably about a week out from getting the final draft of the of the revised version. So we should hope to have that printed up probably by the end of July at the latest. So a lot of these new businesses timing was great to be able to incorporate them into the map and get that out for the public for the next six months or so. If there are any questions about Mr. Moore's report or on the economic development front, I'm happy to try to answer anything.

**Bridge Littleton:** Anything for Danny.

**Darlene Kirk:** Is he back next week?

**Danny Davis:** He is.

**Bridge Littleton:** Did I send you that email from [inaudible]? About the farmers market?

**Danny Davis:** I don't think so. Maybe you did. Yes, you did. Okay. All right.

**Bridge Littleton:** Just if you don't mind getting back to him, whenever, That's fine. Okay. Okay, cool. All right. Next up is Martin Crim.

**Martin Crim:** Thank you, Mayor. You have my report. There are a couple other things that I didn't include in the report, so I will report on orally for you. All right. So on July 5th, the Loudoun County Board of Supervisors adopted a rule change to address a problem created by the General Assembly with a law that changed on July 1st, and that is Virginia code section 15.2-2204, which is the section that says how you go about advertising, zoning ordinances, subdivision ordinances, plans, public hearings and everything for for all kinds of land use decisions. And the change which was introduced in the General Assembly kind of last minute and there wasn't a lot of time for discussion about it, changed it from two advertisements with the second occurring not less than six days prior to the event to just saying the first notice. It's to still two weeks, but it's the first notice appearing no more than 14 days before the intended adoption. We don't know what that means. And so Loudoun has taken a very cautious approach to say essentially what they're going to do is if they don't adopt it on the night of the public hearing, they will re-advertise it have another public hearing, tell everybody this is you know, you don't need to comment again if you already commented, but they're not going to be able to stop anybody from commenting at the second public hearing. And so since this came out, there's been a flurry of activity in the local government bar and Fairfax has followed suit. I suspect that some other locations are going to follow suit on that as well. And so I wanted you to be aware of that. It's so the most prudent thing to do is to follow what Loudoun is doing in terms of re advertising. That way you don't worry about having your careful handiwork declared to be void abinitio which the Virginia Supreme Court has been really eager to do in circumstances that are somewhat puzzling, shall we say. So that's one thing. Speaking of the Virginia Supreme.

**Bridge Littleton:** And the county had their own run with this about 20 years ago.

**Martin Crim:** They certainly did about advertising and what was what was a descriptive summary. And that's a that's a good segue because we now have a FOIA case from the Virginia Supreme Court, Gloucester versus Wheeler case out of Prince William County, where there was a Citizens Advisory board meeting the night of the morning after the George Floyd riots and several Board of supervisors members attended. And the there was a FOIA case brought against them. The circuit court granted a motion to strike, which basically means that at the conclusion of the plaintiff's evidence, the circuit court said, you don't have a case here, I'm kicking you out. I'm not going to make the defendants present their side of the case. So that went up to the Virginia Supreme Court and the Virginia Supreme Court reversed and remanded and said over a two member dissent, they said, well, because that the issues that were brought up at the Citizens Advisory Board meeting could have been on a board of supervisors agenda then it's public business matters. And even though it was a public forum, we're going to say that that exception doesn't apply. So the public forum exception has been eviscerated, right at this point, because typically you say, well, if you go to a public forum and you have, you know, three or more members of your governing body there, it doesn't matter as long as you're not as the purpose of that meeting was not to circumvent FOIA and you're not discussing the purpose was not to discuss public business matters. Well, with public business matters being expanded and the public forum exception being constricted, we're now in a situation where some localities are advising that no more than two members of a governing body attend any of these public forums, which I don't know if that's workable, but yeah, yeah. Well, exactly. I know it's scary. [off mic].

**Rhonda North:** [inaudible] VML conference as a meeting.

**Martin Crim:** Yeah, Rhonda's right. You could. You could advertise it as a meeting. You know, if it's open, it has to be open to the public, and you have to take minutes. But it could just be the minutes are three members of the council attended the VML meeting. And that is the that is the most cautious way to approach it. [off mic] [laughter].

**Bridge Littleton:** Who will do the voiceover? [laughter] Yeah, right.

**Rhonda North:** I get a fee for every sale you make of that.

**Bridge Littleton:** Uh, well, Martin, you're always exciting.

**Martin Crim:** Yeah. Any other bad news you all want. Yeah, right.

**Bridge Littleton:** Would you please stop coming to the meetings? [off mic] Yeah, exactly. Any questions for Martin on those? No. Okay. All right. Thank you. Thanks, Martin. Rhonda, did you want to go through your report?

**Rhonda North:** Yeah, sure. So I am happy to report that the furniture was delivered this week. So most of that is in place. We're going to do a walk through with that rep tomorrow morning just to look at everything. We did do a. We originally started calling it a punch list walk through, but after being in the building this morning, we quickly changed that to a deficiency list walk through with myself, Downey and Scott.

**Bridge Littleton:** Hey, Rhonda, does that mean you ran out of blue tape?

**Rhonda North:** Glave and Holmes, Timmons and LPDA so we had all of those folks present and and we have created quite a deficiency list. They are taking those back and they're going to code them into three different categories. One, that are building code deficiencies, one that are deficiencies that would affect customer service should we move into the building and one that are things that can be done once we've taken occupancy and of course we'll share those with with the contractor. We had 2RW scheduled for walkthrough tomorrow, but the HVAC system is still not operational. So we canceled that walkthrough because obviously it would have no purpose. The things right now that are driving our occupancy of the building are the counters in the council chambers, which still have not been set, which then affect other things. And the HVAC system, obviously the contractor did bring in some temporary air conditioning units today. The building is getting extremely warm, as you can imagine at this time. So they do have a lot of folks in their subs continuing to work on items. VisionTech is continuing to work on the installation of the IT and the security items are continuing to be installed. The counters and cabinets did get installed this week or within the last week minus obviously the counters in the council chambers. So, so lots of miscellaneous items happening. Staff is working on some signage that was not part of our contract with Cooper, just different type of building signage that we need to secure. And as you can see from the stack of boxes in the back, we're starting to prepare for the move. Did I miss anything?.

**Bridge Littleton:** Nope.

**Danny Davis:** One question asked by the Mayor recently and just to keep keep the council up to date, the cupola has been fully fabricated, is awaiting delivery due to focus on other issues and also some scheduled absences next week. Our understanding is that the cupola will be delivered and installed on Wednesday, July 26th. So just for those who are tracking that other piece of the project and then as Miss North mentioned, pushing very hard on the contractor and the subcontractors for getting the HVAC system operational as soon as possible, because that is a process that's not just flip the switch and we move in. It must be commissioned, balanced, all of that. So a lot of a lot of work to do to bring that to fruition. So the date listed in the report of their schedule having staff move in July 31st, unless a miracle occurs in the next week or four days, I think that date will not be achieved.

**Darlene Kirk:** Do you have a plan for all the furniture that's here that's going to be left behind?

**Bridge Littleton:** They do? Yes, they do.

**Darlene Kirk:** So the pictures on the walls. Are we going to make sure we take them?

**Bridge Littleton:** Everything? Yep. Yeah. Darlene. Darlene. Hey, Darlene. Hang on. Do you think Rhonda hasn't accounted for everything?

**Darlene Kirk:** No, but I don't think [multiple speakers] You did that backwards on me.

**Bridge Littleton:** Do you not think.

**Darlene Kirk:** You put a not in there. I think she thought of everything.

**Bridge Littleton:** That's what I'm saying. Do you not think she's thought of everything? [off mic].

**Rhonda North:** Rhonda has lists. Yes. Yeah.



**Bridge Littleton:** All right. Hang on.

**Peter Leonard-Morgan:** Rhonda, any headway with the person who has to commission the HVAC system? Any development on that? What's the latest?

**Rhonda North:** So without going into too many details, there's one piece that has to be installed. As soon as that gets installed, then we can schedule with that individual. The problem is we just don't know what his schedule looks like at this point in time. [off mic]. So the pieces are easy to acquire from any plumbing supplier. It's just it is getting the plumber here to do it.

**Bridge Littleton:** All right. Hey. Yeah. Okay.

**Rhonda North:** We are pushing. We are pushing as hard as we can.

**Bridge Littleton:** Okay. My question is, what's his name? The site superintendent going to be there tomorrow?

**Danny Davis:** He will.

**Bridge Littleton:** Okay. Good to know.

**Cindy Pearson:** There's probably a YouTube video that shows you how to install that piece. I'm sorry. [laughter]

**Bridge Littleton:** We're not doing it. All right. All right. Okay. Any more questions for Danny or Rhonda on this? Oh, going once, twice. Okay. Thank you, Rhonda. You guys, your patience is saint like. All right, Now we have got the consent agenda. So, yeah, so whoever makes the motion also add in the resolution of appreciation for Raven. Peter.

**Peter Leonard-Morgan:** I move that we accept the consent agenda as presented and add the resolution of appreciation for Raven Orlikoff.

**Philip Miller:** Second.

**Bridge Littleton:** Would anyone like anything removed from the consent agenda. All right. All those in favor say aye?

**All of Council:** Aye.

**Bridge Littleton:** Opposed. Abstentions. Okay. Next item. Our discussion items. We've covered the foundation. Zoning text amendment for professional buildings. Danny.

**Danny Davis:** Thank you, Mr. Mayor and council members, You've briefly seen a memo and discussed this item prior to it going to the Planning Commission, I believe, and that is related to the definition of professional offices, and that is specifically related to real estate offices, which are called out as allowable uses currently on first floor areas of the C two zoning district. The question that was brought up and considered forwarded then to the Planning Commission was whether to no longer provide an exemption for professional or for real estate offices, as first floor uses in the C2 district without having to go through the process of an SUP. And so the Planning Commission considered this, reviewed this recommended approval of the zoning text amendment, and barring any changes from council, we have planned this for the July 27th council meeting for a public hearing. Back to Mr. Crim's point, should Council decide not to take action at that meeting, we would then have to reschedule a future public hearing for when the Council intends to take action. Very brief overview. I can answer questions.

**Bridge Littleton:** No, because we covered last time. Anybody see any reason why we need to delay the public hearing and the adoption of it at the next meeting?

**Peter Leonard-Morgan:** No, but I had one question just for clarification. Does this prohibit real estate offices completely or can a real estate company apply for a SUP?

**Danny Davis:** Yes. A real estate. Yes. Or look at a different zoning district perhaps as well.

**Bridge Littleton:** Or go second floor.

**Danny Davis:** Or go second floor. That's right. Yep.

**Bridge Littleton:** Okay, Danny, I think you're good to go. Great. Let's plan that. Okay. Next item was the. Oh, yeah. So. Bud do we need to discuss?

**Bud Jacobs:** Let me give just a very brief update. Yeah. You guys will recall that Danny and Will put together a work plan for the consideration of additional R2 amendments. At the Planning Commission meeting last month, a sense emerged that perhaps we had the sequencing of those meetings wrong. We had planned to have the public engagement meeting, followed by a joint meeting with between council and commission. The Mayor, city manager, chairman of the Planning Commission, and I met on Wednesday. And in the discussion around this particular issue, I think it became apparent that perhaps we were asking the wrong questions. And we came up with a revised concept for the public engagement session. And we simply walked away, frankly, from the issue of whether it should happen before the Town Council and the Commission meet or after any of the rest of those considerations. Because at this point, without knowing more than we currently know about the impact on the public of the additional changes we may make, it's kind of useless to sit around and talk about resolutions when those resolutions at this point cannot be obtained. What we came up with is engagement with perhaps the Berkley Group ask them to arrange probably in September, I guess, is that we come up with? [multiple speakers]. August is a bad time. Ask Berkley Group to come up with a concept for the meeting. Danny and the Mayor and others of course will provide inputs on what or how we would like the discussion framed. And our intent is to get as many hate the word, but as many stakeholders into the discussion as we can. First and foremost, obviously residents of R2, but also people from the development community, people who maybe don't live in Middleburg but still have strong views about how we should look and how we what our what our street culture should look like. In any case, that's the plan. I don't think we require any actions tonight, do we?

**Danny Davis:** We do not. We do not. The the the memo the memo was drafted with a little bit different approach before we had this meeting with Mr. Cook and Council Member Jacobs and the Mayor. So I do believe this idea of having a facilitator guide the discussion, really hear from the public. Are there concerns about what has happened over the past even six months to a year since the most recent zoning text changes have gone into effect. Because I think it's important to hear broadly from the community, you know, are there concerns and also have a conversation about if changes to the zoning regulations go into effect, that it's the public is where those would have direct impact on them as well? Right. There may be changes down the road, not not trying to get into fixing the solution at that meeting, but there can be changes proposed at some point that might affect every single household in R2 and having that discussion with the public about willingness to proceed forward through the process even with that in mind. So yeah, so it does push back our timelines a little bit, but I think it gives us better clarity into hearing from the public about the concerns that may or may not be out there today.

**Bud Jacobs:** As for the work plan, I think Dwight Eisenhower is the one who said that planning is everything. The plan is nothing. So we can freely change our work plan if that's required. I did leave out one important part about the at least our discussion. The idea emerged that if Berkeley facilitates this, then Berkeley speaks. We all attend sitting in the back row, as Bridge put it, with duct tape over our mouths. Just to listen. And I think it could be a very useful exercise. Look, when we did the comprehensive plan rewrite, Berkeley remarked at the time that they had never seen the kind of citizen participation in the plan rewrite in any of the other consultations they've done throughout the Commonwealth. We saw what happened with Mickie Gordon. And I would add to that, we saw, frankly, what happened with the Middleburg Museum opening. Oh God, yeah. The turnout was phenomenal. And so I would anticipate that when we do this, we're going to have pretty robust attendance and hopefully it'll be worthwhile and it'll be worth people's time.

**Bridge Littleton:** Yeah. The only thing I'll add to what Bud said, I thought when we did the comp plan engagement stuff and Berkeley facilitated, they did a amazing job. They are great. Right? And I think, you know, the point of having them sort of lay out in a very objective manner. You know what the idea is what we want to hear from folks. And I think Terry made a really good point when we talked about it. Right. And maybe it had been some confusion. The goal is not to put in front of the community, oh, it's seven feet here and four feet there and 92%. No, it's not about that. Right. It's about, hey, this is where it is. This is what's going on. What do you think? How do you feel? Right. So, yeah, so and I think Bud's idea here was update everybody on sort of more granular detail of what this next step is and make sure no one had any concerns. Right? Yeah. Yeah. And I think Danny can reach out and he's got the authority within his, you know, approval that it shouldn't be a big ticket item for Berkeley. This is a one night deal.

**Bud Jacobs:** Well particularly since they're the subject matter experts. And they did the study upon which we based the first set of changes that we made to the R2 code. [off mic]

**Bridge Littleton:** Okay. Awesome. Thanks. Let's see here. We did that. Mickie Gordon. We covered that August meeting calendar. So do we. I'll put it this way. I would recommend we cancel the first meeting.[off mic] Doesn't matter. [laughter] Silence is acceptance done? Okay. You're not. That's the point. No. Are you kidding? I bought that ticket last year. Okay. Any objection to making it the first meeting that we cancel? [off mic] No. For the second meeting. [off mic] Who's here for the second meeting in August? August 24th. I am here. [off mic] Okay, well, we got a quorum, so that's enough. Okay. Have fun wherever you're going.

**Darlene Kirk:** I'm not telling.

**Danny Davis:** Did you. Did you notice Rhonda's bullet points on this memo? Very. It's the same memo as before. She just put dots.

**Bridge Littleton:** Yeah. Very slick of you, Rhonda. Okay. Volunteer reception.

**Rhonda North:** Okay, Mr. Mayor, we're just seeking your guidance on whether you want to host another volunteer appreciation reception. And if so, do you want to continue to hold it at the Emmanuel Episcopal Church Parish Hall? Or would you like to try to hold it in our new town hall council chambers?

**Chris Bernard:** Oh, yes, certainly the first time. It's a great way to get all those volunteers in there. Yep. Maybe we could even do a tour of the whole building for them while they're there. [inaudible]

**Bridge Littleton:** [off mic] Everybody good with it being in the town hall? Yes, absolutely. Rhonda. Great. Great idea. All right. Any discussion items or. Excuse me, any information items? The only one I have is COLT met last night and was a very lengthy planning session about the debates. So and I'm looking right at Norm, as you guys remember, the supervisor elections four years ago. COLT held three debates for the two Western districts and the chair at large, and they were very well attended. And I thought it was a great public service. And we were and we partnered with Loudoun Now and we partnered with Loudoun Times-Mirror, and it was the only debate series that everybody agreed to do. There were other groups who wanted to do debates in certain sides, said, I won't work with them, I won't work with them. So we got together a couple of months ago and said, you know, do we want to do it again? The answer was yes. Do we want to do just the same ones? So it would be Catoctin, now the Little River district, which we will be in, and the chair at large, or do we want to go and do more? So we have decided we are going to take the challenge and we're going to do a debate for every supervisor race that is contested. So there are six of them. So it's going from 3 to 6. Yep. So. Oh, yeah. And so we are in the planning phases right now. I emailed Gary about using the Legion, the one I remember which one it is. Two of them already gotten lined up with facilities. We're going to work with Norm and also with the Times-Mirror to do like we did last time, put out a survey to the public and get questions back in to drive those. Since this is going to be more county wide we're absolutely going to have a couple of questions focused around, you know, the issues that are really important to the towns. But we also really want to have questions that are countywide because the one thing we've learned is that those supervisors, no matter where they are, vote on everything that relates to us. So, you know, the Algonkian district, there need to be questions in there about things that necessarily aren't Algonkian centric, but things that are. So I'm really excited that we're doing this and we have brought Jeff on again. The guy we had last time. There

will be two cameras. There will be podiums, mics. It will be live streamed and all the town logos are going to be on every one of them. The paper logos will be on it. And he's he showed us last night sort of his mockup of it. It looks it's ten times better than it was four years ago. So we will absolutely need to financially support it. So I know we have 3000 in the budget for COLT each year. There may or may not be a couple extra thousand to help out, but we you know, once I get all the numbers, I'll bring that back to everybody. But I want to put it on your radar screen. The five supervisor debates are going to be in the month of September and the chair debate is going to be the first week of October and early voting starts September 22nd. So all the debates will be done by the first week of October. [off mic] Yeah, we are the October surprise.

**Peter Leonard-Morgan:** Do all the candidates know about this?

**Bridge Littleton:** Yes. We have reached out to every candidate. I will say so I'm responsible for Dulles and for and for which which will host in the Dulles District. It won't be hosted here, but since there's no Mayor in the Dulles district. So I'm working on location. I've reached out to both those campaigns. The one person has come back and said, yeah, yes, I've not heard back from the other one, but I should. Both the people running for Little River. I mean, they got back to me a day later and said, Yep, absolutely, I'm in. Tell me where to be. I'm excited. The chair debate. The people have said yes. Ashburn The folks running for Ashburn district have said yes. Catocin They've said yes. There's 1 or 2 of the other districts we haven't heard back from. And so we're pressing them. But as it looks right now, I would we might have one district where we won't get one of the candidates, so there might be only five. But yeah, well, some people like one person doesn't want to do it. We have had a number I shouldn't say a number. We've had several organizations reach out and say, Hey, can we co do it with you? And we politely said, yes, you know, sorry, no, we want to keep this as middle of the road and as non-brought issue in. Right? Like the one organization I'm not going to say who it was. Great organization wonderful people really important stuff but we don't want to have topic thrown on top of us. We really want to work with the papers to come up with the right balance of questions and not be specifically issue driven. So I'm excited. I think it'll be great.

**Peter Leonard-Morgan:** And who will the interrogators be?

**Bridge Littleton:** So it will be a member from each of the papers and one of the Mayors. And we are adding one thing additionally to it that we didn't have last time. Another one of the Mayors will actually be the not the moderator, but the time and rule keeper. So last time that was a little bit of a challenge, people. I was I did the time but I like didn't so you'll have Norm someone from Loudoun Times and let's say it's Chris Hornbaker will be asking the questions and then I'll be the timekeeper. And if someone violates, you know, I'll be the one who steps in and says, you know, sorry, your time is over. Cut their mic off if need be, you know? So really be regimented about the rules. So I know it'll be great though. I'm looking forward to it. So. Okay. Any. [off mic] Thanks, Norm.

**Peter Leonard-Morgan:** And do we need to announce this, you know, the council might be there because of FOIA?

**Rhonda North:** So candidates forums are still. Are candidates forums still exempt?

**Philip Miller:** That's what it says on paper.

**Martin Crim:** But. You know, the question is, you know, with with the [inaudible] case is, you know, it is a serious question.

**Bridge Littleton:** But the seven Mayors are not a body.

**Martin Crim:** No, they are not. But if you had three members of this body. Oh, sure. No. And you're discussing public business matters, then somebody could argue that you are violating FOIA. So you might as well just go ahead and announce it because it's open to the public.

**Bridge Littleton:** So, Martin, guess what? We're not going to let them speak. Okay. They're not on the stage.

**Martin Crim:** You're going to run out of duct tape.

**Bridge Littleton:** Well, all right. Any other information items from anybody? Because we've got to go to closed session. Going once. Going twice. Okay, great. We will go to closed session. Who wants to read it?

**Philip Miller:** Peter. Go, go, go.

**Peter Leonard-Morgan:** I move that council go into closed session as authorized under section 2.2-3711 of the Code of Virginia for one consultation with legal counsel retained 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 and 2 appointments to the Middleburg Arts Council and three for the performance review of the town manager. Both has allowed under subsection A1. I further move that council thereafter reconvene in open session for action as appropriate.

**Philip Miller:** Second.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed. Abstentions. Okay. We are in closed session. I ask that council certify that in the closed session just concluded to the best of each members knowledge, nothing was discussed except matters except the matter or matters. One specifically identified in the motion to convene the closed session and two lawfully permitted to be discussed in a closed session under 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.

**Chris Bernard:** Yes.

**Bud Jacobs:** Yes.

**Philip Miller:** Yes.

**Darlene Kirk:** Yes.

**Bridge Littleton:** Yes.

**Peter Leonard-Morgan:** Yes.

**Cindy Pearson:** Yes.

**Rhonda North:** No. No. No. No. [inaudible].

**Peter Leonard-Morgan:** All right. I move that council, reappoint Punkin Lee and Susan Pollard to the Middleburg Arts Council for two year terms. Said terms to expire June 14th, 2025.

**Bud Jacobs:** Second.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed. Abstentions. Okay, Now, meeting adjourned. Okay.