



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, July 27, 2023



PENDING APPROVAL

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

STAFF: Danny Davis, Town Manager
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Tina Staples, Town Treasurer/Director of Finance
Shaun Jones, Chief of Police

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, July 27, 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 – Jennifer Long

Mayor Littleton noted that Ms. Long was a significant contributor to the Middleburg Arts Council (MAC) and an incredible talent. He further noted that she was nationally known for the logos she created. Mr. Littleton expressed appreciation for her service on MAC. He read the resolution of appreciation aloud and, following the vote of Council, presented a signed copy to Ms. Long, along with a Middleburg paperweight.

Councilmember Daly moved, seconded by Councilmember Kirk, that Council adopt a resolution expressing its appreciation to Jennifer S. Long for her service on the Middleburg Arts Council from February 22, 2018 through June 14, 2023.

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

Ms. Long noted that it was an honor to serve the community. She advised that Mary Ann Burns and Punkin Lee were wonderful to work with. Ms. Long noted that it was a great experience and advised that she would continue as a Friend of MAC.

Public Comment

John Kevin Daly, 112 N. Jay Street, noted that he was a disabled veteran. He further noted that many veterans were not able to stand or had lost limbs. Mr. Daly announced that July was National Disability Pride Month and the thirty-third anniversary of the Americans with Disabilities Act. He reported that more than 61 million Americans had disabilities.

Mr. Daly advised that Middleburg was walkable and diverse and noted that the Town staff and committees were working to make it even more accessible. He advised that if anyone wanted to know how accessible it was for someone who was wheelchair bound, he would be happy to push them around town in a wheelchair. Mr. Daly opined that it was to the town's benefit to be accessible, as disabled individuals had \$490 million in disposable income.

Public Hearing

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

Deputy Town Manager Moore reminded Council that they initiated this zoning text amendment in May and reported that the Planning Commission returned it with a favorable recommendation. He reviewed the history and purpose of the proposed amendment. In response to inquiries from the Council, Mr. Moore advised that the parking requirements for real estate offices would not change under the proposed amendment and noted that those offices had always been required to provide parking. He advised that if a real estate office on the ground floor was vacated, the non-conforming status would last for two years, unless the space was re-occupied by a conforming use, in which case, the non-conforming status would be lost.

No one spoke and the public hearing was closed.

Councilmember Jacobs moved, seconded by Councilmember Daly, that Council adopt an ORDINANCE TO AMEND ARTICLES II, XI AND XVI OF THE MIDDLEBURG ZONING ORDINANCE PERTAINING TO THE DEFINITION OF PROFESSIONAL OFFICE AND ASSOCIATED REGULATIONS THEREOF.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Mayor Littleton noted that if a real estate office were to vacate a space, another real estate office could occupy the vacant space within two years; however, if a conforming use went into the space during that period, the non-conforming status would be obliterated.

Town Attorney Crim explained that the question was one of abandonment. He advised that under the State Code, the non-conforming status was lost after two years of non-use or if there was any act of abandonment.

Staff Reports

June Utilities Report

Councilmember Daly commended Stuart Will, of IES, and Town Treasurer Staples for keeping a watchful eye on the water meters' metrics. He noted that a house in his neighborhood was usually unoccupied; however, once it became occupied, Mr. Will checked on the meter because it was showing usage.

Mr. Will reported that the blasting on the Marshall Street Water Tower would only occur for one more day and that the cell tower antennas were being reinstalled. He noted that the painting of the tower would begin in August.

Town Manager Davis reported that the temporary cell tower had been removed and noted that the goal was to have as much of the site cleaned as possible by July 31st, before the Open House at the Middleburg Community Charter School. He reminded Council that classes at the Charter School would resume on August 3rd. Mr. Davis advised that the last of the blasting would occur on August 1st. He noted that the painting would take ten to fourteen days to complete and advised that it would not pose a risk to the students. Mr. Davis announced, for the benefit of the public, that the water

tower would be repainted white. In response to an inquiry from the Council, he advised that the old paint was 2.5+ inches thick and noted the amount of weight that represented. He advised that a couple of the anchor bolts at the base of the tower had rusted and were being held in place by the thick layers of paint. Mr. Davis reported that there were no other issues. He reminded Council that the tower was sixty-eight years old and had been repeatedly painted over.

In response to an inquiry from the Council, Mr. Davis reported that the backwash failed again at Well 4. He advised that it was believed that the nozzles were clogged with resin beads and reminded Council that the only way to clean them was to remove the sand and to replace them. Mr. Davis reported that IES obtained a bid from the company who designed the plant to replace all the media in both tanks. He reiterated that the primary issue was resin in the sand and noted that this would not be resolved even with the construction of the clear well.

In response to an inquiry from the Council about the potential for resin to sit in the sixteen-inch main outside of the plant, Town Manager Davis confirmed it was a potential problem. He noted that the filters would catch the majority of it. Mr. Davis advised that the primary issue had been caused by resin in the bottom of the tanks, that had been present for the last ten years, which was drawn into the nozzles every time a backwash occurred. He opined that minimal bits would occur now; however, it would not be enough to cause future clogs. Mr. Davis opined that the construction of the clear well would resolve this problem.

Mark Inboden, of IES, confirmed that resin in the sixteen-inch pipe was a concern; however, he opined that it was a minimal one because of the velocity required for this to occur. He noted that the resin build-up in the filters occurred over a long period of time. Mr. Inboden reported that the resin would now be cleared as a part of their preventative maintenance program. He advised that they would program this into the backwash process, which would create a back flow for ten minutes that would allow anything in the system to be flushed out before it got to the filters. Mr. Inboden expressed confidence that removing the sand, replacing the nozzles, and having the ability to access the ports would be a successful fix. He noted that the Well 4 issues were unconventional and complex. In response to an inquiry from the Council, Mr. Inboden advised that the timeline for the work would be driven by the media manufacturer.

Town Manager Davis advised Council that he would provide them with the details once they were known.

In response to an inquiry from the Council, Mr. Inboden advised that the company that would do the work was not the same one that packaged the water system.

In response to an inquiry from the Council, Mayor Littleton noted that there was a patent on the technology; therefore, only one company could make the repairs.

Town Manager Davis reminded Council that the system worked until it was not properly maintained by the previous operator. He advised that under proper maintenance conditions, the system at the Stonewall plant had operated well. Mr. Davis noted that it was a standard system.

Mr. Inboden advised that the systems at the Stonewall Treatment Plant and Well 4 were well designed and opined that Well 4 would be an asset once it was back in service. He noted that the Stonewall plant had a 300,000-gallon ground water storage tank that provided water for backwashing the system. Mr. Inboden advised that without a clear well at Well 4, they did not have the ability to backwash the filters. In response to inquiries from the Council, he advised that the sand, which was near the end of its useful life, would have to be pulled and replaced when the nozzles were replaced. He explained that the problem was high pressure and suggested the resin in the nozzles was restricting the flow, which caused the differential pressure to shut down. Mr. Inboden opined that nothing else could be the problem and advised that he was confident the nozzles were clogged.

Town Manager Davis advised that WestTech would be on-site during the nozzle replacement and could do further inspections, if needed, to identify what the issue was before the nozzles and sand were replaced. He advised that they would monitor the work closely to ensure the cause of the situation was addressed.

Council asked that this item be added to the Special Projects Status Report and that they be updated on it during every meeting.

Special Projects Report

In response to inquiries from the Council, Deputy Town Manager Moore reported that the bid date for the septic conversion program was extended by a week. He noted that there were a couple of vendors who were interested in bidding. Mr. Moore reported that he had not yet met with the structural engineer to review his report on the Asbury Church.

Town Manager Davis reported that the staff met with EDAC to discuss the South Madison Street Enhancement Project. He advised that their input was forwarded to the consulting engineer, who was developing a few concepts that would be reviewed by the staff, EDAC and Council. Mr. Davis further advised that parallel to this, a pre-application was submitted to VDOT for a project grant, with the intention of submitting a full grant application in October. He noted that the next VDOT grant opportunity would not be for a couple of years. Mr. Davis advised that the staff would look for other grants. In response to an inquiry from the Council, he advised that fifteen survey responses had been received.

Council expressed concern that the number of stakeholders who provided opinions was too narrow. They suggested input be solicited from the public and asked that the staff look at ways to get more feedback from a broader audience. The Council noted that it would not just be the property owners who would be affected by this project.

Town Manager Davis noted that the survey was tailored to the business and property owners located in the vicinity of South Madison Street. He further noted that it was distributed through the Middleburg Business & Professional Association (MBPA), EDAC and the Streetscape Committee. Mr. Davis advised that he would be happy to gather feedback from the general community or, once the concept designs were available, to publicize them and then get input from the community.

Council suggested the public input be reviewed in groups based on residency, similar to what was done with the annexation proposals. They further suggested the survey be distributed through Survey Monkey and included in the Town's newsletter. Council noted that this project would involve a major alteration to the main section of the town and suggested the need to give the public the opportunity to weigh in on it so their feedback could be balanced with what the Town was trying to achieve. It was noted that the Comprehensive Plan revision discussions revolved around the redevelopment of Federal Street. Council suggested there may be some strong opinions on both sides about the project and noted the need to see what people thought. They acknowledged that the staff was trying to submit a grant before the deadline; however, Council noted the need to design the project "right".

Town Manager Davis noted that once the Town applied for a VDOT grant, it could still adjust the plans as necessary.

Deputy Town Manager Moore suggested that if there were multiple design options under consideration, the Town should apply for a grant for the most expensive one, as VDOT did not like cost overruns. He noted that this would ensure funding was available. Mr. Moore advised that if the option selected was a less expensive one, any unused grant monies could be returned.

In response to an inquiry from Council, Town Manager Davis reported that forty to fifty surveys were distributed by the Town. He noted that the survey was also mentioned during the MBPA meetings.

Action Item

Council Approval – Grant Request – Masters of Fox Hounds Association

Town Manager Davis reported that the Masters of Fox Hounds Association would host a Dog Daze event in October. He further reported that the Cultural & Community Events Committee recommended they be awarded a \$5,000 grant.

In response to inquiries from the Council, Billie Jo Pearl, of the Masters of Fox Hounds Association, advised that there would be canine demonstrations from canine handlers, police organizations, military organizations, and private organizations. She further advised that a service dog would be awarded to a disabled vet. Ms. Pearl advised that parking would cost \$15 if prepaid and \$20 if purchased on the day of the event. She noted that they were looking for a parking sponsor so it could be free. Ms. Pearl advised that the number of vendors was double last year. She expressed hope that the event attendance would also double. Ms. Pearl advised that there would be no fee for individuals who walked to the event.

Councilmember Daly moved, seconded by Councilmember Pearson, that Council approve the recommendation of the Cultural & Community Events Committee to provide a Town grant for the Dog Daze 2023 event coordinated by the Masters of Foxhounds Association in the amount of \$5,000.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Amendments to the Employee Handbook

Town Manager Davis advised Council that with the move into the Town Hall, he would like to extend the Town’s operating hours to 5:00 p.m., which would be closer to normal business hours and would allow the staff the opportunity to take a formal lunch break. Mr. Davis advised that a change was also proposed related to the value of certain benefits in order to keep up with inflation or general cost increases that had occurred over time. He noted that the fitness reimbursement benefit was proposed to be eliminated, since there would be a fitness room in the new building. Mr. Davis advised that there was no urgency to adopt the changes; however, he would like to have them in place when the building opened. In response to an inquiry from the Council, he advised that the fitness room would be available for use by general employees when they were off the clock. He noted that he was working with the Chief on a policy to make it available to police officers who worked the evening shift during their shift in an appropriate manner that would still allow them to respond to calls for service.

The Council held some discussion on the elimination of the fitness benefit and agreed to leave it up to the Town Manager. It was noted that if he desired to reinstate it, he could return with another handbook amendment.

Vice Mayor Leonard-Morgan moved, seconded by Councilmember Daly, that Council adopt the Town of Middleburg Employee Handbook effective August 1, 2023.

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

Discussion Items

Draft Town Hall Use Policy; Town Grounds Use Policy; and, Disruptive Persons & Facility Ban Policy

Town Clerk North reported that in anticipation of the move into the Town Hall, the staff drafted policies related to the use of the Town Hall; use of the Town Grounds; and, disruptive persons. She further reported that they were reviewed by the Town Attorney, Mayor, and Vice Mayor. Ms. North suggested she could review the details of each policy or simply respond to any questions the Council may have. She noted that she received a question from one member about dogs in the building and advised that, under the proposed policy, dogs would only be allowed in the main corridors and public restrooms, unless they were service animals, in which case they would be able to go into any portion of the building that their owners went into. Ms. North explained that the purpose was to keep dogs in those areas that had hardwood and tile flooring. In response to a comment from Council, she advised that any other type of animal would be prohibited in the Town Hall. In response to a comment from Council about the prohibition of commercial activities and the Farmer’s Market, Ms. North advised that the Farmer’s Market was a Town sponsored event. She reminded Council that the Village Green was owned by Salamander Middleburg and did not fall under the definition of “Town Grounds”.

In response to an inquiry from the Council, Town Manager Davis advised that the Village Green was a passive park that was available for use by the Middleburg community. He noted that the Town had the right to hold certain Town organized events there. Mr. Davis advised that no other events would be allowed, except those sponsored by the property owner. He reiterated that individuals would not be allowed to hold events in the space because it was only available for passive park use. Mr. Davis confirmed that Salamander had the right to hold events, such as weddings or a concert, in the space as they owned it. He noted that they also had the right to tell someone using the space that their activities were not permitted and that they must leave. In response to an inquiry from the Council as to whether Salamander must notify the Town if they hold an event on the property, Town Manager Davis advised that he would look into that and let the Council know.

In response to an inquiry from the Council, Town Attorney Crim confirmed he participated in the drafting of the documents.

Town Clerk North advised Council that the policies would be placed on the next agenda for adoption.

Proposed Name for Marshall Street Park & Naming of Village Green

Town Manager Davis reminded the Council that they previously agreed to allow him to name the rooms in the building and noted that a brief conversation was held about the naming of the parks. He advised that he proposed to name the park in front of the Town Hall the “Marshall Street Park”, with the name being determined by its location. Mr. Davis reminded Council that during the discussions with Salamander, the park on their property was called the “Village Green”. He questioned whether there was a desire for another name for that park.

After some discussion, the Council suggested it be named the Town Park, the Town Green, or the Pendleton Street Park.

Town Manager Davis advised that he would reach out to the property owner to discuss this and make sure they were okay with a name change. He noted that he would report back on the final decision.

Quarterly Update on Strategic Plan Initiatives

Town Manager Davis reported that four of the ten strategic initiatives were complete and two were underway. He advised that The Berkley Group would facilitate a community meeting on possible zoning text amendments for the R-2 District, with the Council and Planning Commission then holding a joint meeting. Mr. Davis noted that the South Madison Street Project, which was underway, had already been discussed. Mr. Davis reported that the two initiatives that were in progress were the Asbury Church Project and the development of community events. He noted that the staff was looking at developing some type of event for 2024.

Council noted that there were a number of events being held in the community, such as Juneteenth and Christmas in July, and suggested that credit be given for those as community events.

Town Manager Davis confirmed the Town would continue to support and encourage those. He advised that the Wellness Fair would return in April of 2024. Mr. Davis noted that the idea of a Middleburg Day that would be held on March 21st, which was the anniversary of the approval of the Town's Charter, was also under consideration.

Town Manager Davis advised that no action had been taken on two other initiatives, which consisted of the general Loudoun County items - protecting the greenbelt and the need for strategies for attainable housing.

In response to an inquiry from the Council, Mayor Littleton reported that the County held a public hearing on their zoning ordinance revisions last night. He advised that while a lot of the amendments were great, some of them would need to be fixed after they were passed.

Mayor Littleton reported that he was still trying to schedule a briefing during a Homeowners Association of Associations meeting on the proposed TDR program. He advised that he was meeting with Supervisor Turner as a follow-up to the Board of Supervisor's consideration of a proposal to hire an independent consultant to develop a concept plan for a TDR program. Mr. Littleton noted that the motion was defeated because it included the question of how the County would shift the location of data centers. He opined that this needed to be separated from the TDR question, so each request could be considered on its own merit. Mr. Littleton advised that he was meeting with Supervisor Turner to determine how to get approval for funding a study on a TDR program.

Council suggested this could be a question for the candidates during the debates.

Information Items

Board of Supervisors Candidates Debates

Mayor Littleton reminded Council that the Coalition of Loudoun Towns (COLT) would host six debates for the contested Board of Supervisors races. He reported that Middleburg would host the one for the Little River District at the American Legion on September 13th and noted that work was underway to identify locations for the debates. Mr. Littleton advised that all the candidates have agreed to participate in their respective debate. He noted that a question related to a TDR program may be asked.

Middleburg Museum Party for The Fun Shop

Mayor Littleton announced that the Middleburg Museum would host a party in honor of The Fun Shop on August 18th at the Pink Box, during which time Betsy Allen Davis, Page Davis and the employees would be honored.

Virginia Municipal League (VML) Policies

Councilmember Miller reported that two pending bills related to short-term rentals were discussed during the VML Economic Development Policy Committee meeting. He advised that one would prohibit localities from regulating short-term rental properties that were managed by a Virginia realtor. Mr. Miller noted that this was a big concern and reported that the Committee was working on its position. He advised that he would forward the information on it to the Council. Mr. Miller noted that Middleburg was way ahead on this issue and advised that Blacksburg was also concerned about short-term rentals. He reported that during the meeting, he cited a number of issues caused by short-term rentals, including their effect on affordable housing and the ability to have living, working communities.

Mayor Littleton noted that Michelle Gowdy, the Executive Director of the VML, called him about proposed legislation that would establish a State taxing/collection authority for short-term rentals. He noted that under this proposal, the State would send the lodging tax revenues they collected to the localities, minus an administrative fee. Mr. Littleton advised, however, that the State would not disclose how much revenue they collected. He noted that he sent Ms. Gowdy some information from when the issue last arose three years ago.

Councilmember Miller noted that localities such as Virginia Beach, Falls Church and Fairfax wanted to have different restrictions for short-term rentals based on neighborhoods. He opined that one policy would not work for all localities. Mr. Miller further opined that localities should regulate their own zoning in order to keep communities the way they should be.

Council agreed and noted that Virginia Beach was very different than Middleburg.

Police Training Class

Councilmember Daly reported that he and Chief Jones were attending Places of Worship Safety & Security training offered by the Loudoun County Sheriff's Office.

Commonwealth Attorney's Policy on the Prosecution of Local Violations

Mayor Littleton noted that the Commonwealth Attorney previously stated that she was revising her policy related to the prosecution of local violations. He suggested the Council invite her to return to a meeting to report on the status of those changes. Mr. Littleton asked that the Town Manager follow up on this.

Closed Session

Councilmember Miller moved, seconded by Councilmember Daly, 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); and, (2) an appointment to the Middleburg Arts Council as allowed under Subsection (A)(1). Councilmember Miller further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.

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

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

Council Appointment – Middleburg Arts Council

Councilmember Pearson moved, seconded by Councilmember Daly, that Council appoint Emily Tye to the Middleburg Arts Council for a two-year term, said term to expire June 14, 2023.

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

There being no further business, Mayor Littleton declared the meeting adjourned at 8:29 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

July 27, 2023 Middleburg Town Council Meeting

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

Bridge Littleton: Smart move. All right. We'll call the meeting to order. First item is the Pledge of Allegiance.

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

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

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.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Martin Crim: Martin Crim, Town Attorney.

Bridge Littleton: Okay, first item is a special recognition for Jenny Long. And we pull the resolution up here real quickly and I will eventually get to it. As everybody knows, Jenn Long has been you were one of the founding members of the.

Jennifer Long: Yeah, I was pulled in, in 2018.

Bridge Littleton: Yeah. Has been on the Middleburg Arts Council, significant contributor to that group. And along with Deb Cadenas, I mean, you guys were the powerhouse, bringing that together, doing so much. Her talent is known not only through the community for all the different logos she's done between Windy Hill, Middleburg Museum, my company, but I mean nationally as well. I don't think many people know that she was the one who did the design for the Oprah Winfrey Show. So we are blessed and lucky to have Jenny be not only a member of our community, but such an incredible talent. And she does so much for so many people on the volunteering side as well, including serving all these years on the Middleburg Arts Council. So we really, truly appreciate all your efforts and all you've done between Octoberfest logo and Art in the Burg. And my memory fails me, but I know there's like nine more.

Jennifer Long: Dickens Christmas.

Bridge Littleton: Dickens Christmas. [laughter] That's right. Not only the logo, but dressing up and participating. So we won't miss her activities on any of that. But she will be retiring from the Middleburg Arts Council. And we really want to say thank you for all your efforts and all you've done for the community. And so with that, I need to read a resolution of appreciation for service on the Middleburg Arts Council. So let me read the resolution. Whereas on February 22, 2018, Jennifer Long was appointed to serve on the Middleburg Arts Council, also known as MAC. And whereas, during her tenure, Ms. Long was instrumental in assisting with the development of events organized by the Middleburg Arts Council, including artists in Middleburg, Octoberfest and A Dickens of a Christmas, assisting with the fund raising and creation of the town's bronze Fox, which is on display in front of the Middleburg Community Center, and in assisting with Middleburg Beautification Committee with their bi annual Foxes on the Fence fundraising event. And whereas, Ms. Long has. Also designed the Art in the Burg logo and marketing materials, the Octoberfest logo and marketing materials and the Dickens of a Christmas logo and marketing materials. And whereas, Ms. Long also served as Vice Chair of the Committee during her tenure. And whereas, Ms. Long's term on MAC expired on June 14th, 2023, and she declined to seek reappointment. And whereas, the Middleburg Town Council deems it appropriate to express its gratitude to Miss Long for her personal dedication and exceptional service to our community over the past five years. Now, therefore, be it resolved that the Mayor and members of the Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the exemplary services of Jennifer S. Long as a member of the Middleburg Arts Council from February 22, 2018 through June 14, 2023. Be it further resolved that the Mayor and Members of the Town Council express our profound thanks to her and hope for her continued success in life. Thank you. I got to keep that on. So I think somebody needs to make a motion. It's going to be a close vote, I'm sure. [multiple speakers]

J. Kevin Daly: If I may?

Bridge Littleton: Please.

J. Kevin Daly: I move that Council, adopt a resolution expressing its appreciation to Jennifer S. Long for her service on the Middleburg Arts Council from February 22nd, 2018 through June 14th, 2023.

Darlene Kirk: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Jenny, thank you so much for all you've done.

Jennifer Long: Thank you so much.

Bridge Littleton: Really appreciate it.

Jennifer Long: An honor and a privilege.

Bridge Littleton: Please, if you'd like to say anything.

Jennifer Long: Well just.

Bridge Littleton: We both have the Barbie theme. [laughter]

Jennifer Long: [off mic]. No, really, it's just been an incredible honor to serve the community with my ability, within my ability and what I could do to help. You know, the branding is kind of the thing I do, but it's also been just so wonderful working with Mary Ann and Punkin. What a great experience for me. I grew a lot from it and I just I'm just grateful for the chance to have done this and to have been part of this beautiful Town of Middleburg. This is our home

now, and it will always be our forever place and at the end of the rainbow. So I'm honored and I'm grateful. Thank you so much. Thank you.

Bridge Littleton: All right. [applause] So now this is a paperweight with the town seal. It's not a logo. [laughter] [inaudible] And here's the resolution. So if you want to stand here.

Jennifer Long: Yes.

Bridge Littleton: There you go.

Jennifer Long: So great.

Danny Davis: All right. One, two, three. Very good.

Bridge Littleton: There you go.

Jennifer Long: Thank you so much that's beautiful.

Bridge Littleton: Really appreciate it.

Jennifer Long: Thank you so much.

Bridge Littleton: Oh, and you can always come back to MAC whenever you want.

Jennifer Long: No, I'll be a friend of MAC.

Bridge Littleton: Right. Mary Ann?

Danny Davis: Friend of MAC.

Jennifer Long: And I'm still in the parade, so.

Bridge Littleton: Okay.

Jennifer Long: So I can still help with those things. And I'm here for everybody, so.

Bridge Littleton: Perfect.

Jennifer Long: Always. Thank you.

Bridge Littleton: Thanks.

Jennifer Long: These are my boys.

Danny Davis: Yay. [multiple speakers]

Jennifer Long: Thank you. Thank you.

J. Kevin Daly: Do you want to hear about the.

Chris Bernard: No, wait. The employee handbook. Come on.

Bridge Littleton: We saved you a seat up front. Okay, let's see here. Next item we're going to go to is public comment. Would anybody wish to address the Town Council on any public matter? If so, you may come forward and you have three minutes. [off mic]

J. Kevin Daly: May I?

Bridge Littleton: You?

J. Kevin Daly: Yeah.

Bridge Littleton: All right.

Chris Bernard: He only gets one minute.

Bridge Littleton: Yeah. Kevin, it's one minute or below 30 decibel. Take your pick.

J. Kevin Daly: Just in case I get tired, I can sit down. My name is John Kevin Daly. I live at 112 North Jay Street, Middleburg, Virginia, 20117. And I'm here to say that I am a disabled veteran. I lost my right kidney. I have plates holding my vertebrae together. I'm not allowed to do any impact sports running, jumping, riding horses, even riding a bike or getting on a trampoline. There are a lot more of my brothers and sisters in the service who aren't able to stand. I choose to stand because I can. There are others who've lost arms, legs and other not so visible disabilities out there. Some of them have achieved a great deal of greatness. One I know lost her legs in a helicopter crash and she serves on the Senate. You may have heard of her, Tammy Duckworth. Now, I'm just saying this to begin that this month is National Disability Pride Month. But more importantly, it's also the 33rd anniversary of the signing into law of the Americans with Disabilities Act. Besides wounded veterans, we have 61 million Americans with visible and invisible disabilities. And I can tell each and every one of you in the room today, as you get older, you all will have a disability. One of the things I'm proud to be a citizen of Middleburg. You're my adopted hometown. I came here when I was just about to retire from the military and I loved it. Middleburg is a walkable town. It is a friendly town. It is a diverse and inclusive town. And it's getting better. This town through the Streetscape Committee Act. The work of Mr. Will Moore is making it even more accessible. We're talking about making the Madison Street a little bit easier to navigate than it is today. I bring my wheelchair here because not only am I airborne qualified, but for six months while I was recovering, I became chairborne qualified. And if you want to know how walkable or usable the streets of Middleburg are, I'll be more than happy to push you in the wheelchair through north side, east side of Washington Street, east side and the direction north and west of Madison. So you can see is this accessible for someone in a wheelchair or on crutches? And I'm saying this because it's to our benefit as a town that we make ourselves accessible. Although 61 million Americans with a disability, they have disposable income of and you can look it up \$490 million dollars. So the more accessible we make Middleburg, the more people come into Middleburg and can go into our shops and spend their money because the color of a disabled person's money is still green. So keep making this town accessible. Thank you, Mr. Moore, because you're doing a lot of work on that. And thank you, too. And again, anyone who wants to go for a ride, I'm more than willing to push you down the aisle.

Bridge Littleton: I'll see you at 6 a.m.. [multiple speakers].

Philip Miller: A couple of weeks ago. [laughter].

J. Kevin Daly: I get up at five at school. So 5:00 in the morning? Yeah.

Chris Bernard: [off mic]

Bridge Littleton: All right. Would anybody else like to address the Town Council? All right. We will close the public comment session and move on to Zoning Text Amendment 23-03 Definition of Professional offices. Mr. Moore.

Will Moore: Thank you, Mr. Mayor. Members of Council. So you're familiar with this amendment. You initiated this yourselves at your May 11th meeting, referred it to the Planning Commission for hearing and recommendation. They returned it to you with a favorable recommendation for adoption. Just a quick recap. The purpose of this is to redefine professional office, to make that inclusive of real estate offices as well. As we discussed, there was an amendment to the ordinances in the early 2000 which helped to prioritize certain uses for the C-2 town commercial district, in particular those being retail restaurant personal services. During that time to help support that prioritization, it made professional offices a special exception use if they were to be on the ground level first floor. But for whatever reason, real estate offices were segregated for that and were allowed to continue as permitted uses not special exception on ground floor. The way this would redefine it would group real estate offices back in with professional offices, which would specific to the C-2 district would mean that if they wanted to occupy a first floor street level space, it would require a special use permit. It would no longer be by right, treat them just like other professional offices. As for our existing real estate offices, they will be able to continue seamlessly. This has no effect on them. They would be legally nonconforming uses if they're on first floor. But this is in no way to force them out. It's in no way to say we don't like you. It's more so that they're probably enough of you just in the core C-2 district was the purpose. Happy to answer any questions if you have any before the hearing.

Bridge Littleton: Anybody have any questions for Will?

Peter Leonard-Morgan: Yeah. Thanks for that Will. I just want to clarify. So with this proposed ZTA, the real estate offices will be a professional office and they will also require parking one parking space per 300ft².

Will Moore: Well, that doesn't change. So that's the current.

Peter Leonard-Morgan: Waived right before with a realtor.

Will Moore: It was not for real estate. It is waived for the prioritized uses of retail, restaurant and personal services. But it was so just a quick example. Washington Fine Properties. When they relocated to South Madison Street recently, they required three spaces that were not provided on site and they had to pay the \$45,000 in lieu parking fee for three spaces in order to occupy them so.

Peter Leonard-Morgan: Thanks for that clarification.

Will Moore: Yes, sir.

Bridge Littleton: Any other questions for Will? Yeah.

Chris Bernard: I kind of just thought of this. So obviously, if a current real estate office moves out and someone else wants to come in and use it, could another, if there was no interruption, would another real estate office be able to come in?

Will Moore: Yeah so.

Chris Bernard: So is there like a length of time where they would be able to retain the use?

Will Moore: Correct. So if a real estate office vacates a space and that space is not reoccupied by a permitted use. So if it remains vacant, it maintains up to a two year period. After two years, the nonconformity is gone. However, if it were occupied a month later by a retail shop, then it cannot revert at that point.

Chris Bernard: Without. [off mic]

Will Moore: Without a special use permit, correct? Yes.

Bridge Littleton: Any other questions? Okay. Does anybody have any objections to having the public hearing? Okay. We will open the public hearing for ZTA 23-03. Would anybody like to speak at the hearing? All right. We will close the public hearing. And if there's any other. [off mic] What's that? Oh, on the phone. Okay. If there's no other discussion. Does anybody want to propose a motion?

Bud Jacobs: I'll move.

Bridge Littleton: Bud.

Bud Jacobs: I move that the Council adopt an ordinance to amend articles 2, 11, and 16 of the Middleburg zoning ordinance pertaining to the definition of professional office and associated regulations thereof.

J. Kevin Daly: Second.

Bridge Littleton: Any discussion. Rhonda, we have to do a roll call vote on this one? Okay. All those. Well, Martin's nodding, Yes.

Martin Crim: For the Zoning Text Amendment?

Bridge Littleton: For a public hearing ordinance. Okay. [off mic] All right, Rhonda, roll call to you.

Rhonda North: Vice Mayor Leonard-Morgan.

Peter Leonard-Morgan: Aye.

Rhonda North: Council Member Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Daly.

J. Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Miller.

Philip Miller: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Hey, Will, I just got a quick follow up question to not really to Chris's point. No, you don't have to come up or I guess for the microphone. So if someone has and this is just a general question about zoning so someone has a non-conforming use, like a real estate office, they vacate. What you're saying is a real estate office can go back into a vacant spot for up to two years.

Will Moore: Correct.

Bridge Littleton: Okay. If a conforming use goes in there, whether it's ten minutes or ten months later, the moment the conforming use goes in there, the non-conformance ability for that two year period is obliterated.

Will Moore: Correct.

Bridge Littleton: Is that state law or is that our ordinance? Those timelines?

Martin Crim: [off mic] If I might, Mayor. It's a question of abandonment. So the non-conforming use is lost after two years of non-use or by any act of abandonment. And if you're using it for an inconsistent use, then that's going to be abandonment.

Bridge Littleton: Okay. But that's state code.

Martin Crim: That is state code, Yes.

Bridge Littleton: Okay. I didn't know. My question was, is that something we encapsulate that two year period was because we have it in our ordinance or because it's a state law thing. Okay. Right.

Martin Crim: I mean, the town code can supplement that by, you know, getting into specifics, but the general rule is in the state code.

Bridge Littleton: Okay, perfect. Thanks. Yeah. No, I mean, I get it. I just didn't. I didn't realize that. Okay. Next item here is public presentations. I believe we have any. Staff reports. Stuart, you're up.

Stuart Will: Good evening, Mayor. Good evening, Council. You guys have my report. Do you have any questions?

Bridge Littleton: Mr. Daly.

J. Kevin Daly: It's not a question, but it's kudos to you and Miss Tina. Well done on the meter metrics. You all came out to our homeowners association to check on one of my fellow neighbors residences because they haven't been occupying their home for a couple of months. But when they did show up and they started using the water, it indicated that there was a possible leak. And you showed up first thing in the morning to check on that. So the meters are working. It's great and it's going to solve a lot of problems for the town. I'm very happy we have that.

Bridge Littleton: Thank you. Stuart, how's the water tower going?

Stuart Will: Oh, the water tower is coming along. It's my understanding they have one more day of blasting and they should be finished with blasting towards, I suppose, the end of last week, next week. And right now they're putting cell phone antennas back up on it. And once they complete that, they'll probably finish blasting and get to painting. Hopefully 1st of August they're talking about getting to painting.

Bridge Littleton: Okay. It's funny, I had which I think is hysterical. I had two cell phone calls today. People complaining about their cell phone coverage wasn't working. Yeah. [laughter]

Danny Davis: And since the question arose, just to to confirm what Stuart stated, the cell antennas are going up. The temporary tower is already taken down and they're cleaning up the site over the next couple of days. Their goal is to have as much of that removed by Monday as possible. That's the Open House Kickoff Party for the charter school. Monday evening school starts Thursday. So the final day of blasting is planned for Tuesday, which again, weather is looking good right now, which is important. And then the painting will begin, if not the next day, very soon thereafter, painting will be between 10 and 14 days weather dependent. But all of that is very quiet work and is not risk towards the students at the

school. So the most important thing was getting the blasting completed before Thursday. And just for the public's awareness, apparently we've gotten a couple questions or calls. The color of the tower is not the final color of the tower that is oxidized. That is a primer. A primer paint. Yeah. And then it will be a white coating.

Bridge Littleton: Kevin thought he was back on base when he saw the color.

J. Kevin Daly: Yeah. I was looking for the US Army logo.

Peter Leonard-Morgan: Do we know during the blasting of it if there was any damage, found, any corrosion, anything like that?

Danny Davis: So a couple interesting pieces, and I may not use the right terminology. I apologize. But first they let us know that the paint in some areas was up to between 50 and 60mm thick. That's 2.5 inches or more. [multiple speakers] So think about the weight. Exactly. Think about just years and years of painting over what had been when they were blasting at the base I think it's where the legs connect with the concrete base. The anchor bolts, I think is what they are were. I'm not sure how secure they actually were. They were more held on what appeared to be by paint than by actual bolts. I mean, it was it was secure, but still they clearly repaired and fixed all of that. [multiple speakers] So things that you find. [laughter]

Bridge Littleton: I started thinking umbrella policy.

Bud Jacobs: Like how far how far away are you?

Danny Davis: So they those were the major issues I'm aware of. I don't know if there were any other major issues that we've heard of. I believe there was also maybe something with the the standpipe or another thing at the base. But, you know, it's a 68 year old tank. And so years and years of just painting over and painting over.

J. Kevin Daly: Quick question curiosity. If they're able to screw in and repair the anchors holding that mega, you know, monolith of a tower, how are they at securing cupolas?

Bridge Littleton: Different company Kevin. [off mic] Yeah. All right. So a fountain of useless knowledge. If you remember when the space shuttle first started going up, the big tank was white and it wasn't brown the first 2 or 3 times. And because they painted it and then someone came up with a bright idea and said, Why are we adding 100,000 pounds of weight to a rocket where getting it in space is a challenge enough? So they stopped painting it.

Philip Miller: Interesting.

Bridge Littleton: Philip Yeah.

Philip Miller: Question about Well 4.

Danny Davis: I was expecting that.

Philip Miller: You we're expecting.

Danny Davis: That's why I've asked. That's why I've asked Mark to join us on this call so he can chime in and fill in the gaps. I had asked Stuart to try another backwash cycle since our last meeting. It failed around the same point again, which indicates to us that there's likely some.

Philip Miller: This is since the repairs were done. This is backwash number what?

Danny Davis: Two.

Philip Miller: Okay.

Danny Davis: Yeah. And the repairs being the valve that let us clean all the resin out. So it likely leads us to believe that the nozzles which are sitting at the bottom of all the sand between the the bottom of the tank and the plate, that the sand sits upon. Those nozzles are likely all clogged with these resin beads that have been sucked up multiple, multiple times. The only way to clean that out, honestly, is to get in, take all the sand out, replace the nozzle. So Mark and his team have received a proposal from the company that designed the plant to replace all the media in both those tanks. And I was going to come forward tonight and let you know that we intend to move forward with that. It's approximately \$35,000, but it's a fix that has to occur because even if we build the clear well, if the tank process can't, if the process itself cannot run, then even having a clear well is pointless.

Philip Miller: What about the drainage issue outside?

Danny Davis: The large 16 inch pipe? So I can let Mark speak to that. Mark, The question was about the potential of the resin sitting in that 16 inch main outside of the plant.

Philip Miller: Because \$35,000 and that's an additional problem, correct?

Danny Davis: Well, it's a potential problem. We have we have filters that catch, if not all of that, the majority of that. But we believe that that should not cause the type of issue that we've had to date because the primary issue has been how much is just set in the bottom of those tanks for the last ten years. So every time we did a backwash, it was just regurgitating up into the nozzles. Even if we're pulling minimal bits from the distribution, it's not at a level that would cause that we think would cause future clogging. And ultimately that will be resolved by if we were able to move forward with the Clear Well project. But Mark, I don't know if you want to speak about the concern of additional resin being drawn into the plant.

Mark Inboden: Yes, it is an additional concern, but I think it's a minimal concern really, because the scouring velocity that would be required to stir up the 16 inch line, it's going to be quite high and really higher than what the high rate flow backwash rate is. Now, the specific gravity of the resin beads are quite different than just sediment that would lay in an invert of a pipe. I still believe that the scouring velocity is quite low. I think we've been battling a buildup underneath of these filters for a long time. We've replaced the nozzles before and after we replace the nozzles and flushed out the underdrains, we were able to get this system back on line and we're kind of back to where we were about two years ago when we were able to bring the plant back online and have it run for a little while. I think with the ability with the underdrain ports where we can get in there and clean it out, it's kind of an access point for our maintenance techs to get in there and clean any accumulated resin out. And we can kind of make that a preventative maintenance, build that into the preventative maintenance program of the system. And then also we have programed into the backwash procedure, a flush valve that flushes at a high rate of flow to drain for approximately a ten minute period until that timer, that computer tells it to stop and then it will go. The water will reverse course and be introduced into the under drains of the filters to backwash. And so that will hopefully allow anything that would be laying in those lines to get flushed out before it's introduced in a backwash to the filters. And so I do feel confident that taking out the sand, the media, we're going to replace the nozzles again and we have the ports underneath of the pressure plate that holds those nozzles. Those ports are able to be accessed and we've already accessed them two times now and we've cleaned those out. So I think with all of that in play, I think we'll have a successful operations of well four, but you know, the [inaudible] exist at well four are very unconventional, very complex. And it's kind of taken a you know, it's taken everyone by surprise as to really how difficult this has been to solve. So I'd be happy to answer any questions you may have.

Philip Miller: So timeline wise, when are we looking that we think we could have this situation wrapped up? And it functional?

Mark Inboden: So that's a great question. So I think the time frame is going to really be driven by the manufacturer. The manufacturer is West Tech. That is where we are pulling the the media that we're purchasing the media from. Once we get a kind of a lead time of when we can expect not only the media, but also for one of their technicians to come in, the manufacturer for warranty sake has a conditioning process that they must go through. This is an initial [inaudible]

conditioning process they have to go through. It depends on their schedules and the lead time when we can get the sand. If they were to tell me next week, a crew up there to take out the sand and replace the nozzles and do what needs to be done, but really, it's to the point of we're waiting on the manufacturer to get back with us about lead times for the sand and also for their technician to come on site.

Danny Davis: And I'm happy to follow up with Council when we get those details of actual timeline from the manufacturer.

Bridge Littleton: Cindy.

Cindy Pearson: I have a thought. You said this is the company that installed this that's working on this now to correct it.

Danny Davis: Was that correct, Mark, are they the ones that installed or designed the plant?

Mark Inboden: I don't believe they were the ones that packaged water system. It's like going to the, you know, buying a water treatment plant off the shelf, so to speak. The treatment facility was manufactured by US Filter back in 2004 or 2003 whenever the plant was first commissioned. The US Filter has since sold off that line of filters and the company now that holds that patent, that license, continued manufacturing and selling the equipment. They're the ones that are going to be providing the media and also the technician to recondition.

Philip Miller: Cindy, was your question specific to the bid for replacement?

Cindy Pearson: Yes. Well, what my concern is, if they're the ones that installed it, but I guess they're not because they're no longer in business.

Bridge Littleton: No, they sold the company.

Cindy Pearson: Exactly. Sold the company. Have we had another opinion on how to fix this?

Bridge Littleton: It's proprietary.

Cindy Pearson: Okay.

Bridge Littleton: So that's the problem. These guys own the patent on the technology, and they're the only ones who can do it.

Cindy Pearson: That's what I thought.

Philip Miller: That's the and so then we'll be if this doesn't turn out to work, we'll just have to reevaluate and be out of this expense?

Danny Davis: Sure if for some reason doesn't work, which I think is a very anything's happened with Well four but the.

Philip Miller: I'm not optimistic Danny.

Danny Davis: I understand I can feel that. I do think it's important to remind Council that the filters and the system worked until it was not properly maintained and not properly monitored by prior operators that allowed it to get to the point where it exploded or I shouldn't say that word where the pressure exceeded the capacity, the capabilities. And so, you know, under proper operation and proper maintenance, these type systems should function fairly well. So we're doing cleanup ten years after a quite serious scenario. If you look at Stonewall, I don't know if it's exactly the same down to the T in terms of manufacturer, but the plant itself, my understanding is essentially the same as Well four and it operates, I would say, nearly flawlessly, again, with constant and proper operation and maintenance. So the systems

themselves work very well. It's I think, fairly standard for water filtration requirements across water treatment plants. Mark, have I stated that somewhat correctly?

Mark Inboden: Yes. And Stonewall is a very well-designed plant. And so is Well four they're both great plants. And if Well four is brought back online, the town has a tremendous asset in Well four.

Cindy Pearson: Thank you.

Mark Inboden: [inaudible] going to be but the difference between Stonewall the main difference between Stonewall and Well four is that [inaudible] has, Stonewall has about a 300,000 gallon concrete ground storage tank that supplies all of the backwash water that is needed for regenerating or back washing the filters or ion exchange filters there for Stonewall. And virtually for Well four we simply pool water all. [inaudible] Without a clear well, there's no ability to allow things to settle out, you know, come out of solution needed or to settle out if needed and discolored and water throughout town and the distribution system while Well four is backwashing. So clearwell will really help the situation at Well four. But time when that clearwell comes online, I think the next best to get this system up and running is to go through the process that we're discussing now.

Bridge Littleton: A couple of questions as you guys pull the sand out and see the nozzles. If it's not the nozzles, do you plan to stop? You get there and they're fine. So it's another issue then.

Mark Inboden: So if we get. Right, Right. So if we get there and they're fine. That means we've already pulled out all of the sand. We've already purchased the sand, the new media, and everything's been scheduled and set up. Now that sand that media was put in around 2014. So it's going on a ten year mark. It has had one use, but it is nearing. I would say that near the end of its useful life. However, I think we could pull some more years out of it.

Bridge Littleton: But Mark, hold on, hold on, hold on, Mark.

Mark Inboden: Say, if it is not.

Bridge Littleton: That's not my point. My point is you pull it out, the nozzles are fine. We actually don't know what the cause is. I don't care about the sand. We don't have a solution. That's my question. So what's the point of putting new sand in or doing anything further until you actually identify what the problem is?

Mark Inboden: So the actual problem is high pressure, and that is only to believe that the restriction, which is the bottleneck of the entire filter, is the nozzles. And that's what is leading us to believe that it's the nozzles that are restricting the flow to increase that backwash and cause the differential pressure shut down. So honestly, there's really nothing else that could be pointed to. It's really the nozzles that are clogged.

Danny Davis: So what we will.

Mark Inboden: I'm confident we'll get in there and find clogged nozzles.

Danny Davis: And we'll have again, since it's West Tech, who will be doing the work and who basically has the kind of proprietary design of these systems. If we get to that point and there's a way to definitively say the nozzles were not, for some reason, the cause of the issue. We'll have the company on site able to do further, whether it's inspections, testing, and we'll bring in whoever we need to from their side before we pack it back full of nozzles and new sand to say, you know what other testing can be done. I don't know if it can be at that stage, but what other things need to be done before we pack it back full just to find out that there was some other reason and all of a sudden we're pulling this stuff right back out again. So I hear your point. And we will monitor that very closely to ensure that if there's something that could also be the cause of this, then we'll address that.

Bridge Littleton: Who is running the plant back then?

Danny Davis: Loudoun Water.

Bridge Littleton: Loudoun Water.

Danny Davis: Yes, sir.

Bridge Littleton: Okay. Any other questions?

Philip Miller: I suggest that we put this on the project status update.

Bridge Littleton: Well, I think we need to be updated on this every meeting.

Philip Miller: Yeah, sure.

Bridge Littleton: Okay. Anything else? All right, Stuart, Mark, thank you guys very much.

Mark Inboden: You're welcome. Have a good evening, sir.

Bridge Littleton: You, too. All right.

Philip Miller: Thanks.

Bridge Littleton: Special Project Status Report. Mr. Moore, as I live and breathe.

Will Moore: I don't have anything to highlight. You have the report. Happy to answer any questions between Danny and myself?

Bridge Littleton: Anyone have any questions about any of the projects?

Philip Miller: Bids are due tomorrow for the septic.

Will Moore: So actually we issued an addendum to extend that by one week we had [multiple speakers] to clarify in the bid document.

Philip Miller: So you've got a bunch of interested parties then?

Danny Davis: We have a couple.

Will Moore: Couple.

Danny Davis: Yes.

Bridge Littleton: Okay. Bud.

Bud Jacobs: On Asbury, have you guys had the meeting yet with the structural engineer to go over his report?

Will Moore: I have not. I have not.

Bud Jacobs: Thank you.

Will Moore: Thank you.

Danny Davis: On South Madison Street. We met with EDAC Monday morning, had good input from some members of the community. Good I think discussion with the committee we have forwarded that on to our consulting engineers and they are working on developing a few concepts that will then be brought back to us for review and then taken through EDAC and to the Town Council for consideration. Kind of on parallel tracks we have submitted at least a pre application for a VDOT grant for this project. We are meeting with VDOT staff next week along with our consulting engineers to go through that pre application and then intending to submit a full application which is due by early October. So we'll keep you posted on that and what that could look like. It was a bit of a last minute opportunity. The next grant cycle is a couple of years out, so we were trying to find any way possible, at least under this set of grant funding. But even if this is not successful or we don't get the full amount, we can still look at potential other grant funding as well.

Bridge Littleton: Any questions for Danny on that?

J. Kevin Daly: No, but I'm just going to repeat my offer. If any of your engineers want to go for a chairborne ride along Madison, I'm available.

Bridge Littleton: Well, that's good to know. All right. Sorry. Go ahead, Chris.

Chris Bernard: So I was thinking about since the EDAC meeting and remind me, how many responses did we get on the mailer?

Danny Davis: Formerly 15.

Chris Bernard: Yeah. So I'm a little concerned that maybe that's a little narrow. I know we need to get this thing in for the grants or concepts, but and we're going to do this public info meeting, but I think maybe we should look at ways to I don't know if we can get some fast feedback and push it out to a broader audience. I don't know. I just think that not just the businesses right there and not just the people that own property right there are going to be affected by this. It's a little more global with the parking and with just general traffic through town.

Danny Davis: Yeah. And I think one of the challenges and I'm fully open if Council would like us to just send it far and wide through our email lists or Facebook page, we tried to tailor it specifically to, as you noted, those businesses and property owners in the immediate vicinity, but also through the MBPA to the business community kind of at large as well as then, of course, it was copied to EDAC and Streetscape. So if Council feels that we need to try to gather general feedback from others who just in the community were happy to send that out and maybe that informs it as we tweak some of those, or maybe once we get the conceptual ideas, we can publicize that a little more heavily and get input from the public as we review those at Committee level or Council level in case there are additional adjustments or tweaks as we go through that process. I'm open to what Council wishes.

Chris Bernard: [off mic] How we did with the public input for the potential annexation request. It was when they filled out the survey, it was, Hey, I live in town or I have a business in town or whatever, maybe we can do something similar reason. Hey, look, I'm just a resident in town, but, like, I walked down that street and I care how it looks or, you know, you could kind of look at them in different groups.

Bridge Littleton: I was sort of thinking the same thing. I mean, I think maybe what we could do is do like a quick survey monkey thing and send it out with the newsletter. You know, a couple clarifying things. [off mic] Sure.

Chris Bernard: The two designs that we get.

Danny Davis: Happy to do that. [multiple speakers]

Chris Bernard: To bake it after it's [off mic].

Danny Davis: And then we if it's okay, we'll add that question as well. I'm a resident. I'm a business owner. I don't live or work in town, but we'll still take input. So.

Bridge Littleton: Okay. Yeah. I mean, [multiple speakers] well, and I think if nothing else. Right, this could end up being a major alteration to a main part of town that I mean, I walk up and down that all the time. I don't have a business there. And what may or may not be done to it, I want to know and give some feedback. And if nothing else, we absolutely need to give the general public in our community an opportunity to weigh in and we'll balance it with whatever else we're trying to achieve. But sure. [multiple speakers]

Chris Bernard: With just 15 responses from kind of a variety of viewpoints, right? Some people own the building, some people are just renting there and you've got everything from I think we should have it be a piazza and the whole thing is closed on the weekends to, [multiple speakers] you know, you can't touch it. Yeah, please don't take away any parking spots and leave my cobblestone sidewalks. So there's a lot of room in between there. It'll be interesting to see. [off mic] Maybe what's more, people thought.

Bridge Littleton: Bud. Sorry, I did not see your hand.

Bud Jacobs: I think Chris is right. You'll recall during the public sessions surrounding the comprehensive plan. At least I recall some of the most vigorous discussion revolved around development of Federal Street. And this, of course, feeds right into that. I imagine there going to be some strong opinions on both sides. And we need to suss them out and see what people think.

Bridge Littleton: Is that helpful?

Danny Davis: Yes, absolutely. [multiple speakers] [laughter]

Chris Bernard: Well, there is a [off mic] right. So part of the grant that Danny said is, you know, these, I think, go in two year cycles. So we're trying to grab that. Now, that doesn't mean you don't do it right. But so we may have to juggle the.

Danny Davis: And the good news is even once we [multiple speakers] once you even formally apply for the final application, you can still adjust after the fact. And so often, as stated by our engineer, you would generally apply for the highest cost project potentially, you know, so that you can adjust as necessary.

Bridge Littleton: Hang on. That is not what we're doing. We? No, no, no, no, no, no. Hold on. I'm going to finish my sentence. We're not going to pick the highest, most expensive project just to get the most money.

Danny Davis: That's not what I said.

Bridge Littleton: That's what the engineer said. So I got. [multiple speakers] What it sounded like.

Danny Davis: No.

Will Moore: It was not. But it's not. It's a little more nuanced than that. It's if there are design options that you were considering, maybe it's just the surfacing of the walking surface. It's best to apply for what is the most expensive. Because once you get into a project, you almost always run into cost overruns and VDOT does not like cost overruns. So sometimes if your grant funding is up to X as and you choose a lesser option, when you actually implement, that works out better for you if you run into overruns. So it's not I mean, it's gaming the system just a little bit, but it's not trying to actually get more money than a project should have. It's not trying to design on something.

Bridge Littleton: Gold plated.

Will Moore: Gold plated. It's just to make sure if the grant funding is available, you get as much as you can dedicated to you, but you're only going to spend what you're going to spend on your design.

Bridge Littleton: And all the rest goes back to them?

Will Moore: Yeah.

Bridge Littleton: Okay, fine. That's fine. I'm just saying, the way you said it, it was like it was the impression that, you know, in a vacuum, what it sounded like for people who don't do a lot of grant stuff. Me. Right. Oh, pick the most expensive option.

Chris Bernard: It's like getting approved for a mortgage. You want to get qualified for the most you can get qualified for, and then you pay whatever you pay for the house. The house is what it is.

Bridge Littleton: Exactly. But these are taxpayer dollars. It gives you the impression that we're creating is just I want to make that makes total sense. I got it. It just that clarification is very important.

Will Moore: It is, yes.

Bridge Littleton: Okay.

Peter Leonard-Morgan: One final question out of interest. There's 15 responses. How many did you have to send out to get 15? Do you know? Roughly?

Danny Davis: I have a list and I haven't looked at it in a while. We probably sent out 40 or 50. So it's.

Will Moore: [multiple speakers] Ourselves in addition to.

Chris Bernard: Plus we brought up to MBPA.

Danny Davis: Yeah. And yeah it was brought up multiple MBPA meetings and all that but I don't think we got any necessarily directly from those conversations, but from my direct emails to business owners, property owners. And then Estee went around and handed them out in person. I would just, in a guesstimate, 40 to 50 persons.

Bridge Littleton: Okay. Any other questions on special projects? All right. We will go to the consent agenda. Would anyone like anything removed from the consent agenda?

Rhonda North: You don't have anything on the consent agenda.

Bridge Littleton: Oh, hell, I didn't even see that. Okay. I just saw the action items right below it. I thought it was all the. [laughter] [multiple speakers] All those in favor? All right, Next item is Masters of Foxhounds Association Grant Request.

Danny Davis: Thank you, Mr. Mayor and Council Members, we have a grant request from MHA Billie Jo Pearl from MHA is here about their Dog Days event coming up in October. And you have the report. The Cultural and Community Events Committee reviewed this last week and recommended approval of a \$5,000 grant towards this event. And they were very favorable towards the activities and the ability to attract folks here to town and Glenwood Park. So if there are questions for Miss Pearl, she's here to answer those questions. Otherwise, you have a recommended motion in the memo.

Bridge Littleton: Kevin.

J. Kevin Daly: I was going to do the motion.

Bridge Littleton: Oh, hold on. Anybody have any questions?

J. Kevin Daly: That's the question. I have a question.

Bridge Littleton: Yes.

J. Kevin Daly: I noticed on one of the activities, you're actually going to have service dogs.

Billie Jo Pearl: Yes.

J. Kevin Daly: So they'll be coming out and this. So availability, both of seeing the dogs and also how to participate in the training [off mic] or sign up for a service dog.

Billie Jo Pearl: So most of the canine demonstrations will be canine handlers, police, military and private doing demonstrations and educating the community who participate and attend on their training. We do have a like-minded organization out of Culpeper that will they train service dogs and they award a service dog to a disabled service member every year and they will award that dog at dog days this year. But as far as the demonstrations, it's several demonstrations which include the police, Maryland State police, Virginia State police and several different military and police organizations.

J. Kevin Daly: Thank you.

Bridge Littleton: Any other questions? Chris.

Chris Bernard: Open to the public. Tickets. How does that work?

Billie Jo Pearl: The tickets are \$15 prepaid and on the day, \$20. I'm working at trying to find a sponsor for the two who will sponsor the parking. So it's completely free. Last year we had 638 people attend. We had 14 demonstrations plus vendors and kids activities and informational booths. This year we have 32 plus vendors and kids activities and informational booths. So that's double. So I'm hoping the attendance is double as well.

Bridge Littleton: So is the fee just for the parking?

Billie Jo Pearl: The fee is just for the parking.

Bridge Littleton: So people walk their they're in for free.

Billie Jo Pearl: If they don't have a vehicle, they can just walk in.

Bridge Littleton: Okay, cool.

J. Kevin Daly: It's not that far. [off mic]

Bridge Littleton: All right. Any other questions? All right. Would someone like to make a motion? Kevin?

J. Kevin Daly: I move that the Town Council approve the recommendation of the Cultural and Community Events Committee to provide a town grant for the Dog Days 2023 event coordinated by the Masters of Foxhounds Association in the amount of \$5,000.

Cindy Pearson: Second.

Bridge Littleton: Any discussion? Rhonda.

Rhonda North: Vice Mayor Leonard-Morgan.

Peter Leonard-Morgan: Aye.

Rhonda North: Council Member Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Daly.

J. Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Miller.

Philip Miller: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: All right. The ayes have it. Thank you very much.

Billie Jo Pearl: Thank you.

Bridge Littleton: Okay, next item. Let me make sure there's nothing here somebody else is waiting on. Nope, I do not see it. Okay. Exciting stuff. HR Handbook updates.

J. Kevin Daly: Yes.

Bud Jacobs: So listen my cow fell in the hole I got to. [laughter]

Bridge Littleton: Hey, Bud. Hurry back. All right, Danny.

Danny Davis: So, Mayor and Council Members, you have the memo in front of you outlining the primary changes being suggested in the employee handbook. I just outlined the major changes being proposed. The first one is, is not only an employee handbook change, but also an operational change in terms of the town office. Moving into the new town hall it's my recommendation that we extend our operating hours till 5 p.m. to give us an opportunity to serve the public for a little bit longer in the day, following maybe a little more traditional office hours from 8:30 to 5. It also gives us the opportunity for our staff to be able to take a formal lunch break, which is really never been allowed in our current state, where both number of staff, but also just functionality wise, has not really been possible. My opinion, though I know some may disagree or have their own approach to this is that having an opportunity to officially break from your work for a brief period of time during the day is important for health reasons, for mental health, for being able to maybe get outside and walk for a little bit during the day, clear your mind and then be able to come back and continue your work. But it also allows us really to serve our customers until what would often be considered a normal office closing time. So that's kind of main proposal number one. A few of the changes here are related to value of certain stipends or benefits, trying to keep that either up with inflationary costs or just general increases in costs over the time since this was first drafted. And then the final item is related to the fitness benefit. We had discussed with the new town hall having the ability for a small but a little fitness ability for our staff that we would then eliminate the current fitness benefit that

reimburses employees up to \$25 per month for the cost of a gym membership. So those are the changes. There's no immediate urgency to this, although I would prefer to have this in place by the time we open the new town hall building if Council is generally in favor of these changes, I'm happy to answer any questions.

Bridge Littleton: All right. Hang on. One at a time. Yeah.

J. Kevin Daly: Okay. So they're still coming in at 8:30?

Danny Davis: Yes, sir.

J. Kevin Daly: And you're extending them until 5:00 so they can have a 30 minute lunch break?

Danny Davis: Yes, sir.

J. Kevin Daly: Are you giving them any time to use that exercise equipment in the showers that we're providing for them?

Danny Davis: So that would be for general employees. That would be off the clock time. So that could be prior to coming in. That could be after 5:00. We are I am going to work with Chief from the police standpoint to look at either making that available to officers prior to their shift or also for those on the evening shift, perhaps during their shift in an appropriate manner where they can still respond as necessary. So we're going to work on those policies and that will be something where I work with Chief and make sure that it's both appropriate, but also giving the flexibility specifically to our officers who are working 12 hour shifts.

Bridge Littleton: Peter.

Peter Leonard-Morgan: I'm not sure I agree with removing the \$25 a month reimbursement because part of the thing about working out is to be somewhere else at your own gym. It's a small fitness room. So just be my observation.

Danny Davis: And if that's Council's desire direction, I have no argument in keeping it. [multiple speakers]

Bridge Littleton: I mean, I think we've hired you to be the Town Manager to manage the town. So if you feel that's I mean, we have our opinions, but I think this is your decision. That'd be my opinion, because, I mean, some people like to work out of work. Some people like to work out. And it's a personal choice. So. Any other questions? Okay. Does anybody want to make a motion? Or do we not? I mean.

Cindy Pearson: I have a question.

Bridge Littleton: Yeah, go ahead.

Cindy Pearson: Since you said that it's up to Danny to make that decision. How do we approve this?

Bridge Littleton: Well, he's made the decision.

Cindy Pearson: Oh, okay.

Bridge Littleton: That's what he put in here.

Cindy Pearson: Okay. But [multiple speakers] in hearing us if he wanted to change it.

Bridge Littleton: He can come back and change it and vote to change it. Yeah. I mean, that's you know, the handbook is subject to change at any time.

Peter Leonard-Morgan: Yeah. Okay. I'll make a motion. I move that the Town Council adopt the Town of Middleburg Employee Handbook effective August 1st, 2023.

Darlene Kirk: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Thank you, Danny. But we're not done with you. Next.

Danny Davis: This one's Rhonda. [off mic]

Bridge Littleton: Yeah, exactly. The next one here is. Where are we? Memo Town Hall use policies. Uh oh. Look who's on deck.

Danny Davis: The Town Attorney. Nah. [laughter]

Bridge Littleton: And that's when Shaun leaves.

Shaun Jones: I'll be here.

Danny Davis: Yeah. Yeah.

Bridge Littleton: Okay. Rhonda, over to you.

Rhonda North: Thank you, Mr. Mayor.

Bridge Littleton: I love the bullets, by the way.

Rhonda North: Thank you. So, in anticipation of moving into the new town office, we have developed three draft policies. One related to the rental of rooms within the town hall. So we call that the town hall facility use policy also addresses a few other things. One related to the use of town grounds by the public and one related to disruptive behavior and a facility ban. So I have sort of in my bulleted memo, identified the different areas that will be addressed by each policy. I don't know how detailed you want to get into each one or whether you just want to answer want the staff to answer any questions you may have. I did have one question from a Council Member related to dogs in the town hall, and under the draft policy, dogs would be allowed in the main corridors and the restrooms. Service animals obviously would be allowed in any portion of the building that an individual was allowed in, but they would not be allowed in the public meeting rooms, the back of the house spaces, places where there were carpet. So we would restrict them to areas where the floors were hardwood or tile.

Danny Davis: General Dogs.

Rhonda North: General Dogs? Yes. Again, service animals would be allowed anywhere.

Darlene Kirk: Do you want to just say dogs or do you want to put domesticated animals?

Rhonda North: So any other type of animals would be prohibited in the town hall?

J. Kevin Daly: So I couldn't bring my service iguana in?

Rhonda North: No.

Philip Miller: [off mic] your emotional support Peacock?

J. Kevin Daly: I do have a question on there was something about no commercial enterprises on the grounds. Are we excluding then the Farmers Market? We're not going to be setting that allowing that to set up on the town green.

Danny Davis: That's a town sponsored event.

J. Kevin Daly: So it's okay. Okay. It was not clear when I was reading.

Rhonda North: Yes. And just to be clear, as a reminder, the village green in the back is actually owned by Salamander. It's not a town facility. So you'll note in there where it says town grounds that the village green is excluded from this policy because we do not own it.

J. Kevin Daly: Should we rename it? Salamander Greens.

Danny Davis: That's the next topic of.

Rhonda North: [multiple speakers] Next Agenda Item.

Bridge Littleton: One step at a time, Kevin.

J. Kevin Daly: I get excited. I'm sorry.

Philip Miller: So out of curiosity, what's the process then for, let's say if somebody wanted to host an event on the green.

Rhonda North: First come, first serve.

Danny Davis: On let's clarify.

Rhonda North: On the Village green.

Philip Miller: Yeah.

Rhonda North: Again, you just show up and use it.

Danny Davis: Well so the the village green.

Bridge Littleton: That's not hosting an event.

Danny Davis: Yeah. The village green on the other side of the parking lot is a passive park for use by the Middleburg community. And we have in our easement limited public access easement deeded with Salamander. We have the right to run certain town organized events on the green. The intention of that and I can pull up the formal language was that there would be no other formal events run on that green unless I would say sponsored by the owner of the property. So if someone came out and wanted to create their own concert, that would not be permitted because it is not part of that general passive use of the park.

Darlene Kirk: But Salamander can say yes to having a wedding or a concert or anything there.

Danny Davis: They they do have that right because they own the property. They also have the right to tell someone their activities that they might be conducting on site are not permitted and ask them to leave. If you recall, at one point we had talked about owning that property, but if the government owns it, there are first inherent First Amendment rights that come to a property limited public forum where we would not be able to tell someone they can't do certain activities. So in

this case, Salamander owning the property can, under their discretion, their own liability, choose to ask someone to leave the property.

Bridge Littleton: It was a balance.

Danny Davis: There is.

Bridge Littleton: Any other questions? Bud.

Bud Jacobs: Just a quick one. I don't remember a lot of the details around the easement, but so let me ask I assume there's at least an informal requirement that we notify the property owner when we're going to sponsor something on the property. Is there a similar reciprocal obligation on their part to let us know when they're doing something on their property?

Danny Davis: That's a great question. I will look into that and give you an answer. I do not believe that was part of the requirement, but I will look at it and see if I can find anything specific.

Bud Jacobs: Thank you.

Danny Davis: Yeah, I don't recall. [multiple speakers]

Bridge Littleton: So, Darlene, this is an easement that we did two years ago. This is not the original deal 15 years ago. Okay.

Darlene Kirk: Because I mentioned it to someone at that time. [off mic]

Bridge Littleton: Okay. Okay. Any other questions on the handbook? Yeah, Philip.

Philip Miller: Martin, have you read all these?

Martin Crim: Oh, yes. I was intimately involved in drafting them.

Bridge Littleton: Okay. Like you wouldn't believe. [laughter] Okay.

Rhonda North: Then we will have them on your next agenda for your adoption.

Bridge Littleton: Perfect. Thank you. All right. Next item is Town hall. Draft Town Hall Use policy Town grounds.

Rhonda North: And we just did that.

Bridge Littleton: Where am I looking at? Oh, I'm sorry. Naming of the parks at the town hall. That's right. All right.

Danny Davis: Mr. Mayor and Council Members. You may recall we had some conversations about naming rooms in the town hall and determined to you gave me the authority to name them as I so desired. And so I chose the exotic names of Executive Conference room, Administration Conference room and Police Training room. Yes, an Council Chambers. The brief conversation at the time also did come up about the parks and was not, you know, any further direction or guidance from Council or desire to name them anything specific. So we have at this point been calling the park that will be here on the site. We're currently sitting on the Marshall Street Park identifying the location and connection to Marshall Street here, also being the address of the current town office and the town hall. And over just time during the conversations, negotiations, discussions with Salamander, for one reason or another, we've been referring to the park on the north side as the village green. There has been a question or comment about whether this should be named something other than Village Green. Is it appropriate to call it a village green? When we are not a village, we are a town. Should it be named after a historic event or landmark or person? It's really a question that before we make the step perhaps towards

finally occupying the space, should we have Yeah. Should there be any further conversation about the naming of these. As a staff recommendation we are comfortable with what we've been calling them, but I understand this ultimately is a Council decision and discussion and we will support or investigate or look into anything you'd like.

Bridge Littleton: Whoa. So Peter jumped right in.

Peter Leonard-Morgan: If we're calling it the Marshall Street Park, what about calling it the Pendleton Street Park?

J. Kevin Daly: I was going to say the same thing.

Chris Bernard: It's not on Pendleton Street? [multiple speakers]

Bridge Littleton: It is.

Chris Bernard: Is it?

Bridge Littleton: And you don't mind them?

Cindy Pearson: I don't. [laughter] I got a simpler one. How about Town Park? Since it's we're not a village. It's a town.

Darlene Kirk: I hate that village thing, too, because people come. Oh, I went to visit the village. I've lived here too long and it's been. [off mic]

Bridge Littleton: All right Kevin.

J. Kevin Daly: My discomfort is, is that when we say village or town green, it makes it sound like it belongs to the town. And it doesn't. It belongs to Salamander. However, if we call it the Pendleton Park, Pendleton Street Park, I think that kind of gets rid of that. Personally, I would like to see village green or town green, but if we don't have the firm control of it, it's not really ours. Let's call it Pendleton Street Park.

Darlene Kirk: Agreed.

Bridge Littleton: Philip. You had your hand.

Philip Miller: Town park. It's the town park. It's the only one we have. It's that simple. Who cares if it's a difficult thing?

Bridge Littleton: It's a naming convention. It's not a legal entity.

Philip Miller: Exactly. Just because it's called Town Park doesn't mean that.

Bridge Littleton: It's not about the ownership.

Philip Miller: That we own it.

Bridge Littleton: Yeah.

Philip Miller: I just think it makes it very simple, very easy for signs that for people to find it and use it.

Cindy Pearson: But in saying that when you think Park, you think more than just a green piece of grass or area, you want playgrounds. You're having different stuff. So saying town park to me makes people think it's more than it is.

Bridge Littleton: So then we're not going to call the Madison Street Park a park because that's actually or Marshall Because that's actually smaller.

Cindy Pearson: Yeah.

Bridge Littleton: I mean, there's nothing.

Philip Miller: These are urban parks. That's what they.

Bridge Littleton: I wouldn't call them that.

Philip Miller: Well, they are. They're inside of a village, a town.

Darlene Kirk: How about Town Green then? Get rid of the village part. And we kind of know what it is. It doesn't say that we have a lot.

Chris Bernard: I don't hate it the way it is. [multiple speakers]

Bridge Littleton: All right. All right.

Peter Leonard-Morgan: There's several different opinions.

Bridge Littleton: All right. Yeah, exactly. That's.

Chris Bernard: Village Green. [multiple speakers]

J. Kevin Daly: Or simply call it the commons.

Bridge Littleton: Oh, Jesus.

Philip Miller: Where's the magic 8 ball?

Bridge Littleton: All right. Yeah, exactly.

J. Kevin Daly: Large enough for cricket then.

Bridge Littleton: Okay, let's stay on focus.

Darlene Kirk: Yep.

Bridge Littleton: All right. So. Let me I'm thinking.

Darlene Kirk: Okay. You're thinking.

Cindy Pearson: While you're thinking.

Bridge Littleton: No, I'm just where I'm going with this. Whether do we call it a park or green? I mean, that's kind of one distinction, it sounds like. You're not comfortable. You're not comfortable. I don't know if you are or you're not comfortable with calling it Village. It's either town or Pendleton. I'm in the same boat.

Darlene Kirk: Okay.

Chris Bernard: I'm fine without it.

Bridge Littleton: You feel it should be town. Bud, Chris, I think you guys don't care one way or the other.

Bud Jacobs: I care not.

Chris Bernard: Okay, well, if you guys pick something terrible, I'll care.

Bridge Littleton: Got it. I would say so.

Danny Davis: So it's between Pendleton.

Bridge Littleton: So here's. I think these are the choices, right? It's Town Green or Town Park or Pendleton Street Park, right. Is everybody comfortable with those two options and let them figure it out.

Chris Bernard: Is it Pendleton Street Park or Pendleton Park?

Peter Leonard-Morgan: Well, that's a good point.

Bridge Littleton: You know, it's be consistent if it's Marshall Street Park. You're naming it because it's on the street. [multiple speakers] I got it. I got it. Yeah. Then it's Pendleton Street Park. Just be consistent.

J. Kevin Daly: That's being consistent. And it's also precedent if you're saying Marshall Street Park. Pendleton Street Park.

Bridge Littleton: So you guys figure it out If you want it to be Town park, great. If you want it to be Pendleton Street Park, Great. Up to you. Up to you, guys.

Danny Davis: The one caveat I don't think is too big of a fly in the ointment is I do plan to reach out to the ownership or management of the property owner to discuss this with them and ensure that there's no heartburn either direction.

Bridge Littleton: Got it.

Peter Leonard-Morgan: Good idea.

Bridge Littleton: Okay, cool.

Danny Davis: I'll let you know my decision. [laughter]

Bridge Littleton: We don't. This is nothing we need to vote on, Right? You got direction? Yeah. Okay, good. All right, moving on. Next item here is strategic initiatives quarterly update. All right.

Danny Davis: All right. Thank you again, Mr. Mayor and Council providing you just our quarterly and kind of brief update where we stand. Again, noted that you have completed four of your ten already, which is great, including, as you recall, the Rural Preservation Summit in April, which was great. There are two really progressing right now underway. That's the zoning ordinance updates. Brief update for everyone on that is that we have received a proposal from the Berkley Group to facilitate the public input session, as we talked about at the last meeting. We're going to review that together and then we'll work with the Mayor and Vice Mayor on that and then look at dates. Ideally September, though, they're indicating their their workload might be that it's needing to be October. So in the next few months. And then after that, a joint Planning Commission, Town Council meeting together and then seeing what the next steps might be as a result of those two after the public meeting. [off mic] Yes. And then see if there are next steps to be taken after that. We've already talked about South Madison Street and our goals there. So that is progressing. The other two that are kind of a little bit in progression, but also not as much energy able to be put to them at this time is Asbury Church, as we've talked about in the past, but also programs for our community. There was a concerted effort by Council to say, let's make sure that our activities and events not only bring in great visitors from around, but also that we have great community

events. July 4th, Independence Day was a great example of that and was very successful. We're now looking into 2024 already.

Bridge Littleton: Can I add one thing to that? So, so I thought that the Juneteenth event that Shaun put together was a great one of those that's not a town or maybe it's kind of a town event, public event, you know, and the Middleburg Museum opening, that was fantastic. So I would add to that, ones that we do or support others who are doing the similar type thing.

Chris Bernard: To give props where they deserve. The Christmas in July thing at the Community Center was another good one. So stuff like that is very important.

Danny Davis: Yeah. So we're continuing to support, enhance, encourage and participate in those. For 2024 the Wellness Fair we're hoping to bring back. And so our Cultural and Community Events Committee, I'm pointing at the table and that's where we sat. Sorry, they are. Stephanie was sitting right there. So she and Laurie Salama are working on organizing that for April of 2024 one that I might need to get further input and direction or interest in is this idea of starting a Middleburg Day. Someone over here thinks this is a great idea and. [off mic]

Bridge Littleton: Exactly.

Cindy Pearson: We already have a Town crier. [laughter] [off mic]

Danny Davis: But putting thoughts together on having a community focused event, it celebrates Middleburg. The official charter effect on, I believe it was March 21st, 1870.

Chris Bernard: [off mic]. The state legislature that day.

Danny Davis: Yes. So that's when it.

Bridge Littleton: Often Cold.

Danny Davis: Yes. So, yes, it could be cold. It could be snowy because we all know it snows in March still. But the idea of celebrating our community in some way. So we'll keep working towards that. And then the other two strategic initiatives relate to General Loudoun County zoning and planning as it relates to protecting our greenbelt around and then also the attainable housing strategies on attainable housing. So those are kind of still there as strategic initiatives, no direct action on them at this time. That's where we are.

Bridge Littleton: Any questions for Danny? Bud.

Bud Jacobs: I actually got a question for you.

Bridge Littleton: Okay.

Bud Jacobs: Yeah, but it could hold. Could you give us a quick update on the county zoning ordinance rewrite?

Chris Bernard: Hold on, Bud. [multiple speakers]

Bridge Littleton: Norm is here. They had the public hearing. Was it two nights ago? Was it last night? Yeah. So? [off mic]

Bud Jacobs: Never mind.

Bridge Littleton: I, you know. Hey, bud, you know, here's what I'll say. It is we spent how many millions and five years getting here. And it's going to be we're going to spend the same amount of time doing amendments, fixing it after it's passed.

Bud Jacobs: Okay.

Bridge Littleton: That would be my you know, I mean, it's.

Bud Jacobs: Fair enough.

Bridge Littleton: You know, a lot of it's great, but a lot of it is. Oh, yeah. Well, consultants will get rich. Yeah. Okay. Hey, sorry for asking. How late did the public hearing go?

Norm: I wasn't there. I heard 10:00.

Bridge Littleton: Okay, that's not too bad. That's. Yeah, that's not bad. I mean, it's four hours, but still, it could have gone onto four in the morning. Okay, Danny. Oh, one thing I was going to mention real quickly on the strategic initiatives, I am still trying to get into brief the TDR concept to the Home Owners Association of Associations with Ben [inaudible]. It's just like trying to find a date to go and see them. They only meet once a month, so and I am meeting with Mike Turner, in about three weeks. He's away in about three weeks on follow up, if you I'm not sure if you all watched or not. There was a motion that was brought up a couple of weeks ago to have an independent consultant put together a concept plan for how a TDR program would work. It was defeated primarily because it wasn't simply a feasibility study on how a, you know, the concept that we put forward would work, but also how the county could shift data center stuff on Route 7 to data centers on the proposed Dulles Cloud South, which is Route 15, and Braddock, which is in the transition policy area that a lot of people don't want. So that element of the motion is what killed the first part, which would have been the feasibility study. So I'm going to go exactly. They just need to be both discussed on their own separate merits. I'm going to go talk with Supervisor Turner about it. And I've already talked with Robin and Laura and a few other folks to try to see how we could get a motion brought up to simply fund that study in a clean manner. So I'll keep you up to date as to how that goes.

Chris Bernard: [off mic] Anyone who might be involved in the writing of the questions for the candidate debates this fall.

Bridge Littleton: You know, two of those people are in this room, but I'm not going to say who it is.

Chris Bernard: Okay. Just curious as to whether that might come up. Yeah.

Bridge Littleton: Well, and I'll go ahead and mention it. So we do COLT is doing the debates again this with Loudoun Times or Loudoun now and Loudoun Times Mirror just like we did last time. And unlike last time where we only did the Western supervisors, we're going to do every single supervisor who has a contested election. So I think it's either I think it's a total of six. So it's going to be so we are going to host one of them here in Middleburg, which is for the Little River district. So it'll be Ram versus Laura TeKrony. It'll be at the no, no the Legion on the 13th of September at 7:00, 7:00 to 8:30. And Dana's helped me line up a location for Dulles, which is Matt Letourneau and Pooja, I think is her name. I always get the name wrong. That's going to be sometime in September. And as far as I know, every candidate has agreed to participate in the debates.

Chris Bernard: You we're going to ask them about TDR's.

Bridge Littleton: You know, that's possibly on the docket. Possibly on the docket. We don't want to give anybody read aheads to the questions.

Chris Bernard: So I would love for them to study up on it. Yeah. So go ahead.

Bridge Littleton: Well, you would think they would, but yeah, so I'm pretty excited about that. We're getting all the planning done now. The last thing I'll mention is the Middleburg Museum is having a sidewalk party, whatever you want to call it. I think it's probably the wrong way to say it, but a sidewalk event that they want all the community to come out for on August 18th. Well, it's going to be at the Pink Box. I don't mean sidewalk, but they're going to host this honoring the Fun Shop and all the employees. And [inaudible], August 18th. Yeah. And I think it's going to start at 5:00 or 5:30. They're going to put posts up and all that kind of stuff. But it's come one, come all free to the community. They really want to honor Betsy and Page their family and all of the employees and they'll host it right over there and whatnot. So it'll be. Yeah, it'll be a lot of fun. All right, Danny, back to you. Or no wait, I think that was it. Anybody have any other information items? Philip.

Philip Miller: So in the VML Economic Development Policy Committee meeting, one of the things that took up a bulk of our time was discussing two bills that are pending HB 2271 and SB 1371 Short Term Rental properties.

Cindy Pearson: It's back.

Bridge Littleton: It's worse.

Philip Miller: Yeah, it's much worse. It provides that locality may not restrict by ordinance any short term rental property managed by a Virginia realtor as defined in the bill. You cannot restrict it in any way, in any way. So it was a big concern. And we're working on language to put forward in our policy. I will, or actually, Rhonda, you you have all of these, right? Because I think you sent them to me.

Rhonda North: Yeah. I've just been as the policy emails come out I'm just forwarding to the proper staff person or Council person representative.

Philip Miller: So I'll pick out the deck that was included so that everybody can I'll send that along. You can take a look. It's the last, last two slides. So yes, it's a huge concern. We obviously got out way ahead of this based on the feedback that I heard from the other people on the call. But we had major concerns, obviously, that I expressed and so did Blacksburg. We cited a number of different problems that we saw potentially coming from legislation like this in our localities and the effect on community, the effect on the affordability of housing and investment properties being used rather than creating a real vibrant, active living, working community. So we put together some language and we're still kind of bouncing back and forth with that. But that was the big concern that I just wanted to update you on. Otherwise, everything else is not as big a deal.

Bridge Littleton: And they're also trying to do the shadow taxes again too right? Everything has to be centrally collected by the state. For Airbnb stuff.

Philip Miller: Was that in these two bills or was that in something else? I didn't see that in this bill in these two.

Bridge Littleton: No, that was I mean, Michelle Gowdy called me and asked because we defeated that like three years ago. Right. And she called me like last week and said, hey, remember this? And I did some research and sent her a bunch of stuff. She said, Yeah, it's back that they want to do central collection of TOT for Airbnb. It'll go into a fund at the state or go into account the state level, which they don't have to disclose. They'll then send you what your cut of it is after they've taken their administrative fee.

J. Kevin Daly: Oh geez.

Philip Miller: I'm going to go ahead and say pass.

Bridge Littleton: Yeah, Okay. [off mic] Well and they won't tell you how much you got as a gross. And they won't tell you how much you got left after. Oh, on the restrictions. Yeah.

Philip Miller: So it's silly. Virginia Beach and Falls Church and Fairfax were all saying the same thing. I mean, they have very different areas that they want them restricted differently based on the neighborhood, the type of use. So it's too microcosm, too much of a micro issue to have a macro policy for and it just doesn't work. So it really we at the end of the day we came up with the problem is we should have the ability to regulate our own zoning. And essentially what you're doing is taking that away from us. So that's not good for our ability to regulate and keep a community the way that it should be.

Bud Jacobs: Which the Assembly in past sessions, by the way, has considered the proposition.

Philip Miller: Right.

Bud Jacobs: Taking zoning away from the towns and running it out of Richmond. This is a really good illustrative case of why you don't want the State Assembly mucking around on the TDR issue.

Bridge Littleton: Yeah.

Bud Jacobs: Exactly the same thing. It's it's a micro problem and each jurisdiction, everybody should do their own thing. That's the way you deal with. So if Mr. Segura could be convinced not to do what. [off mic]

Bridge Littleton: Oh, great point. Yep, that's a good point. Okay. God, that's why you have. I mean, I don't want to be Houston.

Chris Bernard: [off mic] Can you imagine if the rules in Loudoun County were the same as the rules in. [multiple speakers]

Bridge Littleton: Virginia Beach?

Chris Bernard: Danville is. Come on.

Bridge Littleton: Yeah. I mean, one's like. I think Virginia Beach is a great example. That's a beach community. It's totally different from what we need to be, so. All right. Okay. Well, if we need to go down there for legislative day, you know, when that's in what, January? I mean, let's plan on doing it right. So. All right. Thanks. Anybody else have any? Yeah. Kevin.

J. Kevin Daly: I don't mean to steal Shaun's thunder here, but Chief Jones and I will be going to Places of Worship Safety and Security Conference.

Shaun Jones: Training Class Sponsored by Loudoun County Sheriff's Office.

J. Kevin Daly: That'll be coming up the 14th.

Bridge Littleton: Okay. You just remind me of something. Did the Commonwealth's attorney or her deputy ever get back to us on altering their we're not going to arrest people stuff like they had committed to? [off mic]

Danny Davis: You want me to follow up?

Bridge Littleton: Yeah. I mean, you know, when the [inaudible] attorney was here, she went through her thing or whatever, but the deputy came like.

Danny Davis: And spoke to COLT.

Bridge Littleton: Spoke to Colt, and she said that they were revising it imminently and it would be out, you know, forthwith. And that was like in February.

Bud Jacobs: I think she's flagging it in her political collateral as an achievement for her reelection, actually.

Bridge Littleton: Really? Okay. We should definitely have a follow up conversation. Invite her to come back and follow through on her commitments. Okay. Any other information items? Okay. We will go to Closed Session if somebody would like to read the motion.

Philip Miller: 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 A eight and two an appointment to the Middleburg Arts Council as allowed under Subsection A one. I further move that Council thereafter reconvene in open session for action as appropriate.

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. [off mic]

Rhonda North: Working the cameras, I can tell you that.

Bridge Littleton: All right, here we go.

Rhonda North: Yes.

Bridge Littleton: I asked the Council certify that in the Closed Session just concluded to the best of each members knowledge, nothing was discussed except the matters matter or matters specifically identified in the motion to convene the Closed Session and lawfully permitted to be discussed in a Closed Session under the provisions of the Virginia Freedom of Information Act, as cited in the motion. I would like to remind those present for the Closed Session that any discussion that occurred within it should be treated as confidential.

Chris Bernard: Yes.

Bud Jacobs: Yes.

Philip Miller: Yes.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Peter Leonard-Morgan: Yes.

Cindy Pearson: Yes.

J. Kevin Daly: Yes.

Bridge Littleton: Meeting adjourned. Oh, wait. Meeting reconvened. Cindy.

Cindy Pearson: I move that Council appoint Emily Tai to the Middleburg Arts Council for a two year term. Said term to expire June 14th, 2025.

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Meeting adjourned.