



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, September 14, 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 (arrived late)  
Councilmember Cindy C. Pearson

**STAFF:** Danny Davis, Town Manager  
Martin Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
William M. Moore, Deputy Town Manager  
Tina Staples, Town Treasurer/Director of Finance  
Shaun Jones, Chief of Police  
Ali MacIntyre, Business Development & Community Partnerships Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, September 14, 2023 in the Town Hall Council Chambers, located at 10 West Marshall Street. Vice Mayor Leonard-Morgan led Council and those attending in the Pledge of Allegiance to the flag. (Mayor Littleton arrived at the meeting.) The roll was called at 6:00 p.m.

**Public Comments**

Gary Nickelson, Commander of American Legion Post 295, reported that the Coalition of Loudoun Towns held a candidates debate for the Little River District supervisor's race at the American Legion. He further reported that the American Legion and Royal British Legion held a Summer Ball and noted that the Royal British Legion received their charter at that time. Mr. Nickelson reported that the American Legion was working with the Town's Streetscape Committee and Mr. Print to develop Hometown Hero banners, featuring local veterans, which could be displayed on the Town's streetlight poles. He reported that he was reaching out to school counselors regarding their oratorical program, in which students would compete for college scholarships. Mr. Nickelson noted that he would also reach out to members of the Council to serve as judges for this event. He reported that the American Legion wanted to bring back their baseball team so they could play at the Mickie Gordon Memorial Park and noted the need to fundraise to make this happen.

Punkin Lee, Chair of the Streetscape Committee, reported that the Committee met earlier in the day to review the South Madison Street concept plans. She noted the stones located on the street and reported that they went back to the 1850s when Middleburg was a coach changing place between Alexandria and Winchester. Ms. Lee opined that having a mixture of streetscape features made the town interesting. She suggested the street did not need to look like a straight row of new brick and opined that the current materials lent personality to it. Ms. Lee noted the desire to preserve the trees. She acknowledged that some of them were beginning to affect the buildings and suggested the need to hold a discussion on what to do about them. Ms. Lee suggested they be preserved if possible.

Pam Curran, 800 Blue Ridge Avenue, announced that she was running for a seat on the Town Council. She advised that she would like to be a voice for the citizens and wanted to get more residents engaged. Ms. Curran expressed excitement about the opportunity to work with the other members of the Council if elected.

Jack Goehring, the owner of 17 South Madison Street, expressed a desire to save the old stone sidewalk during the South Madison Street Improvement Project. He noted that a change in grade was being proposed and advised that this would change the entrances to the shops and increase the number of steps to access them. Mr. Goehring opined that this was inconsistent with the objective of economic development and would have a negative effect on those who were disabled. He suggested the need for engineered elevation drawings and opined that the project could not be evaluated without them. Mr. Goehring suggested it would be bizarre to tear up the ancient sidewalks but leave the utility poles. He noted that Middleburg was a historic town and suggested the sidewalks be left as is.

## **Public Presentation**

### **Christmas in Middleburg**

Michelle Myers, Organizer of Christmas in Middleburg, noted that she previously sent their financial report and information on the event changes. She advised that there were no plans to change the vendors. Ms. Myers reported that she was working to develop Christmas ornaments that would be based on the Em Sharp Christmas signs; however, they may not be ready for sale this year. She advised that they were working on an event map that would be available for distribution at the parking areas, as well as on their website. Ms. Myers reported that in terms of marketing, their latest press release was about to go out. She reported that the parking locations were the same as last year and would include the Mickie Gordon Park.

Ms. Myers reported that new event items included private seating for thirty-two people during the parades at the King Street Oyster Bar. She further reported that bleacher seating would be added for thirty people in front of the grandstand on North Madison Street. Ms. Myers advised that in addition to the ornament featuring Em Sharp's artwork, which had her family's blessing, they would have an ornament that contained Christmas in Middleburg's new logo. She reiterated that the ornaments may not be ready for sale this year and advised that if not, they would be held until next year.

Mayor Littleton advised Ms. Myers that the Em Sharp signs were not owned by the Sharp family, but rather were owned by The Hill School Alumni Association. He noted that she would need the school's permission to use the artwork and advised that this was a licensing issue. In response to a comment from the Council about the need to refurbish the signs, Mayor Littleton reminded Council that the Town talked about having Quail Run Signs recreate them using a weather resistant material. He noted that The Hill School alumni were also concerned about their deterioration. Mr. Littleton reminded Council that they were repaired five years ago; however, they have deteriorated again. He suggested they be recreated using a resin material, with the original signs then being stored at The Hill School.

In response to inquiries from the Council, Ms. Myers advised that the private seating would be purchased by the table. She explained that it could be purchased when someone purchased their parking pass. Ms. Myers agreed to make an accommodation for residents who did not need to purchase a parking pass but may wish to purchase private seating. She confirmed the private seating had been cleared through the Virginia ABC Department. Ms. Myers advised that there would be six to eight tables placed on one lane of South Madison Street, as an extension to the Oyster Bar's patio.

The Council noted the need to get approval from the Deputy Town Manager for this. They expressed concerns about the impact on South Madison Street.

Town Manager Davis noted that this was discussed with him. He further noted that Old Ox also did it. Mr. Davis acknowledged the need to ensure proper flow and advised that he did not see any immediate issues.

Ms. Myers reported that their budget was similar to last year's. She reminded Council that they were holding the additional \$10,000 the Town donated last year; therefore, they would not seek money from the Town this year. In response to a comment from the Council, she advised that they would try to not ask the Town for money again. She noted that they were asking for donations from those who participated in the parade. In response to an inquiry from the Council, she advised that the money would not be refunded if the parade was cancelled and opined that it would be held rain or snow. Ms. Myers announced that parking ticket sales would begin later in the week and would be rolled out by location. She reiterated that parking would occur at the Middleburg Barn, the Mickie Gordon Park, and Lost Barrel.

In response to an inquiry from the Council, Ms. Myers advised that she did not approach the Red Horse Tavern about private seating, as they already sold their seating on an hourly basis that day. She advised that if any other restaurants wanted help in selling their seats, she would be happy to assist. Ms. Myers reported that there would be no food trucks on Route 50 this year.

## **Discussion Items**

### **Review of South Madison Street Improvement Concept Plans**

Town Manager Davis reminded Council that they identified the need to improve South Madison Street during their strategic initiatives discussion in April. He reported that the staff engaged Kimley-Horn as the engineers for the project, and that public outreach had been held and concept plans developed based on the input received. Mr. Davis reminded Council that they assigned EDAC as the primary committee responsible for the project; however, input was being solicited from others, including the Streetscape Committee. He reported that twenty-five responses were received to the survey and input was received during the EDAC and Streetscape Committee meetings.

Town Manager Davis reported that two concept plans were developed, both of which were very similar. He advised that the second plan eliminated parking on the east side of South Madison Street in order to expand the sidewalk. Mr. Davis noted that a large amount of the public comment centered around the trees and advised that the plan was to work around them as much as possible. He noted that there was concern about their roots, which could be impacting utilities and buildings. Mr. Davis further noted that if they failed, they would need to be replaced in the future, which would be hard to do. He advised that a decision on the trees was not needed at this time; however, he reiterated that they were creating issues with the grades and ADA accessibility. Mr. Davis suggested a decision on them was needed during the next phase of plan development. He reminded Council that what was before them were concept plans and opined that the issues raised by Mr. Goehring would be addressed during the preliminary and final design phases.

Town Manager Davis advised that the concepts were being presented as a briefing at this time. He noted that they would return to EDAC during their next meeting and then to the Council during their September 28<sup>th</sup> meeting for endorsement of a concept. Mr. Davis reminded Council of the desire to seek grant funding and noted that the staff was planning to seek a Safe Routes to School grant through VDOT, with sidewalk improvements extending to The Hill School being incorporated into the project. He noted the need for Council's endorsement so the staff could apply for the VDOT grant. Mr. Davis noted that Hunter Streb, of Kimley-Horn, was available to answer any questions the Council may have. In response to inquiries, he advised that the concept plan could be modified even after the grant was approved.

Mr. Streb noted that he had cost estimates for each of the concept plans. In response to inquiries from the Council, he explained that they were based on VDOT projects done in the last two years that were similar to the one being proposed. He opined that VDOT would not require the sidewalks to be concrete.

Town Manager Davis advised that VDOT would be involved in the engineering plan review process. He reminded Council that because VDOT was responsible for maintenance of the Town's roads, they would approve the plans.

Councilmember Bernard opined that what was needed was a clear picture of what the Council wanted to take to VDOT as a starting point.

Town Manager Davis opined that extending the sidewalk to The Hill School in a safe and accessible manner would be key. He noted the need to meet all VDOT requirements.

Councilmember Jacobs opined that, based on a review of the concept plans, there were no solid objectives or clear priorities. He suggested the need for the Council to think through what it wanted to achieve. Mr. Jacobs further suggested that four or five objectives be identified and prioritized so they could be compared to the concept plans.

Town Manager Davis advised that the staff's take, based on the Council's strategic initiatives discussion, was that the objectives were economic vitality, which included visibility, improved lighting, and improved walkability; and, safety, which included walkability and ADA accessibility. He opined that there was balance in those priorities.

Mayor Littleton agreed with Councilmember Jacobs that the concepts were muddled. He recalled that the main things the Council discussed in April were walkability, lighting and signage and suggested the concept plans did not answer those questions. Mr. Littleton opined that if the goal was walkability, ADA accessibility and safety, the concept plans were fine; however, he questioned what was being done to address the issues of lighting and signage. He suggested the plans for those items were not worked out and questioned how the project would attract people to walk down South Madison Street and engage with the businesses.

Town Manager Davis reiterated that these were only concept plans. He explained that the engineering plans would contain recommendations on lighting and signage. Mr. Davis reported that 90% of those who responded to the survey indicated they preferred the streetlight poles that were on Washington Street. He advised that the next step in the process would be to develop detailed engineering plans, which would address the goals related to economic vitality, lighting, and signage.

Mayor Littleton opined that the question before Council was being presented too soon and questioned why the design ideas could not be done as a part of the concept plans. He further questioned why the Council had to decide on a concept plan before understanding what elements would be included.

Deputy Town Manager Moore explained that the concept plans were developed for the grant application and advised that the staff was not ignoring the other aspects of the project. He noted that while the street light pole locations were shown on the concept plans, the lighting details were not. Mr. Moore advised that the signage would not be included in an infrastructure grant application.

Mayor Littleton opined that these items would be fundamental in the Council's decision of whether to move forward.

In response to an inquiry from the Council, Deputy Town Manager Moore advised that there was a sign on the southeast corner of Madison Street that directed pedestrians to more shopping opportunities on Madison Street. He noted that the Town planned to create a sandwich board sign, which it would own, identifying the businesses on South Madison Street and explained that it would replace the proliferation of individual sandwich board signs that had popped up. Mr. Moore noted that the Town's sandwich board sign would not be the ultimate solution.

Councilmember Miller suggested the Town capitalize on this grant opportunity in order to achieve some of the goals. He noted that the concept plan was just the initial stage necessary to get a grant to offset the project costs.

In response to an inquiry from the Council, Mr. Streb reported that the cost estimate was \$1.6 million for the first concept and \$1.7 million for the second one. He reported that in the past, VDOT's grants have been based on an 80/20 split, with VDOT funding 80% of the project costs. Mr. Streb noted that these cost estimates included all the costs, as well as a contingency reserve.

In response to comments from the Council, Deputy Town Manager Moore advised that lighting was included in the cost estimates; however, signage was not.

Mayor Littleton questioned whether there were other elements that needed to be included in the cost estimates and noted that the Council's decision could have cost implications for the Town. He advised that he wanted to know the scope of the unknown before the Council agreed to pursue a grant. Mr. Littleton opined that once the Town received the grant, it would be committed, unless it declined to accept the grant.

In response to an inquiry from the Council, Mr. Streb advised that there was minimal cost included in the estimate for tree replacements. He reported that the estimates included all the major costs of construction, the cost for VDOT's oversight, engineering costs and a 35% contingency reserve. Mr. Streb opined that they would have an accurate price today that would continue to be accurate at the final design stage.

Town Manager Davis advised that the plan was to keep the existing trees, which was why the cost estimate included a nominal amount for trees.

In response to an inquiry from the Council as to what would happen if the project cost more than anticipated, Mr. Streb opined that VDOT's share of the project would be locked into the grant amount.

Town Manager Davis explained that the 35% contingency reserve was an effort by VDOT to avoid issues related to cost overruns on projects.

Council questioned whether the grant monies would be received up front or whether it was a reimbursement grant, to which Town Manager Davis advised that he would look into that.

Mayor Littleton opined that more information was needed before the Council could make a decision, including the terms of the grant program and the timelines. He expressed concern that there could be badly defined requirements or scope creep and suggested this project was ripe for either one since the details have not been worked out.

In response to a comment from the Council, Town Manager Davis advised that the concept plans were based on the Council's guidance during the strategic planning discussion. He suggested that if there were more objectives, the Council needed to let him know. Mr. Davis noted that the approach being taken was based on the previous direction of the Council and the conversations with the committees. He opined that the goals identified by the Council were accomplished by the concept plans. Mr. Davis acknowledged the need to work out the details.

Councilmember Jacobs suggested that if those were the objectives, they should be put on paper so the Council could ensure the concept plans met them.

Mayor Littleton expressed concern that the project was being rushed to meet a grant deadline. He suggested the need for the Council to be thoughtful and to exercise caution when considering the down sides of the project. Mr. Littleton opined that one of the goals that was missing from the concepts was the desire to attract tourists to walk down the street, which was not the same as walkability. He suggested that getting visitors to walk down the street was different than attracting residents to walk down it.

Councilmember Pearson disagreed and opined that there was a desire for residents to safely walk down the street. She suggested the need to look at the whole picture.

Councilmember Miller opined that the Council agreed that South Madison Street was not welcoming, and the sidewalks were deplorable. He suggested the need to identify in a simplistic way how these items were addressed by each concept plan so the Council would have an understanding of what it was accomplishing in relation to its objectives.

Councilmember Kirk suggested that improvements to South Madison Street and a sidewalk from South Madison Street to The Hill School were two different things.

Councilmember Miller explained that the Town had an opportunity to leverage a grant.

Town Manager Davis advised that the sidewalk to The Hill School was a missing pedestrian link. He opined that South Madison Street to The Hill School was the least safe road to walk in Middleburg.

Councilmember Miller volunteered to work with the Town staff on this before it returned at the next Council meeting.

In response to an inquiry from the Council, Town Manager Davis reported that the grant application was due October 2<sup>nd</sup> or 3<sup>rd</sup>. He explained that a decision must be made at the next meeting if the Town wanted to apply for the grant.

Mayor Littleton noted the need to provide safety for all. He opined that the economic development component was a different piece. Mr. Littleton advised that the grant opportunity was an awesome one and suggested the project be presented in phases if needed.

Councilmember Daly noted the need to address wheelchair accessibility as well.

Councilmember Bernard questioned why economic development and infrastructure impacts should be separated and noted that better walkways achieved an economic development impact. He noted that the lighting and the “bells and whistles” could be overlaid on top of the infrastructure improvements.

Mayor Littleton expressed concern that the Council did not know the total cost of the project, including the bells and whistles, and noted that once it accepted a grant, it would be locked into the project. He suggested the Council needed to know what it would be committed to.

Councilmember Kirk suggested the need for businesses that would attract people down the street.

Mayor Littleton opined that once the improvements were made, the street would attract more businesses.

## **Staff Reports**

### **August Staff Reports**

Town Clerk North reported that the website refresh launched on August 31<sup>st</sup>. She further reported that she, Councilmembers Pearson and Jacobs, Town Manager Davis and Business Development & Community Partnership Director MacIntyre met to discuss updates to the Town’s grant/sponsorship policy. Ms. North noted that, as a result, the policy would be divided into four new policies. She advised that she drafted those, which were under review by the staff, and would soon be forwarded to Councilmembers Pearson and Jacobs for their review. Ms. North noted that they would be presented to the Council for their consideration in the near future. She reported that as a follow-up to the Council’s adoption of the policies related to the new Town Hall, she created an online application for the rental of the meeting spaces.

Business Development & Community Partnerships Director MacIntyre reminded Council that Oktoberfest would be held on September 16<sup>th</sup>. She reported that the Farmers Market would be held that same day and would include music, a Middleburg Sustainability Committee booth, and the children entrepreneurs. Ms. MacIntyre advised that a ribbon cutting ceremony would be held on September 28<sup>th</sup> for the four new businesses on South Madison Street. She reported that representatives of the Millia Miglia would be in Middleburg from September 30<sup>th</sup> through October 5<sup>th</sup> to work out the details of the Miglia 1000.

Town Treasurer Staples reported that the auditors were in town. In response to an inquiry from the Council, she confirmed the audit was going well thus far.

In response to inquiries from Councilmember Daly, Police Chief Jones reported that while he was short on staffing, he had made arrangements for the staffing necessary to cover Oktoberfest. He advised that officers were not having to work extra shifts and they were able to take their vacations. Chief Jones confirmed that 24/7 coverage was being provided. He advised that the Town’s recruitment advertisements were out and noted that he was talking to people about the vacancy.

In response to an inquiry from Council, Chief Jones explained that Ambush & Awareness Training was an online training course through the Police One Training Program. He advised that this program offered online training on different topics.

Vice Mayor Leonard-Morgan expressed appreciation that the officers were monitoring speeding on the west end of town and noted that it was having a positive effect.

Mayor Littleton recognized Officer Riley for his actions, which helped save an individual who was suffering a medical emergency.

Chief Jones reported that he spoke with the female who recognized the individual was in distress and quickly called for emergency assistance. He noted that the outcome could have been much different had she not done so. Chief Jones advised that he would speak with Town Manager Davis about some type of recognition for everyone who was involved in the incident.

Councilmember Pearson noted that it was a pleasure to see Officer Hinegardner testing the horse-drawn carriage in preparation for Oktoberfest.

Deputy Town Manager Moore reported that, during their September meeting, the Planning Commission would consider a request for a special use permit for a museum, as well as one for apartments at 5 East Federal Street. He further reported that they would also consider a zoning text amendment that was required as a result of changes in the State Code related to the advertisement of public hearings.

Deputy Town Manager Moore acknowledged the assistance provided by Gary Nickleson, of the American Legion, when the Governor issued an order that a POW-MIA flag be flown in recognition of National POW-MIA Day. He noted that the Town did not own one and advised that Mr. Nickleson provided one within thirty minutes of receiving the Town's request for assistance. Mr. Moore noted that the Legion would also host the Town's R-2 Community Input meeting next month.

#### Voluntary Water Conservation

Town Manager Davis reminded Council that the Town drew its water from ground water resources. He noted the recent rains, which were helpful for the aquifer. Mr. Davis encouraged the residents to voluntarily conserve water. He noted that the Virginia Department of Environmental Quality's Drought Monitoring Report showed Loudoun County was under a drought watch. Mr. Davis advised that the concern for groundwater resources had been reduced from highly concerning to a moderate level. He reported that IES was taking daily well measurements and advised that they were showing them to be at or near normal levels.

#### Consent Agenda

- A. Council Approval – August 24, 2023 Regular Council Meeting Minutes; August 31, 2023 County Parks & Recreation Department Workshop

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

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.)

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**Action Item**

**Council Approval** – Award of Contracts – Well 4 Clearwell Construction & Construction Management

Town Manager Davis reminded Council that the staff worked with Bowman Engineering to develop the plans and IFB for the Clearwell Project. He reported that one bid was received, in the amount of \$755,000, from WGK Construction for the construction of the 64,000-gallon water holding tank that would provide extra capacity, as well as finished water for the backwash system at the treatment plant. Mr. Davis noted that the Council was also being asked to award a contract to Bowman Consulting for construction management services. He reminded Council that the Town had \$500,000 in ARPA funds that it would apply toward the project costs, with the remainder of the funding coming from the Utilities Fund in the FY '24 Budget. In response to an inquiry from the Council, he advised that it was anticipated that the project would take nine months to complete.

*Councilmember Daly moved, seconded by Councilmember Miller, that Council authorize the Town Manager to enter into a contract with WGK Construction for the Well 4 Clearwell Project in the amount of \$755,000. Councilmember Daly further moved, seconded by Councilmember Miller, that Council authorize the Town Manager to enter into a contract with Bowman Consulting for Construction Administration Services in the amount of \$44,660.*

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)

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**Council Approval** – Award of Contract – Well 4 Repairs

Town Manager Davis reported that the contract was for repairs to the treatment plant. He advised that they would involve removing the sand, replacing the nozzles, and repacking the sand, which would then allow the plant to be restarted. Mr. Davis noted that he was working with the vendor on the terms of the warranty.

*Councilmember Miller moved, seconded by Councilmember Daly, that Council authorize the Town Manager to enter into a sole-source contract with WesTech for Well 4 media replacement in the amount of \$38,104.*

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)

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**Discussion Items (continued)**

**Planning for Community Meeting on R-2 District Infill Development & Redevelopment**

Deputy Town Manager Moore reported that a community meeting was scheduled for October 16<sup>th</sup> at 6:00 p.m. at the American Legion to discuss concerns related to infill development and redevelopment in the R-2 District. He reported that the staff held a kick-off meeting with The Berkley Group, who was going to facilitate the community meeting. Mr.



Moore advised that the Town would be an observer and not a participant in the meeting. He reported that The Berkley Group would facilitate the session and gauge the level of concern by the people and, if there was any, would get input on the individual elements of concern. Mr. Moore noted that The Berkley Group was working on an invitation that would be distributed to allow for maximum participation. In response to inquiries from the Council, he advised that this would be the proper forum for people to develop an understanding of the trade-offs of additional regulation. He reported that the forum would last for 1.5 hours.

#### Withdrawal of Water from Fire Hydrants

Vice Mayor Leonard-Morgan recognized a resident on Chinn Lane who recorded an individual who was drawing water from one of the Town's fire hydrants. He questioned whether the hydrant could have been damaged and whether there was a way to lock the fire hydrants.

Town Manager Davis thanked the resident. He advised that the individual in question had approval from Loudoun Water to draw water from their hydrants and assumed this included Middleburg's hydrants. Mr. Davis advised that the Town was looking into better signage that would say "Use Must be authorized by the Town of Middleburg" and that would sit on top of the hydrant rather than on the side. He noted that hydrants were always at risk of damage; however, in this case, the contractor had experience pulling water from hydrants. Mr. Davis explained that the concern was that they could create a water hammer situation if not opened/closed properly. He strongly advised against the installation of locks on the hydrants and noted the need to quickly access them during an emergency response situation.

#### Legislative Priorities

Town Manager Davis reported that four key items were proposed for consideration. He noted that Councilmember Jacobs recommended a fifth one that would be a statement opposing any erosion of the Town's sovereign immunity and opined that this would be a good addition. Mr. Davis reported that the first item was to preserve local taxing authority. He noted that often times new legislators in the General Assembly would not appreciate the hole that eliminating local taxing authority, such as for business licenses, would have on local tax revenues. Mr. Davis reminded Council that the centralization of transient occupancy taxes had been a recent topic in the General Assembly and opined that it was important to work with the Virginia Municipal League (VML) on this. He reported that the second item was the preservation of local zoning authority, particularly as it related to short-term rentals. Mr. Davis advised that it was important that local land use authority remain at the local level.

In response to an inquiry from the Council, Mr. Davis advised that no specific bill had been introduced at this time. He noted that the local zoning authority item could be removed; however, he recommended keeping it on Council's priority list in case a bill was introduced at the last minute.

Town Attorney Crim reminded Council that the VML staff was in constant contact with their members and would ask how a bill would affect them.

Town Manager Davis reported that the third item on the list was related to the Freedom of Information Act, specifically to the Virginia Supreme Court decision in *Gloss vs. Wheeler*. He noted that this decision created ambiguity in what constituted a public meeting and advised that the staff was recommending working with VML and the Town's other partners to identify suggestions for legislation that would clarify that ambiguity.

Town Manager Davis reported that the fourth item was brought forth by a member of the community related to the inability of localities to install speed enforcement cameras. He reminded Council that such cameras were currently allowed only in school zones and construction work zones. Mr. Davis noted that legislation allowing them elsewhere had been met unfavorably by the General Assembly in the past. He suggested that in the future, the Council discuss whether this could be an effective tool. Mr. Davis reminded Council that the Town did not maintain the roads – VDOT did. He suggested the request for enabling legislation would be a topic of conversation throughout the legislative process. In response to an inquiry from the Council, Mr. Davis advised that speed cameras in school zones were operational whenever the 25 MPH signs were flashing.

Councilmember Jacobs noted that he and the Mayor recently met with a candidate for the Virginia Senate and reviewed the proposed agenda. He reported that the candidate was quite receptive to it. Mr. Jacobs opined that it was a worthwhile conversation.

Mayor Littleton noted that he also raised the 5G legislation that arose every couple of years. He opined that the lawmakers in Richmond did not understand the implications of what they tried to do. Mr. Littleton noted that Councilmember Jacobs' point was that some of the proposed legislation would have a dramatic effect on local authority and would be massively detrimental to the community.

### **Information Items**

#### **Mickie Gordon Memorial Park**

Mayor Littleton noted that the August 31<sup>st</sup> meeting was a great one and advised that nine of the top ten suggestions were recommended by each of the tables. He reported that he spoke with a reporter from Channel 9 News, who was doing a local nightly news story on the park, and advised that she would do a longer feature story in a couple of weeks. Mr. Littleton advised that Parks & Recreation Director Torpe had tentatively scheduled the second community workshop to occur on October 4<sup>th</sup> and noted that it would be the same as the first one. He advised that he also spoke with Chair Randall and noted that they would follow-up with the County government leadership on the question about the application.

Vice Mayor Leonard-Morgan noted the video that was prepared by Piedmont Heritage Association on the history of the Mickie Gordon Park. It was suggested it be posted on the Town's website.

#### **County Board of Supervisors' Debates**

Mayor Littleton reported that the Little River District candidate's debate was a great one. He advised that there was opining and conversations on the issues and policies. Mr. Littleton noted that debates were scheduled for the other five contested district races.

### **Closed Session**

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Bernard, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for consultation with legal counsel retained by the public body regarding specific legal matters requiring the legal advice of such counsel related to (1) the Town Hall Project contract; (2) the Virginia Supreme Court ruling in Gloss vs. Wheeler; and, (3) liability related to Town-owned property, as allowed under Subsection (A)(8). Vice Mayor Leonard-Morgan further moved, seconded by Councilmember Bernard, 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.)  
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Mayor Littleton asked that Council certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

There being no further business, Mayor Littleton declared the meeting adjourned at 8:39 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

\_\_\_\_\_  
Rhonda S. North, MMC, Town Clerk

## September 14, 2023 Middleburg Town Council Meeting

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

**Peter Leonard Morgan:** Good evening, ladies and gentlemen. Let's call this meeting to order. And the first item on the agenda is the Pledge of Allegiance.

**All Council:** [Pledge of Allegiance]

**Peter Leonard Morgan:** I'll hand over. I'll hand over to my esteemed colleague.

**Bridge Littleton:** Oh, sorry. I had to take one of our council members to Hills School to get his son, so. All right. I apologize for being late. Roll Call.

**Chris Bernard:** Chris Bernard.

**Bud Jacobs:** Bud Jacobs.

**Darlene Kirk:** Darlene Kirk.

**Bridge Littleton:** Bridge Littleton.

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

**Cindy Pearson:** Cindy Pearson.

**J. Kevin Daly:** John Kevin Daly.

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

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

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

**Bridge Littleton:** Okay, next item is public comment. So if any member of the public would like to address the town council on any matter, you may do so. If you would, you have three minutes. Anybody? Anybody else?

**Bridge Littleton:** Gary. It's been a long time.

**Bud Jacobs:** Hi, Gary.

**Gary Nickleson:** Look at this, full house today. I heard the commander was coming, so he's showing up. Mayor Littleton, members of the council. My name is Gary Nickleson. I'm the commander of American Legion here in town. First off, we had a wonderful event last night. The coalition of Loudoun Towns, Little River Supervisor debate Big thank you to Mayor Littleton for hosting that. Moderating that comment or that debate, it was a great testament to our civil discourse and our democratic principles and actions. We enjoyed hosting that and, you know, being part of the community event for that. Prior to that, a few weeks ago, we held our summer ball and that was in partnership with the Royal British Legion East Coast chapter as we had a presentation in a previous town council. We're partnering, partnering with the Royal British Legion East Coast Chapter. They're going to establish a presence in our back lot. And

that event was kind of they flew in their official guidance guide on from England, and it was basically established in their official charter. So we're going to continue that partnership and slowly build that alliance. We've also been in talks with the Middleburg Streetscape Committee and Mr. Print of Middleburg. We're going to bring some hometown hero banners to adorn the lampposts here on Washington Street. So we're getting a short list of names, you know, Franklin Payne, [Inaudible], I think, and a few James Bell and Joe Sulak. I think some of the names on the short list. So we're asking for some pictures and we'll get those up and out there in time for Veterans Day and kind of get those pictures up. And so individuals can see all our local heroes. We're also reaching out to our school counselors early this year, we're going to leverage the success of our Boys and Girls state program. The American Legion also has an oratorical program where all high school students basically get a they prepare short 5 to 10 minute speech about some articles about the US Constitution. They compete for scholarships at the post district, state and national level, and they have a chance to win up to \$25,000 for college. So one aspect of this program is that we like to bring in members of the community to help judge those debates. And so I'll probably reach reach out to some of you in chief and other members of the community as well to help help with those events. If we can talk about baseball real quick in the last 30 seconds, I you know, baseball, American Legion has been the tip of the tongue all around town. You saw the the previous Mickey Gordon community meetings both at the American Legion and the community center. We want to do it. We've been talking about it. We want to bring a team back. We want to help support the activities going on at Mickey Gordon Park and the activities for that. There is for us, it's it's a financial cost. So we're looking for help in fundraising. So I'm looking for ideas. If we can do it, I'm going to work hard to bring it to you and help support the town any way we can. So thank you.

**Bridge Littleton:** Gary. Thank you. [applause] But [00:05:00] you don't get to. You can ask him. You can call him later. Okay. Anybody else wish to address council for? Yes, ma'am.

**Punkin Lee:** Okay. Thank you all for having us this evening. I know the Punkin Lee, Streetscape Committee, probably is what I'm kind of representing this evening. We met this morning. I know the South Madison discussion is later on the agenda. I just had a few comments. It is a concept at this point and will evolve over the months to come. I'm sure the stones that are in front of Reimers, I think are of real interest to everyone. They probably go back to the 1850s when that building was the coach changing place from Alexandria to Winchester. The Stones are actually across the street in front of my old building, which Jane Covington owns now, but they somehow got under a ton of concrete, but they are starting to come up. Also, the other stones in town are down in front of the MFHA. There's a little strip there. So, you know, mixed streetscape features make our town very interesting. And I think as this concept evolves, that those stones should be definitely considered. I don't think we need to look like a straight street of new brick. You know, that street is very important. It has a personality. And I think when all is said and done, it should look like it's refreshed and not had a whole new facelift. The other thing on that street also, obviously, is the trees. We would be lovely to preserve the trees we have, but I think as the plan evolves, it will bring up how the trees that are probably have there about 30 years now have affected the old structures on that street. And so that will be a discussion, I think, as this whole concept goes along to figure out what to do with the trees, whether we deal with them and then replant or whether we can save some. But it's definitely needs to be considered and not just eliminated. So I know it's on the agenda later, but just wanted my comments. Thank you.

**Bridge Littleton:** Thanks, Punkin. Would anybody else like to address council? Yes, ma'am.

**Pam Curran:** Hello. So I am Pam Curran, and I live at 800 Blue Ridge Avenue. And I just wanted to say I'm running for town council. And I woke up and I was on the ballot. But no, no. And even though right now I'm currently unopposed, I just wanted to say how excited I am and how seriously I take it and that I look forward to talking and knocking on some doors, hearing what the Middleburg residents love and want us to preserve and maybe a few things that we haven't thought of that they'd like to have us consider. And I'd like to be their voice with you all to bring information up. And at the same time, I'd like to really get more of our residents engaged like we saw at Mickey Gordon Park and like we had last night over at the debate. And I think by them being more engaged and maybe us putting a process in place where they can understand or follow what our process is and what the issues are and where their voice can plug in. You know, I think that it could make for, you know, really, really a positive, exciting, you know, process like we had last night. And then the last thing is I'm just very excited if given the opportunity to work with all of you, I know how hard you work and how much you care. I'm actually worried about really how hard you work because I still work. But anyway, so more to come. But I just wanted to say thank you for the opportunity if elected, I really look forward to it. Thank you.

**Bridge Littleton:** Thank you, Pam. Anybody else? It's your last chance. Maybe I should pick somebody. Or call on somebody. Yeah. Yeah. Helen? Actually, no. She knows too much on me, you know? Oh, I'm sorry. Yes, sir. Yes.

**Jack Goehring:** First, [00:10:00] I'd like to introduce myself. My name is Jack Goehring. I own several properties here in Middleburg. Most significantly is number 17, the Candy Store and also the the new bookstore that's coming to town. My overwhelming concern is saving these grand old stones that are in front of that part of the street. As I had the opportunity to visit with Danny, he explained to me the footprint of the purposed new sidewalk addition. One of the key ingredients is the change in grade. It's very hard to really perceive the size of everything without a microscope. So I decided to go over and look at it and examine it and try to figure out how the grade would look consistent with the ADA ramp, which starts at the foot right there at Federal Street. And I kind of came up with a primitive transit, a string and a string level. You have a real drop. A real drop there. I think that has to be addressed. And it has to be addressed for several reasons. The most significant one is how will it change the entrances for all the stops, all the shops? A lot of them have 1 or 2 steps now, but if you make a drop, you're going to have here, you're going to have to increase the number of steps. That degrades retail shops. The closer to level, the better. If they have to step up, it degrades the. The entrance and the ability for foot traffic to enter the stores. So that's inconsistent with the objective of the community development, economic development. It's also inconsistent with helping the disabled because they can't get up into the shops. So I think we have to before we go any further, we have to have the engineering drawings of the elevations. They're not included in this fancy. It is there is no elevations. You can't evaluate it until you have the elevations. So I ask the court to committee to get those drawings. Everybody can look at it. The last thing I find is kind of bizarre that you would tear up an ancient sidewalk but leave the old telephone poles. So I think we ought to we're a historic town. We ought to act like it. Are there any questions? Thank you.

**Bridge Littleton:** Thank you. Would anybody else like to address council? Okay, we will close the public comment session. Just a quick question. Show of hands, Who is he?

**Darlene Kirk:** I'm showing you my hand.

**Bridge Littleton:** Oh, it's already started. So a quick show of hands. Who is here tonight to hear the discussion on the South Madison Street conversation? You guys are I'm assuming you guys are? Okay. Anybody in the back? Okay. You guys are okay. I tell you what, we will move that to the front of the agenda. [off mic] What's that? [off mic] Oh, no, no, I got it. But right now it's literally almost at the end. So that way. So folks, if they don't want to here, stay here for the water report and everything else. You have to stay. We can do that. So. All right. Well, first item then, is Christmas in Middleburg. Here we go. You know, it's that time of year.

**Michelle Myers:** It is that time of year. Oh, making a crash. Hi, I'm Michelle Myers. Christmas in Middleburg. Thank you for having me. I sent over some items that you should have in front of you that were earlier in the week so that you could look over mostly the financials and then any changes that we're making to the parade. So let's go over those in the same order. So the agenda items are as follows schedule of vendors. We don't have any plans to change any vendors or add any vendors at this time. We are working on a Christmas ornament, but it is not ready. So if it's not exactly what we like and want, we will not have it this year we did present a map that the fine folks that did the graphics for the town have put together for us. We had that request from several attendees that a map would be nice, so it will be available at each of the parking locations [00:15:00] as well as on the website. So do you see that attachment? It's a graphic image. Okay. In terms of marketing, the latest press release went out, I think, today or it's going out tomorrow. And it adds the hosts that are going to be hosting the parade, the folks that are on the grandstand and no marked changes, their parking plan remains the same. I've heard back from all of the parking folks that have supported us in the past, and they're all in for this year, including Mickey Gordon Park. Handicapped Parking, I believe, is still behind the church here in town. So no changes there. And then there are some new offers for Christmas in Middleburg. We're going to be doing private seating at the Oyster Bar in conjunction with the folks over there for 32 guests. And we might be able to give a branded wine goblet away or a branded something. We're still working on the design of those things, so we haven't put it as part of the package yet, but it's an option that we're working on. We're also going to add bleacher seating at North Madison in front of the the grandstand for 30 guests, and we're working on a lap blanket for them. So people will be able to sit and see sort of firsthand the parade. That's something new. We're working on a Christmas ornament in conjunction with Em Sharp's

family from the Hill School, and she's given us permission to use the art from the hanging post ornaments and all those wooden signs that she created over the years at Hill School. So it's coming together quite lovely with her family's blessing, and we're hopeful that we'll get something out to the public again. If it's not what we like, we'll we'll hold it. And then we're also working on a we're also working on a logoed ornament, which is the new logo that you might have seen on our website and on our socials. And the folks at Middleburg photo are helping us with that, Doug and Karen. And if we like that, we'll do that as well. But again, any of these things for sale, we're going to wait until we really like the designs of them and that they're in fitting with the town and what the event is. Okay. Questions for any of those things or shall I go on to budget?

**Bridge Littleton:** I have a quick question.

**Michelle Myers:** Please.

**Bridge Littleton:** I don't think those signs are owned by the Sharp Family. So it's not. They're owned by the Hill School Alumni Association. It is their property, so I don't think you can copy them or do anything with them without the alumni. No. Without permission. And likely a licensing agreement. So yeah, those were Em Sharp created those for the town, but the school was the one who took them over.

**Michelle Myers:** Is it? Okay. Thank you for that clarification.

**Bridge Littleton:** I can. I can. And the person to talk to is Lisa Patterson.

**Michelle Myers:** Okay, terrific. I know how to get a hold of Lisa.

**Philip Miller:** We paid for the refurbishment, which I think is something we should be looking at again.

**Bridge Littleton:** Oh, yeah, totally. I mean, we yeah, we had talked about having John recreate them with that material that literally last 100 years and you know, exactly the same. And then the originals can be stored at Hill climate controlled, all that kind of stuff because I mean they're just there and they're, they're plywood. They're plywood.

**Michelle Myers:** So maybe take photographs and give you a report on the standing of them or are you going to create whole new ones. Forgive me for not understanding what you're.

**Bridge Littleton:** So, no, no. So the signs are that there's been concern by the alumni association that the signs have rapidly started deteriorating. John did some repairs on them 5 or 6 years ago. Even those repairs are now starting to fall apart just because it's plywood. Right. And over time it whatever. So one of the conversations a number of months ago was having John Ralph recreate the signs exactly as they are today, but with like a resin material painted and glazed so that they're like, you could hit them with a shotgun and they'll be fine. And then the originals would be staying at the school or something like that. So and those would be the ones we hang up on the lampposts. Yeah. Okay. But that's got nothing to do with using the images for gifts and things like that. That's a licensing. That's an IP licensing issue thing.

**Michelle Myers:** Fantastic. [off mic]

**Bridge Littleton:** Okay. Anybody have any other questions before we're moving on to the budget? Yeah.

**Peter Leonard Morgan:** Just one question about the private seating at the Oyster Bar. Is that for individual people, or is it one big group you're thinking.

**Michelle Myers:** It's for you can purchase them by the table and it'll be an add on once you buy a parking ticket. [00:20:00] So it'll be something that you can add or not add as part of your parking ticket. And it was a donation from the Oyster Bar that they could extend their table seating out and then we could sell it for them.

**J. Kevin Daly:** What happens if someone lives in town and they don't need to buy a parking ticket?

**Michelle Myers:** Oh, well, we can make accommodations for that on the website. I'm sure we could just place a button. Nothing's gone up for sale yet, so we could do something where it's a button that's separate and make sure that it's live on social. I could do that for sure.

**Philip Miller:** We make sure that any expansion of seating is cleared with all the proper zoning for ABC laws and everything.

**Michelle Myers:** Yes, I have. And Rick said he's fine to put the stanchions up and it's just for several tables.

**Philip Miller:** You may want to talk to Will about that.

**Michelle Myers:** Okay.

**Bridge Littleton:** So explain to me how that works then.

**Michelle Myers:** It would be 6 or 8 tables out. Not past the halfway point of South Madison. So just half the lane, the one lane. And they would go back the exact dimension or the exact depth of his patio. So it's extending his patio, essentially just out into the street for the day. Keeping that same lane open that we always keep. So no changes there.

**Bridge Littleton:** Any other questions before moving on? Yes.

**Darlene Kirk:** Is adding that going to impact on anything else on South Madison?

**Bridge Littleton:** That would be a Chief Jones question if Danny I would imagine if Danny and Chief Jones say no it's no Yeah yeah.

**Darlene Kirk:** It needs to be looked into.

**Michelle Myers:** Okay.

**Danny Davis:** We've had some excuse me, preliminary conversations and we've talked exactly about that, keeping enough lane for emergency services access. But also, if you recall, Old Ox has activities on their side of Madison Street. So making sure that it can flow properly, but at the conceptual stage did not see any immediate issues.

**Michelle Myers:** Okay. So in terms of budget, I gave you all a budget. This is very similar to last year. If you remember I took the towns grant that was given in 2022 and I did not deposit it until 2023. So this year will be the first year that Christmas in Middleburg will not ask for a grant from the town and we are subsidizing that request from parade fees, which is something that I enlisted last year. I asked people to donate if they wanted to be part of the parade, could they donate something? And we were able to offset that exact \$10,000 with parade fees. So that was great.

**Bridge Littleton:** And by the way.

**Michelle Myers:** Yes, sir.

**Bridge Littleton:** So this is the first time you guys aren't asking for a grant. Okay. So the first time is a fluke. But next year, if you don't ask for money, that's a streak. And we're going to expect that streak to keep going. I'm kidding. I'm kidding. I'm totally kidding.

**Michelle Myers:** I'm going to do my level best. I told you I would. And I'm going to live to that to that requirement.

**Philip Miller:** Were these donations or will they be refundable if weather does not cooperate?



**Michelle Myers:** No, nothing is refundable, unfortunately.

**Philip Miller:** I want to make sure that you're not going to be on the hook for all these expenses. And then people say, oh, well, we couldn't come because it was a massive snowstorm.

**Michelle Myers:** No, the parade is rain or shine, as it always has been, so. Yeah. And snow. Yeah. Parade ticket sales or parking sales will go up tomorrow and we'll kind of roll them out based on Mayor Littleton suggestion a couple of years ago. So we will roll them out by location. So we'll start with the Middleburg Barn. Maureen's lot. Once we get that one kind of filled, then we'll go to Mickey Gordon and then we'll go to the folks at Lost Barrel. So we'll kind of roll them out over the couple of months so that people have an opportunity to be at different places. So that's all I have. Any questions?

**Peter Leonard Morgan:** One follow up question. Just thinking back to the Oyster Bar, do we did you or should we should you talk to the Red Horse, for example, or is that something separate? Just I don't know, just to be.

**Michelle Myers:** Sensitive to their patio?

**Peter Leonard Morgan:** Or involved? I don't know.

**Michelle Myers:** Oh, that's possible. I don't know. I didn't think of it. I mean, I know Sam sells his seating hourly during that day, and I don't want to step on any other sort of vendor.

**Peter Leonard Morgan:** I'm just thinking out of the box, just in case. He might say no, and that's fine, but..

**Michelle Myers:** Yeah, I didn't consider it, although I did get actually an email today from another restaurant that would love some help in selling their seating so I might be helping another company.

**Peter Leonard Morgan:** And finally, thanks very much [00:25:00] for you know, we had that conversation last year about the. The truck that was in the way.

**Michelle Myers:** Yes, there will be no food trucks on 50 this year. They will not be on on the main street at all. So, yeah, that's been amended. No food trucks there. Okay.

**Bridge Littleton:** Thanks, Michelle. Thank you. Appreciate it.

**Michelle Myers:** Okay. Have a great night.

**Bridge Littleton:** Okay. We'll move we'll move on to the South Madison Street improvements. Danny, is that you?

**Danny Davis:** I'll kick it off. Thank you, Mr. Mayor and council members. As you're aware, and as noted in your agenda memo here, obviously the council initiated this conversation back in April to look at South Madison Street. Since that time, we engaged with Kimley-Horn and engineering and consulting firm who does streetscape projects throughout the region and here in Loudoun County to begin the public outreach process and also to come up with some initial conceptual ideas that then could be reviewed. The Council directed that the Economic Development Advisory Committee be the primary committee on this review, but also getting input and lots of discussion with other committees, specifically as Punkin mentioned, Streetscape Committee, which is discussed at 2 or 3 times, at least as of as noted in the memo here, we've received about 25 formal responses through our survey channels. But then there have been another of inputs that have come either at Economic Development Advisory Committee meetings or coming from the Streetscape Committee. So we appreciated all the info there. After those public comments and inputs, we have two conceptual options to bring forward. They're very similar in many ways and you can see those the details listed out in the memo. The primary difference between the two is that option two would completely eliminate parking on the east side of South Madison Street. That's the King Street Oyster Bar and the Reimers Candies and all those buildings on the east side. And that idea would have been to expand, be able to expand the sidewalk, to get around the existing trees as much as possible. We've continued to receive feedback and input from the community even after preparing this memo. And you can see

much of that included as attachments here or you may have received via email. I will note, you know, as as brought up in Punkin's comments, one of the larger conversations does center around the future of the trees and the best way to approach that. There are differing feelings of course on a very sensitive topic and we want to be respectful of that. As of this time, the concepts propose trying as best as possible to work around the existing trees. But as as noted in the memo, and as you may have heard, there are concerns that the roots of these trees could be continuing to impact either whether it's utilities or some of the buildings lining the street. And also if these trees begin to fail and need replacement in the coming years, if we do a project around them and then need to take the trees down, it's a potentially a greater impact or a lesser ability to get to really fully remove the tree if we've just done an entire streetscape project. I will say decision on the trees is not necessary for us to move forward with the process that we're currently under. But it's something that as we go through next phase of design of this program, as well as final engineering, that those items can be developed more deeply. And the same question goes to the item Mr. Goehring raised regarding ADA. The change in the grade as as might be needed. As noted in these drawings here, these are concepts. That's what they're intended to be as conceptual, not even preliminary engineering at this time, but just concepts of what could happen. So we do understand there are implications of any change on the street here and items such as whether the stones can be reused, what effects are there to the businesses? How do we make it ADA accessible? Where do the streetlights exactly go? All that comes in a formal, preliminary and then final [00:30:00] design effort. Where we are right now is we've discussed with the EDAC a few times. We've received our public input. We're bringing it to you just as a briefing, a discussion. We are happy to take questions, input things we have not thought about. The intent coming out of here would be to return to EDAC on the 25th for a final conversation and then back to the Council on the 28th for, if desired, endorsement of a concept or intention. Here is that we're seeking funding for Safe Routes to Schools through VDOT, which allows us to make a sidewalk connection all the way down South Madison Street to the Hill School entrance and would allow us to incorporate much, if not all of these improvements into that project as well through VDOT funding, which would offset a significant amount of our costs. Ultimately, where we stand right now is is desiring to get a concept endorsed by the town council that can allow us to formally apply for that funding and then again refine those plans as appropriate. So if Council wishes to say we're not ready to move forward and we want to pause, we can. This particular grant source would basically the process comes open every two years, I believe. So as we work through that, I'm not saying that should guide your decisions, but if we're going to try to achieve those timelines, that's that's where we currently stand. We do have Hunter Streb from Kimley-Horn with us. If there are specific questions related to engineering or design, and then I'm happy to take other questions.

**Philip Miller:** When do you need a decision from us?

**Danny Davis:** September 28th is the intent.

**Bridge Littleton:** Say it again?

**Danny Davis:** September 28th for the a preferred concept that we can submit with our application to VDOT that can be.

**Danny Davis:** That can be then modified. Correct.

**Bud Jacobs:** Just the concept. So not a proposal. Nothing firm and fast, just the concept.

**Danny Davis:** Yeah. And Hunter might be able to. That's right.

**Bridge Littleton:** You can sit up here if you like.

**Bridge Littleton:** Well, that way we can hear you, too. I mean, they'll capture it on the mic.

**Hunter Streb:** Yes, that's correct. Just just the concept level. Nothing has to be set in stone, but something that is preferred amongst all of us.

**Bridge Littleton:** Now, I would imagine if you can apply for a grant, you have to have cost information.

**Hunter Streb:** We do have cost information for both concepts right now. And if we were able and if we were to change anything with the concept, we would also update.

**Bridge Littleton:** Ok, but you don't need like bids from contractors.

**Hunter Streb:** Correct. You don't need that. Okay. All estimations based off of previous two years through VDOT projects similar to this one.

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

**J. Kevin Daly:** Just to clarify my understanding, how involved will VDOT be? It's my understanding that they have control of all the right of ways the the roads, even the sidewalks. Could VDOT come in and say we don't like your plans and we're going to put all concrete down on the sidewalks and eliminate any option to having brick or stone?

**Hunter Streb:** From my experience, I don't believe so. I mean, there is a process that they go through to confirm that our plans are up to their standards, but I've never heard of them coming and changing the plans, especially something as specific as whether they wanted concrete sidewalks as opposed to brick or stone.

**Bridge Littleton:** Let's think about it this way. We're not asking them to pay for it. They're fine with brick if we pay for it.

**J. Kevin Daly:** I just want to make sure they're not going to stick their finger in our final design and say, you can't do this.

**Danny Davis:** And there there were some questions that did come to the town council about VDOT's involvement in this. And this is one of those projects where as we go through the actual engineering stage of this preliminary and final, VDOT does get extremely involved in reviewing these because ultimately, while we own the right of way, they do maintain the roads, they do approve them. But Hunter can speak to it better than me. But at this point, especially for a grant in an effort like this, we would develop the concept, start developing the engineering, and then that goes through all the formal VDOT review processes and that covers everything from design and turn radii and, you know, width standards of the roadways to stormwater, environmental, historical resources and things such as that.

**Bridge Littleton:** Chris.

**Chris Bernard:** Just for a point of clarification on process, what we're trying to accomplish now is we have to have a clear or reasonably clear picture of what we want to then take to VDOT and take to whoever else. But that's it's really just a starting point.

**Danny Davis:** And [00:35:00] a key piece of this is that extension down to the Hill School following the grade of the road and allowing us to be able to make that connection in a safe and accessible way so that when it's reviewed by VDOT, they can say that this connection being made from property line of the Hill School to the rest of our sidewalk network is done in a manner that meets all the expectations and requirements of whether it's ADA or other design implications on this project.

**Bud Jacobs:** I've looked at the concepts and I think I understand them, I suppose. What is not clear to me is what Chris just mentioned. I'm not really solid on what our objectives are. And within the list of objectives, I'm not clear what the priorities are of those objectives. Are we trying to resolve safety problems? Are we trying to improve the streetscape? Are we trying to reduce risk to property owners whose structures may be damaged by roots? It seems to me we really need to sit down and think through what we're trying to achieve. And you guys have may have done that, but to me it's fairly opaque. So I would ask somebody to come up with a whatever our 4 or 5 objectives are, put them in priority order, and then look at these two concepts side by side with with those objectives.

**Danny Davis:** And I appreciate that. And I think that's valuable feedback. And not to say we need to spend 20 minutes discussing it at this moment, but if there are particular aspects from our conversation in April to kind of summarize our takeaway of that, it was two primary factors. It was economic vitality, and that came down to the discussion of visibility, lighting and walkability. And then it was safety, which is walkability, but also being able to give the the space necessary for for those who might have mobility issues or for wheelchair access et cetera. And so where those kind of combine together in terms of order of priority is ends up being a balancing act, right?

**Bridge Littleton:** So I'm going to really agree with Bud here. I think we've muddled what the conversation was back in April. The conversation back in April was are there infrastructure improvements that we can do on South Madison Street, which would help it be a more vibrant place for, you know, for for tourism and visitorship? And of course, safety. Right. So safety, big thing. Yes, always. If we can always improve safety, we can bring things up to code. Absolutely. That's great. So let's put that aside. And the main things we were talking about were walkability, lighting, signage. How do we make it a more attractive street that people can go down. I don't see any of those questions being answered. I don't see anything on this concept about how we're going to do signage. I don't see anything on the concept of how we're going to do lighting. We say we're going to do lighting. How? What? What's it look like? What's the signage going to be? You know, what's the lighting concept? So. I don't know that. And I get it. We want to get out for a grant and all that kind of stuff. But if this was about walkability, you know, bringing things up more to ADA code and, you know, safety, this concept is fine. But that's not again, what's the lighting plan? What's the signage plan? Because those were that was the reason we were looking at investing this in the first place. So if we don't have those worked out as part of the concept, that whole element of the bang for the buck on economic development, helping the businesses on South Madison attract more people down from around. I mean, that was the idea, right? How do we attract people from Route 50 to walk down South Madison Street and engage with those businesses?

**Danny Davis:** And I thank you for the input. I think I would answer it the same way we answered the prior conversation, which is this is the first concept here. We look to the engineers to recommend [00:40:00] where if we're talking lighting, right, there are certain expectations of how you might lay those out for either safety visibility or other purposes. Signage comes as we then talk about is that attached to light poles? One of the questions we asked the public was their preferences for lighting pole styles, and I think it was 90 something percent or whatever. Most people preferred the existing ones that we have on Washington Street. So similar efforts, similar style. But again, those are if we're talking about how do we make this project the next step as it comes to economic vitality, lighting, signage, etcetera. That comes as we get into, okay, great. Now we've designed an engineering plan and the pole is going to be here and the proposal is we have signage X, Y, Z. I don't want to make anything up on the fly. So that comes as we continue through this effort.

**Bridge Littleton:** Okay. I guess my concern is it sounds like you want us to get a little pregnant. And I don't want to get a little pregnant with more consulting time, going for a grant and all this other kind of stuff. If ultimately what comes out is, oh, phase three of this is we'll tell you what the lights look like. We'll tell you what the signs look like. And then everybody goes, actually, none of those work. Let's abandon it. We've spent a lot of time, energy and effort and we've gone after a grant and all that kind of stuff to do, you know, to do these improvements that aren't achieving the main goal we were trying to achieve. So why can't we do the design ideas, the signage ideas as part of the concept? Why do we have to wait? Why do we have to decide on one of these concepts before understanding what the elements of it are that were the whole reason for doing this in the first place. And and look, there may be a really good reason. It's just not apparent.

**Will Moore:** Right. And I and listening to this conversation, I think it is clear that we've not made that apparent enough. This concept is being specifically developed to accompany a grant application to VDOT. We have not been ignoring those other aspects. For example, the lighting that was included, as Danny stated in the survey, there are, I think, light pole locations conceptually shown on here, just so it's apparent to VDOT and review that we intend to add lighting, but we're not including the details of what the actual lighting looks like in that how many fixtures are needed, how they would be spaced in order to get adequate lighting. That's something that we would determine later on. Signage is something that would never be included in this plan submission to VDOT for the infrastructure grant. Correct.

**Bridge Littleton:** But would absolutely be fundamental in our decision to move forward.

**Philip Miller:** Well, hold on. Aren't we locked into certain regulations within signage as it is from VDOT? We can put them some places and not put them other places. We have regulations with our new sign plan and we, I believe, do have some signs that we proposed.

**Will Moore:** We do. Well. We have one particular sign that is installed at the southeast corner of Washington and Madison directing visitors pedestrians to more shopping down Madison Street. We are separately and this is getting into the weeds a little bit. We are separately implementing our own kind of sandwich board program to avoid the multiple businesses putting boards up at the corners and we're going to be owning that ourselves. I'm not saying that's the ultimate solution.

**Philip Miller:** So these so these concepts are a way for us to capitalize on an available grant program to achieve eventually all the things that we set out to in our strategic plan from April, correct? It's just we have not gone through all of the necessary steps to achieve those individual efforts, all those individual objectives for a concept in order to apply for the grant.

**Danny Davis:** And I would say not every piece of that conversation has been germane yet. It will be very germane as we continue reviewing this through EDAC and Streetscape to talk about what are those other aspects as of this point. The question is if we want to pursue a grant to help offset these costs.

**Philip Miller:** So we're capitalizing on a grant program to achieve the things that we set out that we knew were problems like pedestrian traffic for retail businesses on South Madison. [00:45:00] And this is the initial stage of being able to even see if we can get a grant to offset costs for that project.

**Bridge Littleton:** Yeah. My concern is we don't know what the end state is. That's my concern. Where does the rabbit hole end? I mean, okay. What is your cost estimate right now for option one and option two?

**Hunter Streb:** It's for option one. I believe it's 1.6 million. And option two is 1.7.

**Bridge Littleton:** So it's a million and a half dollars to implement both of these. How much will the grant cover?

**Hunter Streb:** That is a good question. I'll have to double check.

**Bridge Littleton:** 100%?

**Hunter Streb:** In the past, in some grants that I've that we have signed up for, it's been 80 to 20, but I'll have to double check on.

**Danny Davis:** 80 VDOT, 20 local match.

**Bridge Littleton:** It could be as good as 80% them 20% us. What's it as bad as? 50/50?

**Danny Davis:** I don't believe they awarded if they don't agree to the full 80%. Okay.

**Bridge Littleton:** All right. So here's my concern. You've got a 1.5, \$1.6 million project that we're going to apply for a grant. But we don't even have the actual full end cost to get to the end goals that we want to get to. Right. We don't have the light plans. We don't have the whatever, whatever comes out of these extra things that aren't part of this yet because the design work hasn't been done. What if that's another million dollars?

**Hunter Streb:** So yeah, we have we have pretty much everything, all the lighting included, everything that's in these conceptual levels and also contingencies built on them, built on these. So when we apply for these grants, we're giving them a cost of what we think the project will be, that we're actually in that ballpark and that we're not actually doubling.

**Bridge Littleton:** I get, okay, so what you're telling me is and the commit or what you guys are telling me is, is that our goal in April, number one, improve economic viability. Good Lord. Vitality down the street, visibility, signage, all that with the goal of attracting traffic. Foot traffic down that road. The your anticipated cost to accomplish that on design elements we actually haven't fully figured out yet is included in your estimate of 1.6 ish plus or minus.

**Will Moore:** I think what he said was the the lighting was, which was one of the specific examples you said wasn't included. I would argue that it is included. It's the signage is not included.

**Bridge Littleton:** Okay. Well, and if there's any other elements. Right, as you guys start going down the path of figuring out, hey, what if we do this? God, that'd be great if that element has not been figured out yet. I just want to make sure I'll get right there. I just want to make sure that what there's things we haven't made decisions on that could have cost implications. And I would like to know what the scope of the unknown is before we agree to the commitment of going after a grant. Because once we get that grant, we're committed. Right? I mean, I guess we could always give it back. But, you know, it seems like a lot of work and a lot of effort. If there's a chance that we would say, oh, wow, these other design elements, everybody wants another 800 grand and we decide collectively we don't want to spend the 800 grand. So hold on. Chris had his hand up. Go ahead, Chris.

**Chris Bernard:** How do trees factor into the cost estimate?

**Hunter Streb:** I think it's a very minimal cost related to the scope of the entire project. For the project itself and for the scope, we have included pretty much everything that is stated here and encapsulate encapsulates all of the major costs. It also includes VDOT's oversight, our construction, the construction companies, the construction cost itself, the construction engineering, and then also a contingency of 35% built in on top of that, to hopefully encapsulate and include everything that may be worried that we aren't capturing right here on this concept level. So when we're going into preliminary engineering and final design, that we have an accurate price right here today that will actually be accurate at final design stage.

**Danny Davis:** And if I can just further add both concepts, again, to reiterate, anticipate keeping the existing trees for now. So that's why the cost relative to trees is relatively minor, because what.

**Chris Bernard:** I was getting at is we haven't decided what we're going to do with the trees. So then if we decide we're going to rip them all out and replace them, that's going to change the numbers.

**Danny Davis:** And that can and that can change again. Yes. In that in that process.

**Philip Miller:** So in this process, we apply we send it in on the 28th and we get [00:50:00] the full, let's say, 1.7 80/20 split and through the engineering process and the lighting plan and everything, and let's say the price goes up. Can we apply for more or are we locked into the initial fudged sort of back of the notebook numbers of 1.7 with an 80/20 split with VDOT

**Hunter Streb:** From my understanding, I believe the grant only comes every two years. So I believe that we would be locked in. But that is something that I can definitely check with my project manager.

**Danny Davis:** And by locked in meaning, if the council at that time decides to actually accept and proceed with the grant so we could apply. And if there becomes a, you know, before the formal award of that grant, I believe there's an opportunity to say, you know, something's changed. But real quick, on the point Hunter brought up real quickly and just don't want to overstate, there's a 35% contingency built into this which is a VDOT effort to avoid situations where a project is anticipated to cost something and all of a sudden costs 20, 25% more. And they've learned their lesson. They will over pad budgets on these things almost doubly like double pads in order to make sure that.

**Bridge Littleton:** Because so many of their projects overrun by double.

**Danny Davis:** Have been. Yeah in the past.

**Bridge Littleton:** That's why they do it because they know it's going to happen. So. All right. Real quickly, hold on.

**Philip Miller:** I had a follow up. Yeah. So how if we went forward, we got the grant. How is that grant? How does that grant come to us? Is it like 50 where it goes into a special account where we had to deal with that whole draw? Yeah. Is it a draw? Do they pay their 80% directly to the contractor that's awarded to do the work? Do we get a check and we pay the contractor?

**Danny Davis:** I'd have to look, too. Okay.

**Philip Miller:** Good to know. All right.

**Bridge Littleton:** I tell you what, you guys need to come back with a lot more information. You need to tell us how this grant program works when we're [inaudible] committed and we can't get out what the stipulations are in terms of the town's responsibilities and requirements. You know, what the timelines are. It's due by then. You'll get your money by February. You got to spend it by the next January, whatever. Right? I mean, all those things have, you know, and the thing that makes me really nervous about this and anybody who's been a contractor before knows the two biggest things that ensure program will overrun is badly defined requirements. Or scope creep. This is ripe for both of them. Right. That that is how government programs overrun in a heartbeat. Your requirements were not well defined. Or as you start to implement, you're making changes on the fly and you have scope creep. I mean, by definition, you guys have said you haven't worked out the whole design.

**Bud Jacobs:** And you can't you cannot define your requirements if you haven't stated explicitly what your objectives are, what you're trying to achieve.

**Danny Davis:** So I don't mean to sound. We are building this off of the guidance given to us by council. If there is guidance we are missing or that you would like to give us, we need that because we are trying to take the information we received from you and move forward. We've worked with EDAC and we've worked with the public input and we've worked with the Streetscapes Committee. So if there's something that we're not capturing, then I would love to hear that and we can again have that conversation now, we can have it offline. I'm happy to talk individually with each of you if there's something we've missed. But based on the direction of council and the conversations that we've had at committee, the approach and direction and the effort that we've been going down is the direction that has been amenable to each of those groups. Again, understanding there are pieces around the edges that have to be refined and have to be figured out, trees and how much parking or not parking, or is there a four way stop? Or can we not do that? But if there's something in this process that again, the goal was economic vitality, improving the ability for pedestrians to walk down the street, which this accomplishes, and safety which this accomplishes. Sure, there are details that might be three lights instead of four lights or four lights instead of three. Absolutely. And those can be worked out.

**Bud Jacobs:** So if those are indeed the objectives, then put them in the paper, spell them out.

**Danny Davis:** I will do that.

**Bud Jacobs:** Safety, accessibility, commercial vitality. You only need 3 or 4. And with that, we can ensure that, in fact, the concepts we're considering [00:55:00] will meet those objectives.

**Danny Davis:** Got it. Will do.

**Bridge Littleton:** And I think the this feels rushed to meet a grant deadline. And in terms of EDAC and Streetscape and everybody else, all those folks, his input is unique and special and it's very important from their perspective. Council has a different perspective. I mean, we've learned a lot about project management in the last 18 months. So, you know, trying to be thoughtful and careful about the downside. You know, is council's, you know, vantage point. So. And I think there was one thing you missed in the you know, we said walkability multiple times. What was said in April was attracting tourism, that is tourists to walk down South Madison. And that's not the same as walkability. It's not the same. How do

you. It's. You're not trying to attract me to walk down it. You're trying to attract the visitor to walk down it. And those are two different goals.

**Cindy Pearson:** I don't agree with that because it was the safety of us as citizens couldn't just walk down that street properly.

**Bridge Littleton:** Then we don't need trees and lights and signs and all that. We just need safe sidewalks.

**Cindy Pearson:** No, it's the whole picture.

**Bridge Littleton:** Exactly. Exactly. I totally agree. Totally agree. The whole picture.

**Philip Miller:** The number one, the number one problem that we all identified was that it was not welcoming and inviting. It was too closed off and it was too dark at night. And on top of that, the sidewalks were deplorable.

**Chris Bernard:** The sidewalks, you know, I'm not going to walk down there. It's not.

**Philip Miller:** Correct. So those were the things that we all actually addressed in that meeting. And that's just what needs to be laid out and identified here as, okay, well, we said the sidewalks were a problem. Here's how the sidewalks in option one are fixed. Here's how the sidewalk options two are fixed. Here's where the lighting is fixed Option one, option two. So I think if we can just have that laid out in a very simplistic way, we would have a better understanding of what we are accomplishing directly to our objective. And also I think that we just had a couple of questions about the process of the grant in order to give us a little bit more clarity as to what we're biting off here. That's it.

**Darlene Kirk:** Sure. And I have a question, too, because we're talking South Madison Street, but then sometimes you're talking South Madison all the way to Hill School, and that's sort of like two different entities almost. And I know that that needs to be safe, too, all the way to Hill School, but I need that clarified a little bit.

**Philip Miller:** We're just leveraging the opportunity to have a grant.

**Bridge Littleton:** For connectability of schools.

**Danny Davis:** And it also has the other side. And it has also been a much noted missing pedestrian link for, for yeah, for people who try to get to the businesses down there who have residences down there. And anyone who's walked that way knows that it's one of the least safe roads to walk on because of visibility. The Hill and especially, you know, there's no shoulder, you know, to to bail into.

**Philip Miller:** I would be happy to take council's questions and our discussion tonight and work with Danny and Will to adjust this memo and hopefully we can get the answers about the grant program so that it can come back to the next meeting. We can keep on on the path.

**Bridge Littleton:** Yeah. Chris.

**Chris Bernard:** I'm sure Danny's going to bring this up, but if it's due the 28th, I think that puts. It puts us at the date of our next meeting.

**Danny Davis:** Oh, it's not due the 28th. I'm sorry. It's due October 2nd or third. It's. Well. Well, the reason why.

**Chris Bernard:** So we have to make a decision at the next meeting.

**Danny Davis:** That was. Sorry. [off mic]



**Bridge Littleton:** And I mean, look, the other thing, the last thing I would say is this, to Cindy's point, Right? It's the safety, it's the walkability for everybody that's just, you know, being good government. The economic development piece. Right. Is the different one. That's the choices, right? That's that's not about getting me to go down to the bookstore somewhere else. It's about how do we attract the visitors.

**Philip Miller:** It's the difference between compliance and.

**Bridge Littleton:** Desire.

**Philip Miller:** Well, optimization.

**Bridge Littleton:** Well, right. And what I was going to say is, I mean, this grant sounds like an awesome opportunity. I love the connectivity down South Madison to Hill School, that's been needed forever, right? So if the way you guys want to think about this and I'm not saying rewrite the book, but hey, this is the safety component, this is the bringing to code component. This is, you know, the economic development component. We'll [01:00:00] tackle that later. Right. We'll ensure that we can build it in and we can ensure that we can do those things. And we're committed to getting that right as well. But if you're trying to get to a timeline, if that helps define the clarity a lot better for everybody, then that's fine too. I mean, it's not it's not wrong. It's just a choice.

**J. Kevin Daly:** And I'm probably just for clarification, when we say walkability, we're talking about ADA compliant walkability might as well add wheel ability that someone in a wheelchair if I was to push a wheelchair now down East Madison, it's not going to make it. And I'm more than willing to give anybody here a free wheelchair ride down Madison.

**Chris Bernard:** Last question, maybe. I'm not sure why we're separating the economic impact from the infrastructure impact. It's the same thing. It's the equivalent of you've got a bunch of stores that are on a gravel road and we're going to go pave the road. That helps their economically having better sidewalks makes it more approachable. It's going to get more people to walk down there. You could put no signage or whatever, and it's still an improvement. And the only difference between these two concepts is the width of the sidewalk on the one side, right? I mean, really?

**Hunter Streb:** That's correct.

**Chris Bernard:** But yeah, then the well, yeah, but that is due to the width of the sidewalk.

**Philip Miller:** But the difference again is between compliance of making it just a improved versus making it ideal.

**Chris Bernard:** I guess what I'm saying is that going forward with one of these two, any number of different lighting choices or whatever, it's all going to be a positive impact. We can we can overlay the bells and whistles on top of it. Yeah.

**Bridge Littleton:** My point is, I don't know the cost of the bells and whistles. And once I get pregnant with this grant, I'm in.

**Chris Bernard:** Well, that's what we need to find out. [off mic]

**Bridge Littleton:** Well, I mean, exactly. I mean, we got to find that out. But if we are okay, then we're committed for more than just what we think it might be. That's. That's the issue. So.

**Darlene Kirk:** All the bells and whistles are great, and they may bring people down there. But if you don't have businesses down there that are going to draw people down there, it's not going to matter.

**Bridge Littleton:** Well, it's cart and horse. You got to you got to have good walkability, good lights. And that will attract the businesses to set up there like paving the road. Okay. Is that clear as mud?

**Danny Davis:** Got it.

**Bridge Littleton:** We're going to move on.

**Danny Davis:** It's more messaging.

**Bridge Littleton:** Staff report. Sure. Staff reports. Where's Rhonda?

**Rhonda North:** Thank you, Mr. Mayor. Since our last meeting, our website refresh has been launched. Town Manager Davis, Ali MacIntyre and I met with council members Pearson and Jacobs to talk about drafting or revising the grant sponsorship policy. We've talked about actually dividing some of these into different policies. It looks like there would actually be four different policies to address different pieces. So I've drafted those staff are looking at them now. We'll get those to council members, Pearson and Jacobs here shortly. I hope for their review. Probably need to work on a little more before we actually get them back to council. But just to let you know, we are we are working on on that item. And then as a follow up to the town hall policies that were adopted during the last meeting, I have drafted an online application and we are working to to do the follow up items associated with those with those three town hall policies.

**Bridge Littleton:** Any questions for Rhonda? All right, Who's next? Let's go.

**Ali MacIntyre:** Good evening. You guys have my report, but just wanted to hit a few points. We do have Oktoberfest this weekend, so I'm.

**Bridge Littleton:** Wait, what?

**Ali MacIntyre:** Surprise. Yes, it is Saturday from 11 a.m. to 7 p.m. So we are expecting a fair sized crowd because the weather, again, knock on wood, is looking very beautiful. Not as toasty as last year. So just ironing out final details there. We also have farmers market that morning. The farmers market will have live music as well as the children entrepreneurs and the Middleburg Sustainability Committee recently joined for the remainder of the season. So it's going to be a very full day. We've been. [off mic] But yeah. So it's going to be a full day. We've been coordinating with Middleburg [01:05:00] Police Department, our events manager has been lovely and then Mary Ann has been doing so much work to make sure that the event is executed well. So we have going on. Sorry. And then we have ribbon cuttings, as you guys may have seen. We have we had a couple of our businesses represented here on South Madison Street. So on a positive note, we have four businesses that will be having ribbon cuttings, and that's also on the 28th from 4 to 5 p.m. That's Federal and Black, Middleburg Books, Posh Pixies and The Accidental Peacock. And I just got the Accidental Peacock on board today, so it should be a fun event. And then we connected with our Mille Miglia partners today as well, and they will be coming to visit September 30th to October 5th to iron out final details. So. Back at it. Any questions?

**Bridge Littleton:** Any questions for Ali.

**J. Kevin Daly:** Welcome back.

**Ali MacIntyre:** Thank you.

**Bridge Littleton:** Where are you been?

**Ali MacIntyre:** Vacation, as they say.

**Bridge Littleton:** The next 20 years.

**Ali MacIntyre:** Pretty much. Thank you.

**Bridge Littleton:** Okay. Next up is Tina.

**Tina Staples:** Hello, everyone. You have my report. I just wanted to point it out. A couple of things. If you've been in the office lately and there are a lot of suits in here that they are the auditors. They're here through Friday working on the onsite part. So don't get, you know, frazzled if you see too many men in suits walking around. Do you have any questions?

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

**Peter Leonard Morgan:** How are we looking?

**Tina Staples:** So far, so good. They haven't tripped me up yet. Knock on wood. We'll see.

**Bridge Littleton:** Okay. Thanks. Okay, Next item is. There he is. Shaun, it's up to you, man.

**Shaun Jones:** I'm respectful of your time limit. Has my report in front of them. Do you want to have any questions?

**J. Kevin Daly:** Have a seat, Sean.

**Shaun Jones:** Good evening, Mr. Daly.

**J. Kevin Daly:** Shaun, I understand we have a.

**Philip Miller:** It was. It was a good effort. It was a nice attempt to stay standing.

**Shaun Jones:** Yes, that's right.

**J. Kevin Daly:** Shaun, I understand we have a big event coming up this Saturday. How's the, this event and the personnel. Do we have enough personnel to cover the event?

**Shaun Jones:** Right now we are short a few people, but we've made the necessary arrangements to make sure the event is taken care of and staffed properly for everyone's safety

**J. Kevin Daly:** Are we balancing our police officers time or are we giving are they finding themselves having to work extra hours to make up for a loss of personnel?

**Shaun Jones:** Not at this time. Everyone's working their current shift. Have some folks that had vacation plans and we've made sure that their vacations are covered and that the town will have 24 hours, 24/7 coverage.

**J. Kevin Daly:** Terrific. And then finally, how's the recruiting going?

**Shaun Jones:** We're working on it. We've got ads out everywhere. We've put ads out. Advertisements out on social media. And also the Virginia Association of Chiefs of Police. And then every time I get the opportunity to go somewhere, I take it as an opportunity to speak with somebody about the wonderful Middleburg Police Department.

**J. Kevin Daly:** Well, is there anything else you can think of that the town council and mayor could do to help with recruiting?

**Shaun Jones:** There's some things that some ideas that I have, but before I would even speak upon them, I'd rather do my research before coming to the town council with it.

**J. Kevin Daly:** Thank you very much.

**Bridge Littleton:** Kevin, you asked him the question one meeting early.

**Shaun Jones:** Yes, ma'am.

**Darlene Kirk:** The ambush and awareness training, I thought, Oh, that would be fun. And then I got to thinking, how do they train? I mean, what is the training like? Do they.

**Shaun Jones:** Well, we we do a lot of online training and we do a lot of officer safety and awareness training. So this is an online program that we have. We've invested in the police one training program. So that gives us an opportunity to provide more training for officers throughout the year. And we're looking at different topics such as officer safety, community [01:10:00] policing and officer wellness, as well as topics that we will be training on in the future.

**Darlene Kirk:** So you don't have to go like hide behind a building.

**Shaun Jones:** Oh, no, ma'am, no. It's all online training that they can complete while on duty as well.

**Darlene Kirk:** Okay.

**Shaun Jones:** Yes, ma'am.

**Peter Leonard Morgan:** Quick observation and appreciation. I've been driving out West quite a lot lately, and I've seen police cruisers sitting there monitoring incoming speeders and. I noticed it really, it works. So thank you for doing that. It just helps a lot, you know, especially we know we have a number of citizens who are concerned. I think we're all concerned about people flying into town. And that really does seem to have a positive effect.

**Shaun Jones:** Yes, sir. We've also recently received a few emails from the citizens thanking us for that visibility and enforcement as well. Thank you.

**Bridge Littleton:** The only thing I wanted to mention was the email we got from Kevin Hazzard.

**Shaun Jones:** Yes, sir.

**Bridge Littleton:** About Jamie And the incredible work that he did.

**Shaun Jones:** I did some research on that as well. So.

**Bridge Littleton:** Okay, then.

**Shaun Jones:** Okay. Jamie actually sent an email after the email from Mr. Hazzard actually explaining to you what the situation was. I actually spoke with a young lady that Jamie told me about. I made contact with her. She advised us she was downtown walking around and she saw a guy on the bench. She thought he was struggling, saw some blood on his knees and saw a bicycle. Thought he might have had a bicycle accident, but he had not. She said he stated he probably drank too much coffee. But anyway, she went inside the store. She got him some water, grabbed him, some watermelon and so forth, then came out and saw he was grabbing his chest and that's when she immediately dialed 911. Jamie happened to respond to the scene first while rescue was there. I spoke with Mr. Hazzard a few days after the incident. He said that his family member was still in the hospital, still had a road to go, but without the quick thinking of this young lady and getting rescue there as soon as possible, things could have had a worse outcome. So I'm going to meet with Mr. Davis to discuss what type of recognition we can give for all those that are involved.

**Bridge Littleton:** Great. Thanks.

**Shaun Jones:** Thank you, sir.

**J. Kevin Daly:** One addition. The young lady was a former service member, so keep that in mind, 295th.

**Cindy Pearson:** Yes. Who was on duty yesterday? Was it Daniel?

**Shaun Jones:** Yes, ma'am. During the day shift.

**Cindy Pearson:** A pleasure to see him on the horse and carriage. If I couldn't get my phone to get out the door to get a picture, it was worth a million.

**Shaun Jones:** There is a picture floating around on social media. Yes, ma'am.

**Cindy Pearson:** It was it was wonderful.

**Shaun Jones:** We're just trying to we're just trying to get prepared for Saturday's event.

**Cindy Pearson:** Perfect.

**Shaun Jones:** Making sure the horses are right to give you guys your escort into town.

**Bridge Littleton:** Any other questions for Shaun?

**J. Kevin Daly:** Good report.

**Bridge Littleton:** All right. Thank you, Shaun.

**Shaun Jones:** Thank you, Mr. Mayor. I do apologize for you know, I'm trying to stick with these two minute time limits. I've been getting a hot seat here a lot lately.

**Bridge Littleton:** I know you guys planned it in advance.

**Shaun Jones:** Oh, no, sir. No, sir.

**Bridge Littleton:** He's got a list over here, and it matches your list.

**Shaun Jones:** No, sir.

**Bridge Littleton:** Thanks. Martin.

**Martin Crim:** Thank you Mayor You have my report.

**Bridge Littleton:** Any questions for Martin? Martin, You always get off so light. All right. Rhonda.

**Rhonda North:** Will's report didn't, written report didn't make it in here.

**Bridge Littleton:** Well, then he doesn't get to report.

**Danny Davis:** Well, yes. All right.

**Bridge Littleton:** It's okay with me.

**Bridge Littleton:** He'll never submit a report again, right?

**Will Moore:** Yeah. You know, when we have reports given at the second meeting, one month, I just, you know, first meeting the next month. What's the point? No, I would like to say that the Planning Commission has not met the last couple of months due to no pending business, but they will have a full docket later this month. A couple of one actually

filed special use permit. We touched on it at the last meeting for a potential museum at the current location of McEneaney Associates. Another one which is likely to come in for two upper level apartments at 5 East Federal Street, which is would be above Middleburg Printers in that office building. So converting [01:15:00] two upper story office spaces to apartments. A text amendment due to some recent state code changes in advertisement of public hearings. So we'll have a full docket this month. And I just wanted to just give a quick word of thanks to Gary. He's still back there. Just I receive emails regularly from the governor's office when there are flag orders. So generally that's when the flag has to be put at half-staff or some period of mourning or remembrance. But I got an interesting one today for tomorrow, which was not a half-staff order, but to add a flag to display, and that's the POW MIA flag. And tomorrow is the national day of recognition of POW MIAs. But it was ordering that all federal, state and local government offices and grounds display that flag in addition to the US flag and state flag. And I was like, I don't have one of those. So, you know, just reached out to Gary, told him, you know, we'd really like to comply with this order. Would you have a spare one or a resource where I could borrow one or purchase one? And he was here within, within like a half hour with a brand new POW MIA flag for us to be able to.

**Bridge Littleton:** What took him so long.

**Will Moore:** He was on it, but just it's just speaks to the partnership we have with them. They'll be hosting. We'll touch on it later, the R-2 community meeting that we're going to have next month. So just a great resource and a great partnership with them. Any questions?

**Bridge Littleton:** Any questions for Will? Okay. Will, thank you.

**Danny Davis:** Mr. Mayor. Yeah. Could I ask to move up the voluntary water conservation measures item? I have Mark Inboden on the phone. Oh, sure, sure, sure. Okay. All right.

**Danny Davis:** Hey, Mark, are you there, Sir?

**Mark Inboden:** I'm here.

**Danny Davis:** Fantastic. Mr. Mayor and council members, we put a brief memo in your agenda item packet today just to talk through where we stood at the time related to drought monitoring for the region and excuse me, potential impacts on the town of Middleburg. Just as a very quick reminder, the town draws all of its water from groundwater resources. Many of our neighboring jurisdictions pull water from groundwater or combination with source water. Sorry, surface water. Thank you. So especially in the areas where you're seeing rivers and creeks dry up or reservoirs that are having capacity concerns, they're facing potentially some more concerning situations. After writing this report, thank goodness we've had a decent amount of rain. It depends on where you are. But anywhere from 2 to 5, six inches of rain, which has been helpful for definitely the aquifers. Where we stand currently is we have encouraged the public to take voluntary conservation measures and those are listed here in the the agenda packet for you. We have not recommended or believe there's a necessity to take any mandatory restrictions or mandatory measures at this time. And in fact, in checking the state's DEQ's drought monitoring task force report, thankfully the the area we're in is still under a drought watch. The most severe concern previously had been for groundwater resources. That's gone from a extreme or highly concerning level to a moderate level. So it's actually a little bit better as of last week, even before the rains came. So just wanted to give you an update. That's where we are with with drought monitoring. The the second piece of this was requesting Mark and his team to do some regular, hopefully daily measurements of our well levels to ensure that we're not getting close to going dry in our wells, at least primarily the ones in production at this time. And currently those are well L&P were between 115, 140 or so feet of water above the pump level. And Well 3 had 225ft of water above the pump level, which I believe is maybe a little bit down from normal levels, but is fairly [01:20:00] consistent with the levels that we see. So I wanted Mark to join us in case you have questions about our well resources or the well levels.

**Bridge Littleton:** Any questions for Danny or Mark?

**Peter Leonard Morgan:** Related. I'm not sure it's on point exactly.

**Bridge Littleton:** What's it about?

**Peter Leonard Morgan:** It's about water and hydrants.

**Bridge Littleton:** Let's save that for discussion. Yeah, because that Mark doesn't do that.

**Peter Leonard Morgan:** It was just a quick question about the [inaudible].

**Bridge Littleton:** That's okay. You can answer that.

**Danny Davis:** We're working on. I can answer that.

**Bridge Littleton:** Any questions for Mark? Okay. Mark. Thank you.

**Mark Inboden:** Not a problem.

**Bridge Littleton:** Okay. Any other questions on the water conservation item for Danny? Okay. Done with staff reports. Next is the consent agenda. Would anybody like to remove the one item from the consent agenda?

**Chris Bernard:** I move we adopt the consent agenda as proposed.

**Bud Jacobs:** Second.

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

**All Council:** Aye.

**Bridge Littleton:** Opposed. Abstentions. Okay. Next item is Well 4 Clearwell project. Oh, boy.

**Danny Davis:** Thank you, Mr. Mayor. We have a couple of different items related to Well 4. We've discussed these over the last couple of meetings. So this first item before you is requesting award of a contract for clear well construction and also for construction management services. We worked with Bowman Consulting to develop design plans for the Clear Well Project. And as noted here, we issued that for through an invitation for bid. And the lowest responsive and responsible bidder is WGK Construction out of Chantilly. And their proposal is \$755,000. As noted, this is a 64,000 gallon holding tank, which is both, as an aside, serves as extra capacity for the town. But the primary resource is to use that finished water for the ongoing backwash process at the treatment plant. And that will allow us to to function more effectively without pulling water from the distribution system, which we all know has led to some some concerns and also challenges in the operations of the plant. So we have the information here for you. The second piece of this is using Bowman Consulting, who designed the the plans to then also do their typical construction management, which would be review submittals, review potential change orders if necessary, work with the contractor on any changes, if they identify any issues, and then to ensure that it's properly functioning and commissioned appropriately. So with that in mind, we still do have ARPA funds that we intend to apply to this project in the amount of approximately \$500,000. And so we will have out have to outlay additional funds from our utility fund. But we have those in the budget and in our utility fund for FY 24. Happy to answer any questions about the project or the request for awarding a contract.

**Bridge Littleton:** Any questions for Danny? Yeah. Cindy.

**Cindy Pearson:** How long does this will this process take? Just estimated.

**Danny Davis:** We I believe the contract anticipated nine months. So it is a number of months to get submittals in to have mobilization. Then there's the fabrication of the tank and then all the piping and blowers and motors and everything.

**Cindy Pearson:** Thank you.

**Bridge Littleton:** Any other questions? [off mic] And Cindy's wrote that down nine months.

**Cindy Pearson:** I started to ask you, did you make sure you put the right year on there. But I didn't do it.

**Bridge Littleton:** Is there a motion? Kevin.

**J. Kevin Daly:** I move that the town council authorize the town manager to enter into a contract with WGK Construction for the Well 4 Clearwell project in the amount of \$755,000. I further move that the town council authorize the town manager to enter into a contract with Bowman Consulting for Construction Administration Services in the amount of \$44,660.

**Philip Miller:** Second.

**Bridge Littleton:** Any discussion? Rhonda.

**Rhonda North:** Vice Mayor Leonard Morgan.

**Peter Leonard Morgan:** Yes.

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Yes. [01:25:00]

**Rhonda North:** Council Member Daly.

**J. Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Yes.

**Rhonda North:** Council Member Kirk.

**Darlene Kirk:** Yes.

**Rhonda North:** Council Member Miller.

**Philip Miller:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Yes.

**Bridge Littleton:** Okay. Next item is the repairs to Well 4.

**Danny Davis:** And thank you, Mr. Mayor. This particular item also is a follow up to a discussion from the last meeting. These are the repairs required for the actual plant itself to operate. As noted, we believe the sand and sand product, as well as the nozzles and the bottom of it may have been clogged or compromised. And so this is a proposal to completely remove all of that, remove the nozzles, replace the nozzles, repack the sand and get the plant back up and running. This would actually allow us to begin running the plant again even prior to the completion of the Well 4 Clearwell project. We believe this is the the one piece that is continuing to hold up operations there at well for I'm bringing this back to you because the contract award amount is greater than my authority to award on my own. Happy to answer any questions



related to this. Oh, and I will note, I did put in in the bottom of here, we are still actually working with the vendor on one particular statement related to the warranty of their product. We want as much as possible to ensure that we have our own rights covered in case there is an issue with the product that they provide to us. And so we're working on some details, but I'll ensure that our final language is appropriate with the town attorney.

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

**Peter Leonard Morgan:** [inaudible]

**Danny Davis:** According to their. Thank you for asking. According to their quote that I have, I thought I saw it written out as Anthro because it's an anthracite. Okay. It was a joke. I'm sorry. I'm not tracking the.

**Bridge Littleton:** You actually fell for that one.

**Danny Davis:** I thought he was asking a question, so.

**Bridge Littleton:** Okay. Would anybody like to make a motion? Kevin.

**J. Kevin Daly:** I think.

**Philip Miller:** I move that the town council authorize the town manager to enter into a sole source contract with WesTech for Well 4 media replacement in the amount of \$38,104.

**J. Kevin Daly:** Second.

**Bridge Littleton:** Any discussion. Rhonda.

**Rhonda North:** Vice Mayor Leonard Morgan.

**Peter Leonard Morgan:** Yes.

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Daly.

**J. Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Yes.

**Rhonda North:** Council Member Kirk.

**Darlene Kirk:** Yes.

**Rhonda North:** Council Member Miller.

**Philip Miller:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Yes.

**Bridge Littleton:** Okay. Next item is Mickey Gordon. What's going on? What's that.

**Rhonda North:** Missed one. Legislative priorities.

**Philip Miller:** R-2 District as well.

**Bridge Littleton:** Oh. Oh, R-2 district. I'm sorry. Okay, go ahead. Who's doing that one?

**Danny Davis:** This is Mr. Moore.

**Bridge Littleton:** Because there is no attachment.

**Danny Davis:** That is correct. It's a discussion item.

**Will Moore:** Yeah. So just to bring you up to date, we have confirmed October 16th. It's a Monday 6 p.m. will be the community meeting to discuss the concerns over infill and redevelopment that's occurring in town, in particular in the R2 district. We did have the town manager and I had a kickoff meeting with two planners from the Berkley Group last Thursday. So we've we've had some initial discussions with them about kind of the the format, the idea that they would be facilitating the meeting and that we other than the town manager kind of making an open state opening statement would kind of stay out of the way and let this third party do the facilitation focus is really more on gauging level of concern of folks with the character of infill and development. But but more so than that, if there is concern with getting really specific input inputs on the individual elements of concern, is it the height, is it the mass, is it the fact that some have front load garages, which I've had some direct feedback on, which some people are just adamant that so trying to really specifically dig down to if there is an overwhelming sense of concern what those elements are. Berkeley is working on developing an invitation for that. And once we see a draft of that, we'll figure the the best way to get that out to members of the community [01:30:00] so that we can maximize participation in that. We're going to have regular meetings between now and then with them as they work on the content of the meeting. And again, it's Monday, October 16th, 6 p.m. at the Legion Hall.

**Bridge Littleton:** Any questions? Oh, sorry.

**Bud Jacobs:** Will, is this is this the right forum for people to develop some understanding what the trade offs may be between what some residents want and others may not and vice versa?

**Will Moore:** I think so. I think there's a way to speak to that. And we and we touched on that with with the folks from Berkeley. And we're going to kind of maybe vet that out a little further in the coming weeks for the meeting. Yes, sir.

**Bridge Littleton:** Okay. Any other questions for Will? All right. 6 p.m., the Legion. It'll probably be like, what, two hours?

**Will Moore:** I think we have hour and a half is what we programed.

**Bridge Littleton:** Monday, 16th. Yep. Okay, next discussion item. Well, do you want to ask your question about.

**Peter Leonard Morgan:** Yes, I do. First of all, a resident in Chinn Lane contacted me as you know, taking some photographs of someone drawing water from a hydrant. And I know that sometimes we sell it. So I ask the town manager, Danny, and you looked into it and found out that actually someone was siphoning it and stealing the water. And we had a car license number, license plate number. And you've issued a fine and they've issued a fine, which is fantastic. Our concern also was, you know, is there the potential for damage to the threads and then if it suddenly needed by the fire department, have we got an issue and is there a way to lock them so that they're only used by the fire department?

**Danny Davis:** Yeah, No, absolutely. And they're all very valid and good questions. So I appreciate that. Yes. And thank you to you and to the resident who saw that, got the information, allowed the chief to track down the company. And they were as as typical apologetic. They don't typically work in this area. And it is actually was probably the same situation that occurred the last time which is they have approval to draw water from Loudoun County, from Loudoun County, Loudoun Water, and they just assume that they are in Loudoun County. So therefore, they have the ability to use the hydrants in the town. So I'll answer your two questions in one quick second. I asked Mark to go research opportunities for better signage on our fire hydrants that clearly states no tampering. And we have language I can't remember, but tampering is not allowed or no unauthorized use must be authorized by Town of Middleburg. So they already say town of Middleburg. But if we clearly say must be authorized by the town of Middleburg, hopefully they can read that [off mic]. So the second piece is they currently sit on the side. I asked Mark to look and see if we can actually get signs like the rings that will sit on top so that as you're literally going to twist, you know, the valve open, you're staring it in the face. Again, we're going to look at those options. So that's that's one idea is better signage on the hydrants themselves. In terms of damage, there's always a risk that it could damage, you know, the nut on top or the valve. But I will say that, again, maybe a little comfort is this is a contractor who typically would be pulling from a hydrant. They have experience in this. And so hydrants are fairly sturdy. And, you know, they're I think the risk of it actually breaking unless they just were to completely crank it super hard down is less of a concern. The damage to the system is the potential of stirring up water, causing a water hammer. So a water hammer is where a high velocity of water all of a sudden gets shut off and creates pressure at the end of a line. And, you know, if you if you crank it close too fast, then that can actually create even different types of problems. The question about locking is one where we would strongly, strongly advise against doing that, primarily because of emergency response. This came up years ago, especially when volunteer fire companies were more prevalent and they felt a sense of ownership over their fire hydrants and the concerns like this. And some volunteer companies began putting locks on hydrants. And the the issue is, while your one local fire company could have a master key, what if we're calling second due, third due or backup from [01:35:00] another location and you're not guaranteed they're always going to have those keys available?

**Peter Leonard Morgan:** I appreciate that and I'm feel a bit better that you've mentioned that they actually apparently are allowed to draw water in Loudoun County. So there may be you know, they're more used to it, right. Maybe it was semi legit.

**Danny Davis:** It was not for us. Yeah. Not legit. Are they a contractor who we believe, according to their owner, has approval to pull water from Loudoun Water. That's what they indicated to us. So maybe a little less likelihood of direct damage to that particular hydrant. But yes. [off mic]

**Bridge Littleton:** Notice the if. Okay. Next item here is legislative priorities.

**Danny Davis:** And thank you Mr. Mayor and council. You you have the four key items noted here that were brought forward for consideration. I would also add that council member Jacobs recommended a fifth item that would be a statement opposing any erosion of the town's sovereign immunity. Which as we know, was a fight a few years ago when fights began. We figure they will continue. And so I think that's a good addition here, that the first item here is preserving local taxing authority. That's a fairly standard priority and position we maintain and that will the the exact application of that will vary year by year, as you all might be aware. Oftentimes, especially new legislators in the General Assembly do not fully appreciate what the BPOL does, the business license tax. And so there's always an effort by the business community to lobby their delegates and senators to eliminate that. When VML and VACO share the information of the hole that that would create in local tax revenues, I think it's eye opening and would be quite detrimental to many jurisdictions around the Commonwealth. So that's just one example. But as we know, the TOT has been a recent topic of conversation for us that's even more important than the BPOL. It represents about a quarter of our general fund revenues. And so fighting any effort to have TOT centralized is key. And I think it will be important for us to stay very closely connected with VML during this. Somewhere with zoning. Short term rentals. Currently there's proposals to maybe strip away any ability to have local.

**Bridge Littleton:** Wait, wait, wait, wait, wait. Which one are you on now?

**Danny Davis:** So I went to preserve local zoning authority.

**Bridge Littleton:** Okay. All right, go ahead.

**Danny Davis:** I can stop.

**Bridge Littleton:** No, it sounds like generalized topics, but very specific.

**Danny Davis:** So they're generalized positions with specific applications of why they're being brought, particularly brought to attention. Because overall, I would suggest in the council has taken these positions before. It's important that local land use authority remain at local level. Erosions of that leads to the inability of a town.

**Bridge Littleton:** I think we all know that. But my question is, are there specific bills? If there's no bill this year.

**Danny Davis:** There's no well, there's no bills introduced yet.

**Bridge Littleton:** I got it. I got it. But where I'm going is if there's no bill changing any zoning. Right. Or there's a bill changing zoning of something that we don't care about. Does that still mean it's on our priority list?

**Danny Davis:** If you want to take it off, that's up to you. I would recommend you keep these on because you never know what Bill may be introduced at the last minute that we can say this is our adopted.

**Martin Crim:** So typically what happens is we are in constant contact with our representatives at VML and they will ask broadly from all the VML participants, do you are you affected by this bill? If you're affected by this bill, contact Michelle. Tell her how you're going to be affected. So that's how that would play out in reality in the moment.

**Danny Davis:** The third item is related to FOIA. This is a bit of a more specific one that I think will have some brief conversations in closed session if there's time or at the next closed session related to the Supreme Court decision in Gloucester versus Wheeler. This is the one I think we've shared with you and was briefly discussed at the last meeting that the the [01:40:00] rationale by which the Supreme Court reached their decision creates greater ambiguity into what constitutes a public meeting. And our strong recommendation and I think in working, it would be great for us to work with VML and our other partners to identify how to suggest legislation that would provide clarity instead of the ambiguity that we're currently sitting under due to that decision. The fourth item here is one that was brought forward by a local member of the community. And so when I forwarded it on to council as an FYI, it was suggested that we bring this forward for discussion and the conversation is related to the current inability of localities to install cameras for enforcing speed limits on general roadways within their jurisdictions. Currently you can and this is very, very recently adopted. You can now have speed cameras in school zones, which as you know, are school zone is about 200ft long. And in construction work zones, on highway construction, work zones, speed cameras have been discussed for years and years. Red light cameras have been discussed for years and years in Virginia and have generally fallen. It had a very unfavorable reception at the General Assembly. The question for conversation and don't have to have an answer tonight, we can think about it further. Discuss further is whether the Council believes this is an effective tool to add to our toolbox of speed enforcement that we would like to request for the General Assembly to consider in terms of enabling authority. The one complicating factor similar to the speed limit conversation, is that while we own the rights of way, we do not maintain our roads, so it is still a VDOT road. So again, that would be a topic of conversation through the legislative process.

**Peter Leonard Morgan:** May I ask a clarification on the speed cameras in school zones? Is that only when they're flashing 25 miles an hour.

**Danny Davis:** I would think it I would think it must be. I would. Is that it? Thank you, Chief.

**Peter Leonard Morgan:** So it doesn't matter that it's not at the time when the lights are flashing. I just thought I'd read that somewhere. And I may be wrong.

**Danny Davis:** Just when they're flashing.

**Peter Leonard Morgan:** And I would say, funnily enough, I mean, that is a road that does have a lot of speeding on. So it would be something really interesting to East Marshall Street.

**Bridge Littleton:** Bud.

**Bud Jacobs:** The mayor and I had a chance to sit down with one of the candidates for state Senate. And actually, I used this agenda to help brief him. I would say he was receptive and he was also quite surprised. He did not understand transit occupancy. He was completely unaware of Airbnb's actions over the past couple of years. No reason he should be aware. But he was he was surprised. Well, it's easy to it's easy to throw stones. Philip. I'm kind of going to go with the positive here. The guy sat down and he listened. We he was also he seemed also to be supportive of the notion that local zoning authorities should be local. We urged him to blow into the FOIA questions when he if he ends up in Richmond. And the plea for greater clarity is something I think VML is already pushing on. And what else? Oh, sovereign immunity. Yeah. And he. He knew a little bit about that. And I will say he was he was taken a lot of notes. So I think it was a worthwhile conversation.

**Bridge Littleton:** And I brought up the 5G stuff. Oh, yeah. It's like, you know, every it's like a bad penny. Every couple of years they bring out that old trick and keep trying to jam it through. And it's like and I think the comment I made was, it's exhausting to have to push back on this outright, utter stupidity that [01:45:00] makes no sense from people, you know, from lawmakers in Richmond who don't understand the implications of what they're trying to do. Right. And I told them most of the stuff that we're complaining about is like these little obscure minute things that the average person would have no clue or it'll never be in the news. It's not jazzy, it's not sexy. It's, you know, rights of way permission and collecting tax in a central place for Airbnb. You know, that's not something that makes it on the front page of the paper. But I think the point that Bud was making is this stuff actually could dramatically affect local authority. And, you know, it's it's massively detrimental. So anyway, okay, what's next? We talked about South Madison. Okay, we're on to information items. Mickey Gordon. The only thing I think of note at the moment is well back up. The August 31st first meeting I thought was great. It was really awesome to see 150 people turn out and it was great to see the near unanimity of every charrette tables out brief like everybody gave their top ten and the nine of the top ten were all the same, even from the table of cricket players, which was really cool. And, you know, Loudoun Now did a great article on it. You guys can see that. I got a call earlier today from News Channel nine. They did a little blurb, I did a little Skype call and they had it's either going to be featured on it was either featured on the local news tonight. She wasn't sure. She thought maybe what she would do is come out in a couple of weeks, actually do something at Mickey Gordon Park and then talk to local residents. Maybe it'll be a longer feature. So it might be on tonight. Might not have been the. I did hear back from Steve Torpey. They have tentatively set they have tentatively set the date of October 4th. I don't want to state the location yet because they have not confirmed it. They are still batting back and forth, I believe, between two different places. So I just don't want just say one and everybody go, Oh, that's where it is and then it goes somewhere else. But he did say it was it was October 4th and it will be the same thing as the last one. It will be a charrette. So everybody around the tables come up with, what do we want to see? All that kind of good stuff. I did speak to Chair Randall. She and I are going to follow up next week with county government leadership around the application. So we'll be working on that. And I think that's pretty much it on Mickey Gordon for the moment. Yeah.

**Peter Leonard Morgan:** On the subject of Mickey Gordon, Piedmont Heritage Association did a very good video actually at Mickey Gordon with a couple of residents and talking about the history. And I learned a lot from that. Even after all that we've. I'll circulate that. Yeah.

**Bridge Littleton:** Oh, great. Actually, can we put it on the town website? Sure. Yeah. Let's put it as a feature on the town website. Like a news item. Whoever the guy is. I actually met him at I met him at the library, you know, commemoration. It was like they had just come out that morning and I had watched it. It's about, what, 20 minutes? It's phenomenal. It's really, really well done. What's that? Or ten minutes. I watched it twice. It was so good. Anyway. Okay. Any other information? Oh, a debate last night. I thought it was great. Who went? I mean, I. I saw you there. I saw you guys there. You guys were there. A lot of folks. I thought it was great. Pam was there, and I said this at the end of the debate last night. I mean, Gary made a great point, right? I love the fact that they were simply opining my least favorite

word and and having a conversation, not really even a debate on the issues, the policies and the questions. They never attacked one another. They never went after each other. They never dove into party stuff. It was all about, here's what I think about data centers, here's what I think about TDRs. And, you know, it was I thought it was great. So we will have five more debates. The next one is the 21st at the Old Stone School in Hillsboro, 7 p.m. and that is for the Catoclin District. And is John Ellis. What's the organization he leads? Save our Loudoun. He's running as an independent against Caleb Kirshner, who is the incumbent Republican. [01:50:00]

**Cindy Pearson:** And I was impressed that you kept it on time. [off mic]

**Bridge Littleton:** Thanks, Cindy. You like the audible? Yeah. Okay, I think that's it. Unless anybody else got any other information items. If not, we will go into closed session. Where's the doc? There we go. Okay. All right. Who would like to read the motion, please?

**Peter Leonard Morgan:** I move that council go into closed session as authorized under section 2.23711 of the Code of Virginia for consultation with legal counsel retained by the public body regarding specific legal matters requiring the legal advice of such counsel related to one the town hall project contract two the Virginia Supreme Court ruling in Gloss versus Wheeler and three liability related to town owned property as allowed under Subsection A8. I further move that the Council thereafter reconvene in open session for action as appropriate.

**Chris Bernard:** Second.

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

**All Council:** Aye

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

**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:** Any other items? Meeting adjourned.