



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

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

ABSENT: Councilmember C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, September 28, 2023 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

Staff Reports

August Utilities Report

In response to inquiries from the Council, Stuart Will, of IES, reported that a pre-construction meeting had been held for the Well 4 Clearwell Project. He noted that the project was about to begin. Mr. Will expressed hope that the work at Well 3 would be completed in a few weeks.

Town Manager Davis expressed hope that the work at Well 3 would be completed by October 11th, weather dependent. He advised that the site work would then be done, followed by the fence work sometime in the future.

Special Recognitions by Mayor & Council

Council Approval – Resolution of Appreciation – Health Center Advisory Board

Mayor Littleton noted that the Health Center Advisory Board was established in 1979. He further noted that after the building was sold, the proceeds were used to create the Middleburg Charitable Foundation. Mr. Littleton advised that many of the same people were on that board as were on the Health Center Board. He further advised that the Charitable Foundation was a separate entity from the Town and noted that they had almost \$1 million in funds, which they would use to give charitable donations. Mr. Littleton explained that because of this, the Health Center Advisory Board was no longer needed as a Town committee and advised that the Council wanted to recognize those who had served on it.

Councilmember Miller thanked the committee members for their dedication to the community. He recognized Howard Armfield and Erik Scheps for agreeing to serve on the Charitable Foundation's Board of Directors. Mr. Miller noted that Mr. Armfield gathered old photographs and stories related to the community, which were now available to the Foundation and the Town for their use.

Mayor Littleton noted that the community owed its gratitude to Messrs. Armfield and Scheps, as well as to Snooks Swain, who also served on the Health Center Advisory Board for many years. He also recognized Councilmembers Miller and Kirk for their service on the board. Mr. Littleton read the resolution of appreciation aloud. Following its adoption, he presented signed copies to Messrs. Armfield, Swain and Scheps and Councilmember Miller. Mr. Littleton noted that based on annual donations averaging \$30,000, the Health Center Advisory Board gave \$750,000 in donations to Middleburg causes during its existence. He advised that these donations would continue under the Middleburg Charitable Foundation.

Councilmember Bernard moved, seconded by Councilmember Daly, that Council adopt a resolution expressing its appreciation to Howard Armfield, Edward "Snooks" Swain, Erik Scheps, Councilmember Darlene Kirk, and Councilmember Philip Miller for their service on the Health Center Advisory Board during their respective tenures.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

Council Approval – Resolution of Appreciation – Pink Box Advisory Committee

Mayor Littleton noted that the Pink Box served for many years as the town's Visitor's Center and was a spot of history. He further noted that the Pink Box Advisory Committee was responsible for the preservation of the Pink Box and for its operation as a Visitor's Center, including coordinating the docents who welcomed people to Middleburg. Mr. Littleton opined that the Pink Box was a focal point for people. He advised that no one was paid for their services and noted that the volunteers did an incredible job. Mr. Littleton advised that the Pink Box was purchased by the Middleburg Museum Foundation, which transferred the museum and Visitor's Center operations next door where there was more space. He explained that as a result, the Pink Box Advisory Committee was being retired. Mr. Littleton noted that the Council wanted to thank the committee members for donating their time over the years to enhance visitorship in Middleburg. He read the Resolution of Appreciation aloud.

Councilmember Pearson advised that it was a pleasure to work with the docents during her tenure as the Town's Economic Development Director. She noted that Mary Kay Garwood was the heart and soul of the Pink Box Advisory Committee.

Vice Mayor Leonard-Morgan moved, seconded by Councilmember Daly, that Council adopt a resolution expressing its appreciation to Mary Kay Garwood, Linda Platt, Jeralyn "Jeri" Coulter, Jo Ann Hazard, Terri Kitchin, Rita Lang, Mary Bell Peters, Dana Reuter, Mimi Dale Stein, Punkin Lee and Bridge Littleton for their service on the Pink Box Advisory Committee during their respective terms.

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

Mayor Littleton presented copies of the resolution to those committee members who were present. He once again thanked them for donating their time and noted that the Middleburg Museum was looking for docents.

Public Comments

Jack Goehring, the owner of 17 South Madison Street, advised Council that he liked Option 3 of the proposed South Madison Street Improvement Project concept plans. He noted, however, that the rub for him was the disability ramp. Mr. Goehring distributed copies of an email he sent to the Town Manager in which he described the issues he had with the ramp. He opined that there was no space for it and that it led nowhere. Mr. Goehring expressed concern that parking would be lost, the green space would be degraded, the disabled would be exposed to moving traffic, and that it would make vehicle turn movements difficult. He asked that the ramp be removed from the concept plans.

Staff Reports (continued)

Status of Special Projects

Deputy Town Manager Moore reported that kick-off meetings were held on the Septic Conversion Project and the Well 4 Clearwell Project.

Discussion Items

Tax Rate & Utilities Rate Comparison Review

Town Treasurer Staples noted that she contacted the surrounding towns for their most recent utility rates. She reported that with regard to the minimum bill, Purcellville's was higher than Middleburg's, as they also charged an administration fee. Ms. Staples noted that some of the other towns charged a similar fee. She reported that there was lots of fluctuation in the cases of localities that used tiered rate structures. In response to an inquiry from the Council as to whether she performed an analysis based on the in- and out-of-town rates, Ms. Staples advised that there was an example at the end of her report.

Town Manager Davis reminded Council that Middleburg only had five out-of-town water customers. In response to a comment from the Council that Round Hill used out-of-town customers to subsidize their rates for in-town customers, he suggested Council use the chart to compare Middleburg's in-town rates to Round Hill's out-of-town rates.

In response to a comment from the Council about the lack of information regarding the number of commercial users in Middleburg, Town Treasurer Staples explained that some towns didn't differentiate between residential and commercial users. She advised that in some cases, it was more about the amount of water used and noted that commercial users tended to be higher volume users. Ms. Staples reminded Council that Middleburg did not have tiered rates.

In response to an inquiry from the Council, Town Manager Davis advised that the staff had not yet gotten an answer on whether the Town could charge different rates based on commercial versus residential usage. He noted that Purcellville based their rates on the size of the meter. Mr. Davis suggested this may be a way to differentiate rates; although he acknowledged that the majority of Middleburg's meters were 5/8-inch ones. He suggested this could be considered during the next rate study if Council was interested in exploring a rate structure based on meter size.

Mayor Littleton opined that the takeaway was user compression. He noted that Middleburg only used 40% of its capacity because of the number of customers; whereas, Round Hill had a broader user base over which to spread its fixed operating costs. Mr. Littleton advised that Middleburg's rates were not higher on purpose, nor was the system being mismanaged. He suggested that if Middleburg had the same number of users as Purcellville, its rates would be 30% less.

Town Treasurer Staples reminded Council that the Town's annual rate increases were intended to address inflation. She advised that the Town had kept its rates at a certain level so it would not violate its bond debt limits.

Councilmember Bernard opined that the Town's utility rate increases were well thought out and discussed by the Council.

Mayor Littleton noted the predictability of Middleburg’s rate increases and opined that a one-time 20% increase would be a hard hit for customers who were not expecting it.

In response to an inquiry from the Council as to whether other communities subsidized their utility rates, Town Treasurer Staples explained that the user fees were supposed to support the cost of operating the system. She noted that a lot of towns used things like cell tower lease revenue to support its rates. Ms. Staples advised, however, that the auditors discounted such revenues during the audit.

Town Treasurer Staples advised that her report included a tax rate comparison using the same towns and noted that she also included the maximum tax rate the Town could charge under the State Code. She reported that information was included for the business license tax (by category); meals tax; and transient occupancy tax (excluding the State’s 3% TOT tax). Ms. Staples noted that Middleburg had some wiggle room. She suggested the business license rate for some categories could be increased and that the rate repair services could be reduced.

Mayor Littleton suggested the need to understand the fiscal impact of changing the rates, either up or down, by category. Councilmember Bernard suggested the need to look at the gross dollar amount by category.

Mayor Littleton questioned whether there was a policy goal the staff was trying to achieve. He further questioned whether the business license taxes were trust taxes.

Town Treasurer Staples explained that the Town only had a few repair businesses and opined that that rate seemed high.

Town Manager Davis confirmed that business license taxes were not trust taxes.

Councilmember Bernard asked that a column be added to show the amount of revenue change based on a 1% rate change.

Consent Agenda

- A. Council Approval – September 1, 2023 Special Council Meeting Minutes
- B. Council Approval – Ordinance to Rescind Ordinance Establishing the Health Center Advisory Board
- C. Council Approval – Ordinance to Rescind Ordinance Establishing the Pink Box Advisory Committee
- D. Council Approval – Authorization to Issue RFP for Banking Services
- E. Council Approval – Partnership Agreement with 1000 Miglia S.R.I.

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

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

Action Items

Council Approval – Concept Plan for South Madison Street Improvements

Town Manager Davis noted that Mike Kilian, Chair of the Economic Development Advisory Committee (EDAC), and Mark Phillips and Hunter Streb, of Kimley-Horn, were available to answer any questions the Council may have. He reminded Council that one of their goals was to do a comprehensive review of South Madison Street. Mr. Davis reviewed the history of the project to date. He noted the need for the Town’s streets to be people oriented to encourage

business activity and for them to be safe. Mr. Davis reminded Council of their inquiries during the last meeting about the goals for the project. He advised that this allowed the staff to step back and put some definition behind what they were proposing with regard to attractiveness, walkability, visibility, accessibility, and safety. Mr. Davis provided examples of each item and reviewed some of the public comments that have been received. He also reviewed the three proposed design concepts. Mr. Davis opined that all three were viable options and advised that the staff's recommendation was that the Town pursue Option 3. He reminded Council that if the existing trees were left in place and they needed to be replaced in the future, it would require the improvements to be ripped out. Mr. Davis advised that if the project was done using a complete approach, it would result in the loss of the existing tree canopy; however, this would occur at some point in the future when the trees needed to be replaced. He advised that if this complete approach occurred, the goal would be to install new large trees that would be appropriate for the size and width of the sidewalk. Mr. Davis reviewed the architectural rendering for Option 3.

Town Manager Davis reminded Council that one of the goals was to seek grant funding for the Town's projects. He further reminded them of the Safe Routes to Schools grant that was available through VDOT. Mr. Davis explained that this grant would be available because of the proposal to extend the sidewalk down Madison Street to The Hill School. He noted, however, that because it was a federal grant, it would increase the project timeline significantly and would impose additional obligations, such as environmental and historic reviews.

In response to inquiries from the Council, Mr. Phillips opined that the project cost would increase by 10-20% and the schedule would increase by six to nine months if the Town utilized a federal grant as opposed to local funding. He noted that it was assumed that there would be an exclusion that would allow the NEPA procedures to be done concurrent with the design; however, there could be an additional cost element associated with it that would increase the project cost by 10-20%. Mr. Phillips advised that the costs would be rolled into the grant.

Mayor Littleton opined that construction would not begin on the project for two years under the VDOT grant.

In response to inquiries from the Council, Town Manager Davis advised that if the Town waited until the grant award, it would be June before the design work could begin. He noted that it would take twelve to fifteen months to complete the design. Mr. Davis advised that if the Town requested an 80% grant, VDOT would provide 80% of the eligible costs. He noted that the staff would make sure all the costs would be eligible for reimbursement. Mr. Davos advised that the Town would either get the grant or it would not.

Mayor Littleton questioned whether the Town was more likely to get a grant if it requested one for a lessor amount.

Mr. Phillips advised that the Commonwealth Transportation Board determined who would receive a grant based on what they felt was most important. He noted that the applications were ranked and grants awarded until all the grant funds were used. Mr. Phillips advised that none of the projects would be partially funded.

In response to inquiries from the Council, Town Manager Davis advised that in the past, the Town paid for the design work and this payment was used as the Town's 20% grant match. He opined that this may or may not be the case for this grant and noted that he was trying to get clarity on this question. Mr. Davis advised that if the Town received the grant, it would follow the process, which could add an additional six months to the design timeline. He further advised that if the Town did the design work ahead of the grant award and did not receive the grant, it would still have the plans, which it could use to locally fund the project or to apply for other grants. He opined that the only risk was the Town would spend money that may not be available for use as a grant match.

Mayor Littleton opined that if the Town did not receive the grant, it would not do the project; therefore, doing the design work could involve a lost cost.

Councilmember Bernard suggested the real risk was that the Town would not do the project at the level of the design. He acknowledged that it was a strategic initiative; however, he opined that there was no need to rush the project.

Town Manager Davis noted that another option was to do the project in phases. He suggested the portion between Federal and Washington Streets could also be done using local funds. Mr. Davis advised that the cost estimate for this portion of the project was \$800,000, excluding a contingency reserve, without using grant funds and \$1 million if a contingency was included. He noted that there was no rush to make a decision unless the Council wanted to apply for this VDOT grant. Mr. Davis advised that there would be other grant opportunities. He reiterated that the question before them was whether the Council wished to pursue this grant. Mr. Davis suggested that if the members were not sure about the concepts or the size of the project, the concepts could be refined, with there being future discussion on how to proceed. In response to an inquiry from the Council, he confirmed the Town could withdraw from the grant at no cost, unless VDOT spent money on the project. He opined that the Council could change its mind up until July of 2024.

In response to an inquiry as to whether the Town could install a ramp on the west side of the street, Town Manager Davis noted that the stairs on this corner were difficult to navigate. He noted that a ramp would provide for pedestrian connectivity at the corner.

In response to an inquiry from the Council as to whether the crosswalk could be moved to the middle of the street, Mr. Phillips confirmed it could. He suggested the ramp be terminated earlier. Mr. Phillips explained that they tried to leave a link that a future project could tie into.

Council expressed concern about having a steep ramp on the east side of the street.

In response to an inquiry as to how it would be possible to have two lanes of traffic, parking, sidewalk and trees, Mr. Phillips explained that the travel lanes would be reduced in width by two feet. He advised that the trees would be planted in boxes to keep them from expanding into the sidewalk.

Town Manager Davis advised that the trees would also be planted closer to the curb. He advised that 4 feet was saved in pavement width, which would be used for additional sidewalk width.

Councilmember Pearson noted the four new businesses that just opened on the street and expressed concern that a construction project could be detrimental to them. She further noted that if the start of the project was delayed, it would give them time to get established. Ms. Pearson suggested the need to give the businesses help during the project.

Mayor Littleton reminded Council that revenues were up for businesses on Washington Street during the Route 50 Project, with the exception of August, during which revenues were the same.

In response to an inquiry from the Council, Town Manager Davis advised that the proposed project was appealing to the business owners. He further advised that they expressed a desire to keep the existing trees; however, the property owners were more accepting of their removal. Mr. Davis noted that if they were removed, they would be replaced. He advised that this would allow for safer entrances into the businesses.

In response to an inquiry from the Council as to the cost of the sidewalk connectivity to The Hill School, Mr. Phillips reported that it would be \$750,000 all in. He noted that if the project was broken into phases, the Town would lose the efficiencies associated with doing it as one project.

Mayor Littleton noted that this represented half of the cost of the project. He reminded Council that the initial project only involved South Madison Street, excluding The Hill School; and, noted that The Hill School connection was only added for grant purposes. Mr. Littleton advised that he did not like the idea of keeping the stone sidewalk as was shown in Option 3, as it put those who were disabled further into the street. He opined that it also did not look right. Mr. Littleton advised that he was all for saving the stone as long as it would not create a trip hazard or affect disabled access. He suggested the stone could be re-used elsewhere in the town. Mr. Littleton advised that he preferred Option 1; however, there were elements of Options 1 and 3 that made sense. He questioned whether changes could be proposed once the grant was submitted.

Mr. Phillips confirmed that some changes could be made and noted that these were just concepts. He confirmed that if Option 3 was submitted with the grant application, the Council could decide to go with Option 1, as that option would still meet the intent of the grant.

Mayor Littleton advised that he did not care which option was submitted as long as there was flexibility and the cost was about the same.

Mr. Phillips recommended the Council be conservative and submit the most expensive project for grant funding.

In response to a suggestion from the Council that the green space be removed from Option 3 to improve the turn radius, Mr. Phillips confirmed this could be done. He advised that while the proposed turn radius would not work for semi-trucks, it would work for buses and horse trailers.

In response to comments from the Council, Town Manager Davis confirmed the bump outs were ADA accessible. He advised that the stone, as proposed, would only serve the businesses, with the ramp being the sidewalk.

Mayor Littleton advised that he could not commit to spending \$1.5 million without understanding more of the details.

Town Manager Davis advised that the bump outs would be the same as the one located at the intersection of Washington and Pendleton Streets. He confirmed the engineer could provide a rendering of what it would look like.

Mayor Littleton questioned whether the Council was comfortable submitting a grant application for the most expensive project as a marker, which would allow the members time for making a decision. (The members confirmed they were.)

Councilmember Daly suggested the stone be removed and re-laid so it could be maintained. He further suggested that if this was not possible, it be re-used elsewhere.

Councilmember Miller suggested that replacement of the stone with brick be built into the project costs in case it was not possible to save it.

Mayor Littleton suggested that between now and the Spring, work be done on the concepts. He noted the need to also see elevation plans. Mr. Littleton suggested that prior to the grant award, the Council should decide which concept option it preferred. He further suggested the Town have a back-up plan in case it did not receive the grant.

The Council agreed to submit Option 3 with the grant application, with the addition of the cost for changing the stone sidewalk to brick.

In response to comments from Council about federal grant requirements, Mr. Phillips advised that the grant funds were allocated to VDOT, which administered the grants. He confirmed the grant money would exist at the time of the awards.

Vice Mayor Leonard-Morgan moved, seconded by Councilmember Miller, that Council endorse Option 3 for the South Madison Street Improvement Project and authorize the Town Manager to submit an application for the FY 25-26 Safe Routes to Schools Transportation Alternatives Program through the Virginia Department of Transportation. Vice Mayor Leonard-Morgan further moved, seconded by Councilmember Miller, that Council adopt Resolution 2023-09-28, a RESOLUTION FOR THE TOWN COUNCIL OF THE TOWN OF MIDDLEBURG, VIRGINIA AS AN ENDORSEMENT OF SOUTH MADISON STREET IMPROVEMENT PROJECT.

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

Information Items

Board of Supervisors Candidates' Debates

Mayor Littleton opined that the Dulles District debate was a good one. He noted that people could watch the debates on the Coalition of Loudoun Town's Facebook page. Mr. Littleton reported that one of the questions asked during the debate was related to the Dulles Cloud South Project, two-thirds of which was located in the Dulles District. He noted that one of the candidates said they would not support it, while the other said they would, which was concerning. Mr. Littleton advised that another question was related to the policy areas and whether the boundary lines should be hard ones. He noted that one of the candidates said no, that development should occur no closer to Western Loudoun than Route 15, which would move the barrier, whereas the other candidate said they would respect all policy boundaries. Mr. Littleton noted that there were lots of questions asked that were transportation related. He encouraged residents to watch the debates and noted that the Algonkin District debate was currently underway. Mr. Littleton advised that the last debate would be the Chair debate on October 5th.

Mickie Gordon Memorial Park

Mayor Littleton announced that the County Parks & Recreation Department would hold a second community workshop related to the Mickie Gordon Memorial Park on October 4th at 6:30 p.m. at the American Legion.

Joint Architectural Review Board (JARB) Awards

Councilmember Bernard reported that he attended the JARB awards ceremony and noted that a number of Middleburg businesses won awards for their signage. He recognized the HDRC and noted that they were a good steward of the Town's Historic District.

Community Workshop on Infill Development & Redevelopment in the R-2 District

Town Manager Davis reported that mailers were being sent regarding the community workshop on zoning and recent trends in the R-2 District that was scheduled to be held October 16th at the America Legion. He noted that there would be roundtable discussions of how things were currently and the possible future of the R-2 District. Mr. Davis encouraged everyone in the community to attend.

Town Hall Project

Town Manager Davis reported that the Substantial Completion Punch List Walk-throughs resulted in a long list of deficiencies, many of which were cosmetic. He noted that four major deficiencies remained that needed to be addressed before the building could be deemed to be substantially complete. Mr. Davis reported that the staff had targeted a move in date of mid-October.

ICMA Annual Conference

Town Manager Davis reminded Council that he would be attending the ICMA Annual Conference next week.

Closed Session

Mayor Littleton announced that the closed session was not needed.

There being no further business, Mayor Littleton declared the meeting adjourned at 7:35 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

September 28, 2023 Middleburg Town Council Meeting

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

Bridge Littleton: That's the problem. You don't know when you can or you can't. All right. We'll call the meeting to order. First item is Pledge of Allegiance.

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

Bridge Littleton: Okay. The next item is a roll call.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Philip Miller: Philip Miller.

Bridge Littleton: Bridge Littleton.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: Okay. And we are going to make one quick change on here to give someone else most of his evening back. Stuart If you're online, do you want to give your update?

Stuart Will: Yes, sir. Good evening, Council. If you don't have any questions about my report.

Bridge Littleton: Anyone have questions for Stuart? Cindy.

Cindy Pearson: Hi, Stuart. Just the million dollar question. Are they finished at well four yet?

Stuart Will: Okay.[off mic]

Cindy Pearson: Got any date?

Stuart Will: Oh, they were looking. We just had a meeting regarding pre-construction, and it is about to begin, So we are we're getting started.

Cindy Pearson: No, no, no. Oh, I'm sorry. At the water tower across from me. Well, three. Yes. I'm sorry.

Stuart Will: There was recently an update on that, and it looked like just a few more weeks.

Danny Davis: Yeah, I believe the date is October 11th they hope to be completed. They get the sway bars in the really long rods to go between the legs on Monday, and then they'll be working all of next week to get those in. So, again, weather dependent, but their goal is anticipating being completed October 11th.

Philip Miller: But then we're doing site work after that?

Danny Davis: Then they'll stabilize the grass. I mean, they'll come out and lay seed and make sure the it's all replacing the fence. Is that still a plan? Don't know if the fence is the plan yet, but that may be something we look at doing at some point just to try to get it cleaned up a bit.

Cindy Pearson: Okay. Thank you.

Bridge Littleton: Peter.

Peter Leonard-Morgan: I saw three welders working at the same time on three of the four legs today.

Chris Bernard: Amazing.

Bridge Littleton: Any other questions for Stuart? All right, Stuart, thank you.

Stuart Will: Yes, sir. You're welcome. You guys have a good evening.

Bridge Littleton: You, too.

Stuart Will: Thank you.

Bridge Littleton: Okay. Going on to the first item, which is special recognition by Mayor and Town Council. We have two very important recognitions tonight. One is for the Health Center Advisory Board, and the other one is for the Pink Box Advisory Committee. For those of you who may or may not be aware of, the Health Center Advisory Board is an organization was set up. Oh, my Lord. A long time ago. Howard, What year? [off mic] 1979. To administer the funds that came out of the Health Center that Paul Mellon had built and donated to the town for charitable purposes. That building was sold a number of years ago to Old Ox. And what the town has done is used that money and other funds that were had been reserved for the Health Center Advisory Board and created a charitable foundation which is now called the Middleburg Charitable Foundation. They are now. What's that? [off mic] Well, the web address is that.org. But so as many of the same folks are on the board who are on the Health Center Advisory Board, but now its own separate entity, which has about a is about \$1 million dollars.

Howard Armfield: Approaching a million.

Bridge Littleton: Yeah, it's about \$1 million that will grow over time and that board will give donations based on it. So with that, the need for the Health Center Advisory Board has a town committee is no longer necessary. So what we are doing tonight is a resolution of appreciation for all of those who had served and donated of their time and energy on the advisory board for. 45 years to do and really give back a lot to the community. So. Erik, Howard, I know you guys have been on it for a long time, but Philip is the council member who's been on it, I think, since you joined Council, right. Anything you'd like to say?

Philip Miller: Just thank you for the outstanding work and the dedication to the community and especially to Erik and Howard for really stepping up with their [00:05:00] board positions on the charitable foundation. Howard and I had a good day the last week. We sat down and looked at a plethora of old photos that he's compiled over the years and saw some real good ones and heard some good stories. And luckily now we have those also not just available to the foundation but to the town as well. So thank Howard for that and Erik for stepping up as president and you know, taking

the reins and getting all the paperwork done and being the one who gets the calls from the the website and just helping us Yeah. Helping us steer it in the right direction.

Bridge Littleton: So, yeah, as I mentioned, the new foundation is great. It's up and running. But we really do owe a whole a big debt of gratitude to everybody who served on the Health Advisory Board for all those years. So, I mean, Erik, Howard, Snooks, you're in the background, aren't you, still? Yep. There he is, Snooks Swain in the back. And so, yeah. Darlene and Darlene. Oh, God, I forgot. I mean, her mom was instrumental in that in running that committee before Darlene took her place. So we have a resolution of appreciation we'd like to present to every member of the Health Center Advisory Board who's here tonight. So that would be Snooks, Erik, Howard and Philip. And so I'll take and read the resolution and then we can vote on it. Okay. Whereas on May 13th, that's such a great day. It's my birthday, 1997. I wish I was born in 1997, the Town Council created the Health Center Advisory Board to oversee the operation and maintenance of the Health Center, including making recommendations to the Town Council regarding the distribution of excess revenues to charitable organizations. And Whereas, On December 11th, 2018, the town sold the Health Center property and directed the staff to begin steps necessary to establish a profit charitable foundation with the proceeds from the sale, as well as the funds contained in the Health Center fund being transferred to it. And. whereas, with the development of the necessary legal paperwork and the approval of the Internal Revenue Service for the Middleburg Charitable Foundation to operate as a tax exempt non-profit entity, the charitable foundation was formally established in 2023. And whereas, during the 26 years of his existence, the Health Center Advisory Board did a tremendous job of overseeing the operations of the Health Center and in particular in recommending the distribution of revenues from its operations to support charitable organizations that serve the Middleburg community. And whereas, at the end of its existence, the following individuals served on the Health Center Advisory Board. Howard Allan Excuse me, Howard Armfield, Edward Snooks Swaine, Erik Scheps, Council Member, Darlene Kirk and Council Member, Philip Miller. And Whereas, the Middleburg Town Council deems it appropriate to express its gratitude to those members for their personal dedication and exceptional service to our community during their tenures. Now, therefore, be it resolved that the Mayor and Members of the Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the exemplary services of Howard Armfield, Edward Snooks Swain, Erik Scheps, Council Member Darlene Kirk and Council Member Philip Miller from their initial appointments until the committee ceased its existence on September 28th, 2023. Be it there. Be it further resolved that the Mayor and Members of the Town Council express our profound thanks to those members and hope for their continued success in life. So would anybody like to make a motion?

Chris Bernard: I'll make it. I move that council adopt a resolution expressing its appreciation to Howard Armfield, Edward Snooks Swain, Erik Scheps, Council Member, Darlene Kirk and Council Member Philip Miller for their service on the Health Center Advisory Board during their respective tenures.

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed. Abstentions. Okay. The motion passes. Would anybody else like to say anything? Other than just Snooks, Erik, Howard thank you all so much. We really appreciate the tireless effort. [applause] You know, I think the Health on average, what did you guys donate per year? Or did you give out in [multiple speakers] about 40,000, plus or minus. So let's say probably an average of 30,000 over 26 years. Does anybody do the math that quickly?

Danny Davis: About [00:10:00] three quarters of a million.

Howard Armfield: Yeah, I was about to say 30 times ten plus another ten and then another six. Yeah.

Bridge Littleton: Which is? [laughter] [multiple speakers] Okay. You said a quarter of \$1 million. No, three quarters of \$1 million. Yeah. So I mean \$750,000 to go into Middleburg causes because of you guys. That's fantastic. So thank you all very much. [off mic] What's that?

Howard Armfield: Many years.

Bridge Littleton: And many years. Exactly. It's not going anywhere. It's just a new entity. Yeah. [off mic]

Rhonda North: In October yes.

Bridge Littleton: We'll have to review that agenda. I will say it is hysterical that you applied you started the paperwork to found the foundation in 2018. And by 2023, the IRS finally said, yes, you know the paperwork anyway. All right. So we have certificates for you guys. Well, here you go. Good day today. All right. I don't know if you guys want to come up if you want to take some pictures. I'll do it that way.

Howard Armfield: Okay. Thank you very much.

Philip Miller: Bridge were these signed by hand or auto pen?

Bridge Littleton: Yes. [laughter] Thank you, my friend. Thank you. Appreciate it. Yeah, Actually. Why don't you guys all come up? Somebody's got to do a photo. Ali. Yeah.

Howard Armfield: It's a nice camera you got there.

Ali MacIntyre: Thank you very much.

Bridge Littleton: Yeah. Come on, Snooks. And Philip.

Danny Davis: That's right. Hide in the background.

Bridge Littleton: Hey, you're the president. Yeah. Stokes Right here in the middle.

Ali MacIntyre: All right. Please in. We're all friends. Two, three. Thank you.

Ali MacIntyre: Thanks. Thank you.

Howard Armfield: Thank you.

Bridge Littleton: Did I just do that? [off mic] No. Okay. The next item is a Council resolution of appreciation for the Pink Box Advisory Committee Members. So the Pink Box, which its name is not the Pink Box because it was pink, it's because that was the name of the dress shop that was there years and years and years ago. But the Pink Box for many, many years has served as the or it did serve as the town's sort of unofficial visitor center and almost like a spot of history. And the town formed a committee known as the Pink Box. Pink Box Advisory Committee. And the function of that committee was to work for the preservation of the building, ensuring it stayed open as a visitor center. And really the biggest thing was coordinating the multitude of dozens of volunteers and docents who all volunteered of their time to keep the door open, to welcome people to Middleburg, to guide them to historical spots, restaurants and other destinations. And it really was a focal point of where people would come together to find out what was going on. And what is absolutely amazing is there was not a single person who was paid for their time. Everybody donated. And I mean, when I say they volunteered, it was you're working Saturday from 11 to 3, you know, or you're working Tuesday from noon to five. My grandmother was a docent, Jean Gold, Mary Kay. So they did an incredible job in keeping that organization and keeping that activity going. Now that the building and the Pink Box has been bought by the Middleburg Museum Foundation and they are transitioning to a different site which next door, which is larger to be able to actually have history exhibits. The Pink Box Advisory Board has basically transitioned over to their care. So as a town approved committee, it's one that we you know, we do need to retire, but we didn't want to do that without thanking everybody for the many, many decades of service and volunteerism to keep to keep the Pink Box going. So this is a resolution of appreciation for all the folks who have donated over the years of their time to enhance the visitorship to Middleburg and

welcome every visitor with a smile. So with [00:15:00] that, I'm going to read the resolution of appreciation. So whereas on December 8th, 2005, that was when it was established as an official committee. Long before that, the docents were working and working hard to to staff it at regular hours. Whereas on December 8th, 2005, the Town Council created the Pink Box Advisory Committee to oversee the operation of the Pink Box Visitors Center, including being responsible for its staffing and the day to day operations. And. Whereas, On October 3rd, 2016, the Middleburg Museum Foundation acquired the Pink Box property from the National Sporting Library, from whom the town leased the property so it could develop it as the Middleburg Museum. And Whereas, On September 28th, 2023, the Town Council disbanded the Pink Box Advisory Committee after the operations of the Pink Box Visitor Center was transferred to the Middleburg Museum Foundation, who agreed to provide visitor center services as part of the museum's operations.

Bridge Littleton: And. Whereas, during the 18 years of its existence, the Pink Box Advisory Committee in particular, Mary Kay Garwood, as its Chair, did a tremendous job of securing docents to assure the Pink Box was open for hours a day, seven days a week. And Whereas, at the end of its existence, the following individuals served on the Pink Box Advisory Board. Mary Kay Garwood, Linda Platt, Jerry Colter, Joanne Hazard. Terry Kitchen, Rita Lang, Mary Bell Peters, Dana Reuter, Mimi Dale Stein, Punkin Lee. Ex officio member as president of the MBPA and Bridge Littleton. Ex officio member as the Town Council representative. And whereas, the Town Council deems it appropriate to express its gratitude to those members for their personal dedication and exceptional service to our community during their tenures. Now, therefore, be it resolved that the Mayor and Members of the Town Council of Middleburg, Virginia recognize and express our sincere appreciation for the exemplary services of Mary Kay Garwood, Linda Platt, Jerry Colter, Joanne Hazard. Terry Kitchen. Rita Lang, Mary Belle Peters, Dana Reuter, Mimi Stein, Punkin Lee and someone else as members of the Pink Box Advisory Committee from their initial appointments until the committee ceased to exist on September 28th, 2023. Be it further resolved that the Mayor and Members of the Town Council express our profound thanks to those members and hope for their continued success in life. Before we vote, would anybody like to say anything?

Cindy Pearson: I had the pleasure when I worked here for the town to work with the docents and Mary Kay and Mary Kay was definitely the heart and soul of the Pink Box for many, many years. It wouldn't have been as successful as it was without her. And she received awards through Visit Loudoun. And we have receptions a few years just to, you know, show them how much we appreciated them. So just want to say thank you too.

Bridge Littleton: Anybody else. All right. Is there a motion, Peter?

Peter Leonard-Morgan: I move that Council adopt a resolution expressing its appreciation to Mary Kay Garwood, Linda Platt, Jerry Colter, Jo Hazzard, Terry Kitchen. Rita Lang, Mary Belle Peters, Dana Reuter, Mimi Dale Stein, Punkin Lee. And someone else, [laughter] Bridge Littleton for their service on the Pink Box Advisory Committee during their respective tenures.

J. Kevin Daly: Second.

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

All: Aye.

Bridge Littleton: Opposed. Abstentions. Okay. And on a serious note, all of you who donated those hundreds of hours of service. [off mic] the Pink Box. And again, [off mic], Middleburg a great place to visit. We thank you so much. Now, on that note, the Middleburg Museum is looking for docents, so we've already signed you up to their offer. [laughter]

J. Kevin Daly: Thank you.

Bridge Littleton: I have an appointment. Exactly. Lifetime appointment. All right. So everybody who's name I called would like to step to the front.

Punkin Lee: Thank you.

Bridge Littleton: Punkin, there you go.

Unknown: Thank you. How are you doing?

Bridge Littleton: All right. This way. This way. Yep. Right in the center. Okay, Perfect.

Unknown: A thorn in the middle. [laughter]

Bridge Littleton: It's two thorns on the end with roses in the middle.

Punkin Lee: Right. [applause]

Bridge Littleton: Okay. [00:20:00] Thank you. And again, really appreciate all the dedicated service from from both sets of folks. Next item is public comment. So if any member of the public would like to address the Town Council on any matter, they may do so tonight. Just remember the rules of the road. Each member of the public gets three minutes, come to the table, provide your name, address. Also, remember, it is not a discussion. It is a one way three minutes to the Council and you can address on any topic. So would anybody from the community like to address Town Council? Yes, sir.

Jack Goehring: My name is Jack. I'm a longtime property owner here.

Bridge Littleton: Yeah.

Jack Goehring: Longtime property owner here in Middleburg. I want to talk tonight. First of all, I'd like to introduce my wife, Mary Kirk. Also, I'd like to make an announcement. This is our anniversary. We've been married 49 years. [applause]

Bridge Littleton: So you're halfway done.

Jack Goehring: Okay. It makes the [inaudible] amazing. It's a mixed marriage. I grew up in Connecticut. She grew up in Mississippi.

Bridge Littleton: Wow. Whoa.

Jack Goehring: Okay, I'm here to talk to you tonight about the streetscape on South Madison Street. There's been several options one, two and three. We like number three options. It's going to remove the trees, replace them and save the antique stone sidewalk. And I thank you, Danny, for your sensitivity on that. The rub for me is the new plan number three. Option number three, where are they going to put the disability ramp that we have here? This provided this happens. This map is a very good map. Even with the magnifying glass, you can't really understand it. So I've had it exploded here. So you all can understand my comments better. [off mic] Now I have a memo in front of each one of you that outlines them in writing. But I'd like to point out to you the negatives that I see. On this subject is the ramp right here. First of all, there's no space. If you look on your memo, you'll see the photographs on the back. Also the photograph right here. It has a stop sign, the telephone pole and the supporting cable right in the middle of the ramp. Most significantly, it's a ramp to nowhere. This street right here on Federal Street is not a pedestrian corridor. It's a vehicle corridor. People go in the Middleburg the back way. So you'd have to disfigure this street to make it work. The second concern I'd have is across the South Madison Street. See how it juts out here. So you're disfiguring two streets and the crossroads of Middleburg. And I think that's a mistake. Also may be losing parking spots. It degrades the green space. And to my eye, it just personally, it has an odd, weird look to it. If you have this. [off mic] ramp right there with just an iron rail. You expose the disabled people to moving traffic. I think you're going to have a very difficult time with big trucks, school busses, turning [off mic]. It shortens the [off mic] substantially, and I think that would add to the danger. I see no asset where it's going to improve [off mi]. Merchant ability of these buildings. So I'd ask that you very seriously

consider removing. The rent in that location. You have access on Washington Street because the sidewalk is cut out on both sides. So a person that's.

Bridge Littleton: [inaudible] Three minutes.

Jack Goehring: Excuse me, sir.

Bridge Littleton: That's three minutes.

Jack Goehring: Thank you, sir.

Bridge Littleton: Thank you. Would anybody else wish to address Town Council?

Jack Goehring: I'm excused since it's my anniversary. [laughter]

Cindy Pearson: Definitely.

Bridge Littleton: Yeah. Yeah. You do not have to wait. Well, we'll close public comment. And thank you, everybody, for coming in.

Mary Kirk Goehring: We're going to renegotiate the contract tonight. [laughter] How many more years?

Bridge Littleton: Thank you very much. I [00:25:00] hope he takes you someplace real nice.

Mary Kirk Goehring: I'm thinking he's going to. It'll be great. Oh, we've done a lot of bobbing and weaving, is all I can say over the years, but it's solid. Thank you. Thank you very much.

Bridge Littleton: Okay, Next item that we have are staff reports. We talked to Will, Mr. Moore.

Rhonda North: He went to help Mr. Goehring with his.

Bridge Littleton: That's the best way to make sure that. [off mic] Exactly. Will, you're up.

Will Moore: Thank you. You have the special projects report. We already touched on the water tower. It's been a busy week with some of our special projects. We held kickoff meetings for two of those with the selected contractors yesterday. That's the septic conversion project on Stonewall and Lincoln Road and also the Well for Clear Well project. Happy to answer any specific questions you have about any of these projects on the list.

Bridge Littleton: Any questions for Will? You got off light?

Will Moore: I did.

Bridge Littleton: All right. Thank you, Will.

Danny Davis: Mr. Mayor? Yes? I ask a point of personal privilege for a staff member. Could we move the tax rate discussion up if possible for the South Madison?

Bridge Littleton: Sure. Where is it?

Danny Davis: It's at the very end.

Will Moore: Got it.

Bridge Littleton: Okay. Yeah. Sure. Absolutely. Oh, wait a minute, it's for Tina. No, no, no. We're keeping it at the end. Tina, you're up. Yep.

Tina Staples: Thank you. That's very kind. Okay, so the first part of the presentation are the utility rate reviews. We contacted all of the towns and made sure that we got their FY 24 updated rates. You can see again the amount of connections that each town has in and out of town just as a reference point. In the minimum water bill Purcellville's is now higher than ours because they they also have an administrative fee that they add to their bills. Some of the other towns do a similar kind of structure that increases the total amount of the bill. But as you go forward, you'll see lots of fluctuations because Purcellville and Hamilton are on a tiered structure, so they'll charge so much up to 7 or 8,000 from 8 to 12 is something else. And then above 12 is something else entirely. So it gets a little tricky from that respect. But those are all of the comparable towns. So you can review those and I can answer any questions on that before we go on to taxes. You have any?

Bridge Littleton: So do they. They have different rate structures for in town versus out of town? Yes. Okay. Does your. This is why I wasn't sure does your analysis break it out between in town versus out of town? I don't think it does.

Tina Staples: We do have an in town and out of town page at the end that you can see for 8500 gallons. So we did give that as an example. But with the others they were.

Bridge Littleton: I got you.

Danny Davis: Okay. Yeah. And we only have five out of town water users.

Bridge Littleton: Yeah. My curiosity is not about we're all in town, right? When you look at Hamilton and you look at Round Hill, which is the majority or massively the majority with Round Hill is out of town users who are on a higher rate structure. You know, is it basically the question is Round Hill using the out of town to subsidize the in town people because I know they have a totally different rate structure and they are but so okay exactly. [off mic] Okay. Sorry, Tina, Go ahead.

Danny Davis: Yeah, I was going to say, if you do compare our for that slide, our in-town rates to, for instance, Round Hill's out of town rates, maybe that's a could be a more apples to apples just based on again the percentage of users that they're serving.

Bridge Littleton: Go ahead.

Bridge Littleton: Oh, I'm sorry Philip. You have a question?

Philip Miller: So I see for Purcellville we have the commercial number of commercial users, but we don't have that for ours.

Tina Staples: Well, they have a different. Well, I don't believe they have a different rate structure on their commercial users. [00:30:00] But some of the towns, it's not differentiating between residential and commercial. It's more about the amount of water that they use. So it's impacts the commercial districts more because they are using 100,000 gallons worth of water versus just residential users who might use 3 to 6000. And in our case, I mean, I didn't include it just I could probably tell you how much water all the businesses use, which is kind of sad that I would know that. But as well as a perspective, our rates don't fluctuate. We're not on a scale. So it really doesn't have an impact to our commercial properties. We don't have that same tiered scale.

Bridge Littleton: Is it true that you can't charge different rates to commercial versus residential.

Danny Davis: I'm not sure we got that answered. To tell you the truth.

Tina Staples: Yeah. We did ask, but.

Danny Davis: I do believe and I was going to go back and look. Purcellville has a different tiered structure for depending on the size of the meter. Is that correct?

Tina Staples: Yes.

Danny Davis: And that's a way to potentially differentiate.

Tina Staples: For the commercial users.

Danny Davis: So, for instance, the commercial users don't. Yet I say commercial users. It could be a residential apartment building as well. But a two inch meter does not trigger the next tier until I think it was 80,000 gallons or 84,000 gallons, whereas a regular residential sized meter, 5/8 inch would trigger a tier at 7000 gallons, 14,000 gallons, 20,000 gallons. So there's a way, maybe.

Bridge Littleton: Yeah, but that's not distinguishing between single family home versus a business, right? That's about a piece of equipment.

Danny Davis: It is. Which is, I would say predominantly well, I shouldn't say that in Middleburg majority of our our meters are 5/8. Whether you're a small business like a retail shop or a home, you get into our restaurants, they are going to be using.

Tina Staples: They're all two inch and higher. Yeah.

Danny Davis: We can always look at that in our future rate study if there's an interest in looking at size of meter and rate structure at that point.

Bridge Littleton: So this was so as I look through this the takeaway I had was. We it's almost like user compression. Right. It's like we've got a size of system that we're only using about 40% of our capacity, but that's what we had to build to because the next thing down wouldn't be big enough. You know, and people like, you know, like Round Hill is a great example, right? They have 1500 connections or whatever. And if their system is operating about the same cost, they just have a much broader user base to spread it against it. To me it seems like this is it's all driven by user base or I shouldn't say that. We have an expensive system. I get all that. [off mic] But it really it just that's exactly what it was, right? Is what it felt like. It didn't feel like, you know, we were our rates were high on purpose because of something we were doing from a mismanagement perspective. [off mic]

Chris Bernard: Couldn't design it in a linear fashion. [multiple speakers]

Bridge Littleton: There's step ups, correct. [off mic] Yeah, exactly. So what I literally do is I took your numbers and that we have and I said if we had 1500 connections, how would that spread out on a spreadsheet? And lo and behold, the rates came down like 30%. So that's kind of I mean, it's not one for one, but.

Tina Staples: It's also the 3% rate increase each year is usually covering inflationary costs, increased costs by all of the contractors that go up 3%. And we also have to keep our rates at a certain level so that we're not violating our debt service and the utility fund as well. So all of that is pre-approved when we sign the bonds. So that's an aspect we have taken into consideration to.

Bridge Littleton: [off mic] Breach the covenants that call for rate.

Chris Bernard: [off mic] Increases for all. [off mic] Well thought out. We'll discuss them.

Bridge Littleton: Well, and the other thing is the predictability. You know, some of the municipalities are looking at 19% increases, 20% increases, and that can hit somebody when they're not expecting it. So anyway. All right. Any other questions or feedbacks or thoughts? This is great. This is very helpful.

Tina Staples: Thank you.

Peter Leonard-Morgan: I don't know the answer to this, and I don't think we do, but. Do I wonder if other towns perhaps sort [00:35:00] of subsidize it somewhat, or would that go against the bond if they have a similar position to us?

Tina Staples: Yes and no. I would say the user fees are supposed to support the system 100%. But a lot of towns have cell towers on water towers, for example. So that's some supplemental funds that come into the utility fund. But technically, when the auditors go through it, they discount that. So there is a little bit of opportunity to make additional money using the infrastructure other than just the user fees. So. Yes, sir.

Bridge Littleton: Any other questions for Tina? Tina, Thanks.

Tina Staples: Oh, I got to do taxes.

Bridge Littleton: Oh, God. I'm sorry. Yeah, my favorite part [laughter].

Tina Staples: Okay, so for the tax rates we ran what Middleburg current tax rate is. It's been these rates for a very long time. I'm not even sure the last time they were changed. And as they're applicable to the other towns, same towns that we were comparing on the water sites and then the allowable tax rate per the code of Virginia that we can charge at the maximum. And then we also and most the top is all for business licenses. All the different categories for the businesses in town. And then on the second part is just the meals tax and occupancy tax comparisons to what the other towns have in there. It's important to note that the 3% that goes to the Northern Virginia region piece of the tax is not included. So where our tax is 5%, technically we have to collect 8% and then remit the 3% to the state. So we had a couple of suggestions or thoughts. I don't know exactly where we wanted to go with talking about the different tax rates, but we definitely have some wiggle room if we wanted to increase some of those spots. For example, contractors, retail, those could come up a little bit. I think we also made a suggestion that the repair tax rate might want to come down a couple percent, but it's something to think about and look at. And if we're happy where we're at, then we're happy where we're at.

Bridge Littleton: I think in order to have that conversation, we need to know how much money is being generated in each of those buckets and what the impact, the fiscal impact would be if you moved them up or down.

Chris Bernard: What's the gross dollar amount.

Bridge Littleton: By category.

Chris Bernard: For the last year or whatever? [off mic] And it'd be interesting to see the percent difference between the current rate and the allowable [off mic]. For example, contractors [off mic] \$0.12 out of an allowable 16.

Tina Staples: Okay, I can do that. I can run this for you.

Bridge Littleton: And I mean, I guess the other question I would have is, is there a policy goal we're trying to achieve? Right. Are we trying to incentivize one type of business to come or are we trying to disincentivize another type of business? Or is it not even anything about that? Right. It's just about raw dollars. You know, that's that you know, you look on the Internal Revenue Service code, it actually says taxes, you use taxes and grants to incentivize or disincentivize decisions. That's why you tax cigarettes. Right. Just disincentivize people to smoke. So, you know, like you said, repair services. What would that be like Matt Fox?

Tina Staples: Yes, and like the Middleburg Exxon, we don't we only have a few businesses that are in that category. But so it's a small category. It seems that maybe it's a little bit high for that kind of work.

Bridge Littleton: Yeah, no, I get it. And for them it's collect and remit, right?

Tina Staples: Yes.

Bridge Littleton: It does not come off their bottom line?

Danny Davis: No, it does. It's not a collective.

Tina Staples: Oh, I'm sorry. It's not a trust tax. No, it comes off their gross receipts. Yeah.

Bridge Littleton: Got it. [multiple speakers] Okay. So it does go through their account. Yeah.

Chris Bernard: Another column that says. Because you're going to put the total dollar amount to a category, but the amount that it would change if you [off mic] change the rate by one penny each. So for each you change it, it'll change by \$1,000, whatever the number is. Okay.

Tina Staples: Sure.

Bridge Littleton: And so that way, if you say we want to do four pennies, it's \$4,000 change. Yep. Okay. Okay. Any other questions?

Tina Staples: Thank you. Thanks. Thanks so much.

Bridge Littleton: Now all over the place on where [off mic]. Consent agenda, I believe. All [00:40:00] right. We actually have things on the consent agenda. Would anybody like anything removed from the consent agenda? All right. Is there a motion?

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

J. Kevin Daly: Second.

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

All: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Next item is the one that we'll just take three minutes. South Madison Street.[off mic]. Nothing?

Danny Davis: Thank you, Mr. Mayor. And with your permission, I'd like to just do a quick five minute presentation just to walk through the materials. We have some visuals I think will help some of the conversation, if that's all right. Just so you know as well, with us this evening, we have Mike Kilian, Chair of our EDAC, who's been the lead committee in this review, as well as Mark Phillips and Hunter Streb from Kimley-Horn, our Engineering Consultants. So appreciate them all being here. So I'm going to run through this as quickly as possible. As noted, this is one of the Town Council's priorities from your April strategic planning meeting to conduct a comprehensive review of South Madison Street to improve commercial vitality and safety. As noted, we are working with EDAC and have been to the committee three times now to review and discuss this. We've also worked with the streetscape committee and adjacent business and property owners. We got public input and you've heard from the public here at the Town Council meeting, but also we've heard from the public and have given them an opportunity to provide input at the EDAC meetings as well. So as we look at some elements of what our economically viable streets, we recognize that they need to be people oriented to encourage business activity for those who are able to make the ribbon cuttings today, you see that right where we're standing partly

in the street and we're standing partly against tree roots. But we need we want to make our streetscape people oriented as well as ensuring the safety as we see the potential risks, whether it is stairs at the end of sidewalks, tree roots or other things with bricks. I am not going to read this entire slide. But just to say that as we reviewed and I appreciate Council's input at the last meeting about what really are our goals for this project. And so it caused us to step back and put some definition behind that as we look at attractiveness, walkability, visibility, accessibility and safety and all five of these really play in together. So I'm actually going to walk through. These are not from Middleburg, these are from other places, but just a few visual examples. When we see something that's attractiveness, we talk about people oriented streets that are encouraging business activity where there's an attractiveness that draws you to that location. We talk about walkability, where businesses can thrive when the walking is safe and easily navigated without having those impediments. We talk about visibility and the fact of not having barriers in the way of seeing storefronts. If you notice when we were on South Madison today, the trees force you against the building, so you actually lose the visibility nature of being able to appreciate the business. And also if you look straight down the street and we have some views of that as well. The the trees themselves actually cause a bit of a gain, a lack of visibility of storefronts, signage of those businesses and ability to see what's happening down the way. We talk about accessibility, of course we know our our sidewalks and the great projects we went through where they can be spacious and free from hazards and also have rest areas where people can feel like they can safely pull off as they're walking around. And then safety also includes not just smooth surfaces, but also plentiful lighting and wide visuals for those sight lines. So we think all of those really play into what we're trying to achieve when we talk about economic vitality. And again, here's one of those photos that we've seen numerous times where we love the tree canopy, but there are aspects of the trees themselves that are truly an impediment to the visibility of our storefronts, the attractiveness to the actual streetscape and buildings themselves. And then we've all seen the pictures of the roots and the bricks that cause safety and accessibility issues. And then finally lighting that we currently have is quite minimal. There's one streetlight inside a tree essentially. I mean, it's in the branches of the tree and then another streetlight at the far end of the Federal and Madison intersection that is, you know, kind of shining but lucky at best. We did a survey to get public input. We asked a number of questions. We've talked through this, so I won't go over this too much. But the public comments were some cosmetic related. What kinds [00:45:00] of sidewalk materials would people prefer? Brick was, again, not surprisingly, the preferred material to be continuous with South excuse me, Washington Street, if possible, to remove the utility poles, which I think is still a possibility there for the character of the area to retain parking as much as possible, supporting the businesses. We heard from Mr. Goehring a number of times about the stones in front of South Madison, and we'll talk through that in a moment. And then retaining that access into businesses so they can continue to thrive and be successful. And there's a lot of conversation about the street trees, right? There have been concerns raised about the impacts of these trees on the buildings and, of course, walkability. There has been input about preserving the trees as much as possible, but also recognizing that there is going to be a need to replace. And so as we review this, we know that the public understands replacement will have to come at some point. The question is when. And part of our conversation tonight is we actually believe that time is appropriate up front and now. As noted, the streetscape committee has reviewed this. And in reviewing the arborist report, the trees on the west side of South Madison actually are in poor health. They're a C grade or C minus, and they recommended replacement within 3 to 5 years. That report was two years ago. So that means replacements should be in the next year to 2 or 3 years anyway. On the East side, they are healthier, but still not the healthiest that we have in town. And those actually are the ones that are closest to the building. So they actually have impacts in a different way. So as noted, we worked with Kimley-Horn on developing some concepts. You've seen this one already. This is concept one. This retains four of the parking spaces on the east side of South Madison. It keeps the existing trees, builds brick bump outs around them in an effort to smooth it out as much as possible. But trying to preserve those trees. It provides accessibility, some street lighting that would be placed as appropriate and again, as noted, would keep as much of parking as possible in that scenario. At the last EDAC meeting, someone made the good point. We didn't hear much support at all for option two, which was to eliminate all the parking on the east side. So I've not included that in this presentation for now. We then taking all the input in after last council meeting, went to our engineers and asked them to develop a potential concept three, which would be if we were to remove all the existing trees, have a blank slate, and be able to take a holistic, comprehensive approach to this effort. What could that look like? So as you see here, you've had it in your packet. This accomplishes a number of things. One, it preserves all the parking on the east side, which has been noted without the bump outs in between each one either, which functionally gets challenged honestly for both parking and snow removal. It would replace the street, the current trees with appropriate street trees for the location in consultation with streetscape and arborist. And we would seek to use a larger size tree, largest caliper tree possible for a beginning new tree. We think that's probably in that six inch caliper range. It's already starting probably at a 20 foot range in terms of height. So the ones we've been generally replacing on

Washington have been more of the three inch or so, I think, caliper trees. So this would actually already exceed the trees that we've replaced recently on Washington. [off mic] 15 ish. Even 12. Yeah. [off mic] 10 to 12. So stark difference if we were to start from scratch down Madison Street. And then this option does include, as Mr. Gehring noted, an effort thank you to Council and to others who who kind of helped sketch this out in their minds of potentially retaining the walkway in front of the 17 and 19 South Madison and bringing the ADA ramp down. And I lost my mouse, forget that, down around that walkway area. To his point, Yes, the turn would dump you into nowhere as it currently does today. This is step one of a multi-phase potential effort as we look at the future of Federal Street as well. There are still, of course, as we've noted before, engineering things to work out as it relates to the poles in the way and what the future this could look like. But we do believe that it's a viable solution to create an accessible exit off of Madison onto Federal at this location. As noted in the staff memo that you have is as [00:50:00] well, staff recommends this concept three. We do believe that being able to take a comprehensive approach at this time really would be the best option for the future of South Madison and for the future of accomplishing this goal. For the reasons that you note and can see here. As of note, if we were to do concept one or even half and half and three years later, we need to come back and now start taking trees out, we're ripping up things we've just installed. And so that is another benefit of taking a complete approach at one time. It would lose the existing canopy. It's there's no getting around that. There's a slightly higher cost. But again, those are costs that will be borne eventually when those trees have to be removed at some point. This is a shot of the current streetscape. We asked our engineers to do a rendering as best they could of what the Concept three could look like if we had a new streetscape. And so you'll see here where the goal of having large new large trees appropriate for the size, wider brick sidewalks that include the ability to get around appropriately and then street lighting as we go down the pathway. So going back again, today's current view and a potential rendering of kind of what it could look like, we also took a nighttime shot of and this wasn't even at dark. This was at dusk, if you will, and then rendered that out under the new plan with street lighting, trees and kind of what that might change in terms of full moon. You know.

Cindy Pearson: We have a full moon.

Bridge Littleton: That's 12 days a year. [laughter]

Danny Davis: But as you see, even even then, you know, the light, the lighting, the it's inviting. You can see the lights in the storefronts and the street lighting shining down on where you're walking as well. So that's kind of renderings related to concept three. I know a lot of the conversation today has been around funding. And so just to briefly go over I provided some information, additional information today. One of Council's goals was to seek grant funding for how we can accomplish our projects that we have on the table. And this one came to our attention as a Safe Routes to Schools, that falls under the Transportation Alternatives program with VDOT. This is federal money that's good and bad. That means there's generally a lot of it and there's opportunities to seek it through the grant process. And this one would seek to use the safe routes to schools because we're extending this sidewalk down towards the Hill school. The challenge with federal projects, though, while we get funding from it, is it does increase timelines significantly. The design process is pretty arduous. It's a 12 to 15 month process for the design phase and then there are additional obligations requirements as we go through those reviews from environmental to historic resources, other regulatory bodies. So it's like.

Bridge Littleton: Let me ask you a quick question. Following all the rules, how much does that typically increase the cost?

Danny Davis: I'm going to look to our engineers to see. [off mic]

Bridge Littleton: Were you normally don't have to do [off mic].

Danny Davis: So if it were locally funded versus federally funded.

Mark Phillips: Right. And I think we said it could. Mark Phillips Kimley-Horn here. Typically, the additional processes associated with federal funding versus if it was all local funding, it can be anywhere from 10 to 20% increase in cost. And then the increase in schedule is usually, you know, anywhere from 6 to 9 months. The key elements that need to be completed that wouldn't be under local funding is really the NEPA process, you may have heard of that you have to go through. Now with this, we would under assume the assumption would be that this would be a categorical exclusion

which could get done concurrently with the design and 6 to 9 months within that 12 to 15 month overall time frame. So it wouldn't impact the overall schedule, but that's an additional cost element associated with it that increases that cost by the, you know, the 10 to 20% that I mentioned. [off mic]

Bridge Littleton: Just the external cost.

Mark Phillips: Correct?

Bridge Littleton: Not the internal cost of time.

Mark Phillips: Correct. Okay. All right. Yes. [multiple speakers]

Bridge Littleton: Sorry. Go ahead.

Danny Davis: No, that's all right.

Philip Miller: [off mic] Those costs are rolled into what we'd be applying for.

Danny Davis: That is correct. That is it is rolled into the cost estimates that have been provided. But this would say that construction has begun potentially, you know, summer of 2025 or the late 2025 range and would last probably into 2026.

Bud Jacobs: So construction wouldn't start for two years.

Danny Davis: That's correct, because as we're waiting on the grant process right now, I mean, there is a potential of cutting a few months off [00:55:00] if Council wanted to go ahead and put money into the design phase before we knew if we got the award. But if we're going to wait for the award, we're waiting till even January, February for the initial list, technically waiting till June until the formal list or, you know, and then that's when we could begin the design process, which is 12 to 15 months. So, yes.

Peter Leonard-Morgan: I think your memo you mentioned that it couldn't be 80% and then they might give us 60%. After all this, 80% is 80%.

Danny Davis: If we request 80%, they will provide 80% of eligible costs. Now, we believe everything we've applied for is an eligible or suggesting to apply for is an eligible cost. VDOT sometimes either tries to change rules or tries to reinterpret things. And so we would do our very best to make sure that everything in this package is an eligible cost. So yes, if we request 80%, we will either be awarded nothing or what we request.

J. Kevin Daly: And what's the probability of success for having a grant?

Bridge Littleton: At an 80% Level? If you request less, you're likely going to get the award. Like if you requested 50, 50 or 30. [off mic] Okay. Well, go ahead.

Mark Phillips: I'll just say from history and what we've seen in experience, it's really comes down to it's a CTB board vote where they they rank their project based on what they feel are most important. So if there are CTB members that feel this is an important project, they fund it that way and then really they have an allocated pot of money and then they just roll down and they go through the projects in their rank order based on how CTB interprets them and they use up all that money until they get to that last project and they don't do any partial funding on these. They want to fully fund the projects because their intent is that they get to see these through, that these, you know, within the two really the four year time frame that they're constructed from when they get the funding.

Bridge Littleton: Fully funded request.

Mark Phillips: Yes, Correct. Okay. Yes.

Bridge Littleton: Because so there's projects that are losers.

Mark Phillips: Correct?

Bridge Littleton: Yeah. Okay. Sorry.

Cindy Pearson: So if we did decide to fund some to work on the design first, would any of the match pay for that afterwards or is that our part?

Danny Davis: So my understanding is that in the past that's been the case, I believe where the town could go ahead and pay for engineering and use that as part of the town's match town's 20%. VDOT came back with an email yesterday saying maybe, maybe not because of the procurement differences between state procurement and federal procurement [multiple speakers].

Bridge Littleton: Cost after the award.

Danny Davis: And different well, and they have to be part of the review of the procurement of professional services. But our argument is it's our town activity because we're using local dollars for it. And it's been it's been used in other towns. So that's where we're trying to get some clarity if they're changing the rules or if there was a difference in interpretation.

Bridge Littleton: So the point is it's greater.

Danny Davis: Yes. But in the best in the way around that potentially, is that we say if we do get awarded the project, we then just follow the procurement process, the federal procurement process for engineering services, which will add another six months before we even start design. Just but there is a way that those costs could be included in this overall.

Bridge Littleton: Okay. Hang on. Philip.

Philip Miller: Given that we know we have to do the NEPA process, is there even a point to jumping ahead on the design and engineering early? If we're going to wait for the grant and try to do this with that process that we know is going to add time and can go on concurrently, hopefully.

Danny Davis: I think it's more of what is the risk, right? The risk is if we go through a \$200,000 design process for all of this and then we're not awarded the grant, we still have plans in place that we could use to locally fund it, or we use those fully designed plans for future grant applications as well. So there is I mean, the risk to us is we're laying out money that may or may not get considered as a cost match or that for a project that we may not get awarded the grant this time around.

Bridge Littleton: Well, and the bigger risk is that you sink cost into a design that has a dollar value cost to it of \$1.6 million that if we don't get the grant, we're not going to do it. So it is useless money spent. That's the risk of doing it. I mean, I get it. It shaves months off getting the project done right, but you potentially may be lost cost. Yeah. Chris.

Chris Bernard: That was kind of half of my point, is that the real risk is that maybe we don't do the project at that level. And are we in a hurry to do this? I mean, I don't know why we would rush ahead. I mean, it's a strategic priority, but it doesn't have to be done tomorrow. I think if it's on the books and we're working [01:00:00] towards it, there's no need to run ahead [off mic].

J. Kevin Daly: Do it right the first time.

Danny Davis: And there is another option, too, and this was if you had a chance to read the memo and again, I'm sorry it went out late today. One option is we consider this in even just this Madison piece in phases. And we look at just this northern section between Washington and Federal, which was the initial kind of scope of our conversation. And we

consider that fully locally funded and we avoid the grant process, the federal requirements, the timeline implications, that cost estimate is roughly all in \$800,000 without a contingency, right? So add in a contingency of 20 to 30%. So now you're pushing \$1 million, right? But if the Council and if that's the direction the Council may be interested in, Yes. There's no push on making a decision tonight. The only rush on a decision was to meet a deadline of applying for a grant for this particular grant. There are future grant cycles. There are smart scale. There's in two years there will be another transportation alternatives program.

Bridge Littleton: There's Loudoun County.

Danny Davis: There's County grants we could try to connect to potentially because it's a school connection, private school we could try. So, yes, and again, we were moving things along to get us to a point ready to make a decision if Council was ready to make a decision. But really right now, question number one is, do we want to pursue this grant cycle if we don't feel we're ready? Totally fine. If we feel like there's a concept we can put forward, we can always ask for it and try. I mean, it's kind of where we are at today. If Council says we're still not sure on even concepts and do we want to extend it all the way down to The Hill School or do we want to take three more months and review the plans in front of us? Then our opportunity then is we could refine the concepts any further if there are issues with the concepts as laid out and then, you know, decide how we want to proceed there. Is it local funding? We just put cash into it or other grant opportunities. So there's really two questions for you tonight. One is kind of is there a preference of concepts and two, how we want to fund this?

Cindy Pearson: And did you have we said this before, maybe if you get to a point and you decide you don't want this grant that we've decided and I don't know, can we then just pull out of it?

Danny Davis: We can. We can. The only risk is if VDOT has actually begun to spend money of their own on this project. But that wouldn't be before July of next year. So, you know, we could even get up to, you know, June or July easily next year and say, you know, we've changed our minds. Okay.

Cindy Pearson: Oh, I have one more question. Maybe at this time it's appropriate. So with the ramp on the east side that goes down Federal Street to nowhere, could you not put a ramp on that street and just have it on the other on the east side that goes down because there is sidewalk to attach it to on that side of town, you kind of have to cross. [off mic]

Bridge Littleton: There is you lose parking spaces. I think that's.

Danny Davis: On the?

Cindy Pearson: On the journeyman, I'm going to say the journeyman side, there's a ramp there and not have it on the.

Danny Davis: Not have one here.

Bridge Littleton: Yeah. Oh you mean on the west side.

Cindy Pearson: Yeah. Okay. Yeah.

Danny Davis: I think our challenge and it's kind of what we see today is, is folks are enjoying walking down here whether with a stroller wheelchair accessible and they get to a point where they're stuck and if they can't navigate stairs, they have to go all the way back up [multiple speakers] or they're crossing the street in an unsafe manner. And so having this ramp here, even though, granted, this quote unquote, goes to nowhere, having this ramp actually would allow to and I have cut off the concept here, it would actually connect over to the corner. And then there is a crosswalk across here to the south side going down in front of the tack box.

Cindy Pearson: But on the east side, couldn't you put like a crossing in the middle of the street to have them not have to go all the way back up to Washington Street and around?

Danny Davis: So make the crossing?

Mark Phillips: Yes.

Cindy Pearson: Wherever.

Mark Phillips: Yeah, that's something that could get done. And I will say we could also cut where that ramp is shown now, we could end it, end the sidewalk right there just to the east of it, on the east side of that ramp. That could be the terminus of that sidewalk and it could just not go further along Federal Street. We were trying to leave a link or a connection for a future project to tie in.

Cindy Pearson: And I know.

Bridge Littleton: Right.

Cindy Pearson: I know eventually we have that coming, but that'll be a while.

Bridge Littleton: Peter.

Peter Leonard-Morgan: There was some concern mentioned a couple of weeks ago about the steepness of that ramp [01:05:00] on the east side, which I think that's what you're talking about. I don't know if we talked about that a lot today. So it becomes a very steep slope, right? Because right now it's.

Danny Davis: Oh, I'm sorry. East side?

Cindy Pearson: It's in front of Gehring's place. Yeah. Yeah.

Danny Davis: So that's it would begin kind of.

Mark Phillips: It'd be sloping down sooner.

Chris Bernard: As you can start further up. [off mic] I have a question while you have this up. So I'm just trying to figure out spacing wise, how we are still able to have two lanes of traffic. We haven't lost any parking on this side and we still think we can stick the trees back in here and not have it be too tight. Like where is the extra space coming from?

Mark Phillips: The lanes are narrower than what's out there today. They're 11 foot lanes versus I think the lanes out there today are about 13ft. [off mic] Yes. And then on top of that, the trees are going to be put in more formalized planter boxes so that they can grow appropriately. And then actually underneath the the sidewalk itself, there's actually space and volume given to the tree so that the roots can grow appropriately, but also where you want them to versus kind of what's happening out there today, where they've taken over and the roots have found their own way to grow because the soil underneath was so compact that the roots have had to kind of grow and form.

Danny Davis: Yeah. And I think if you think of the new trees on Washington that we've had to replace, they're fairly up yeah less footprint and they're fairly close up to the curb line right because you know they're getting above your car height. Yeah. And yet you can still get out safely without knocking them over. Right. So yeah, I think overall we thought we saved three and a half to four feet total. In pavement width which is then applied to the sidewalks.

Mark Phillips: Yes. And I mean that two feet on either side makes a big difference, especially in a walkability perspective. So.

Cindy Pearson: One more thing.

Bridge Littleton: Yeah, go ahead.

Cindy Pearson: My other concern is but listening to this a little bit more, we were all there today for the opening of these new businesses. If we were to start this right away, we'd kill those businesses in a heartbeat. Because you remember when we had Washington Street done how it was so hard to get in the businesses. So I'm glad to hear that this won't start for quite some time. So they can get. Yes, definitely established. And, you know, we need to think of ways that we can help these people when it does get around to time to do any construction because it's going to be miserable for them.

Bridge Littleton: I will say, and I ran this analysis that when the construction started on on Washington Street that whole year, it was all torn up and everything, with the exception of the month of August everybody's revenues were up during construction. Believe it or not. [off mic] Oh 16. Everybody's revenues were up. Now, August, it was actually about the same. So I get your point, right? But it was very. It was very surprising. I was like, you know. So anyway.

Philip Miller: Also a much smaller project to scale [off mic]. Yeah. Yeah.

Peter Leonard-Morgan: Sorry Yeah.

Bridge Littleton: All right. Go ahead.

Peter Leonard-Morgan: Sorry. Just a quick question about these new businesses. I wasn't there today, but I know some of the businesses have moved in and the existing ones. What is their thought about all this? Are they very positive about it? I know I've spoken to one at least that loves the idea of it. But generally?

Danny Davis: I think generally the idea of the project is very appealing to them. Right. For all the reasons we've talked about. When we had our probably first input session with EDAC, we probably heard from more than not a preference of trying to keep trees if possible. You know, there's a mystique to it, right? There's a beauty to the large trees. But as we heard from some of the property owners. Right. Who have a different approach than necessarily their tenants. Tenants have one feel. The property owners are concerned about branches over their roofs and trunks or roots potentially impacting their foundation. So, you know, from a property owner standpoint, I think we heard probably more than not an acceptance of, yeah, let's take the trees out and get rid of that potential threat towards their properties. But I think even speaking to some of them today, you know, understanding kind of the goal, if we were to remove all the trees, get larger, starting trees back in place that are appropriate. And the fact that that allows us to provide a safer entrance into their businesses, I think is generally acceptable to them.

Bridge Littleton: Okay. So. What is the cost of the connection to Hill School?

Mark Phillips: I [01:10:00] think we have that in here. Yeah. I can pull that up real quick. I actually got it right here. I apologize. So the connection to the Hill School all in is about \$750,000.

Bridge Littleton: So half the cost of this project is going down that hill?

Mark Phillips: Well, I will mention when you break when you break it into two projects, you lose the efficiencies.

Bridge Littleton: Wasn't my question. Wasn't my question. So just by itself. So the whole impetus around this initiative was not about connecting the school. It was about how do we make South Madison a better place for tourism, safety, all that kind of stuff? Right? Throwing in Hill School is about going after a grant. If that grant wasn't there, it wouldn't even be on the drawing board right now. I mean, maybe it would, but that wasn't our goal. I'm not saying it's not a good thing to do, but okay, it's half the cost of the project. Okay. So. Kind of my thought here and I'm curious how everybody else feels about this. Concept Three, I really don't like what we've done, where those stones are. That just doesn't it is making the road narrower. I think the gentleman made a great point. You're actually putting the disabled further into the middle of the street. It just doesn't make logic. I mean, I'm sure it's architecturally fine and all that kind of stuff. It just doesn't feel or look right. I understand also his points about wanting to save the stones, and Danny and I have talked about this a number of times. I'm all in for saving the stones as long as they are not a trip hazard and as long as wheelchairs can get over them safely. But if they have these bumps and contours and it's a pain in the butt or it's a difficulty for somebody

who's in a wheelchair, they got to go. If it's a trip hazard, they got to go. You know, you can set them in concrete, make them look pretty, all that if they if it can work and be flat and smooth like brick, great. If not, we're spending all this money to make it more handicap accessible. Let's actually make it handicap accessible. Not saying we can't repurpose the stones for something else. Save them, do whatever. I mean, and I don't even know if this is possible. Shave them, make them smooth so that they things roll evenly across. Whatever. Personally, I like concept one better. But I get the idea about taking all the trees out. So, you know, I think there's elements of 1 in 3 that make sense if we think about it. Your guys question is fundamentally, tonight, you need something to submit a grant. Doesn't mean that we're committed to the something. We can change our mind.

Danny Davis: I'll look to you on that.

Bridge Littleton: Substantial, I mean, substantially.

Danny Davis: So I think define substantially if we were?

Bridge Littleton: You submit this and we decide to do number one.

Mark Phillips: We have to stay within a certain scope of work that we submit for and scope elements. There's certain changes that can be made, but if it's going to cause major cost changes.

Bridge Littleton: The cost is a wash because you guys cost is about a wash and we'll eat the \$100,000 difference.

Mark Phillips: I mean, you can make some changes moving forward. I think the intent is that when the scope of work and description is written on the smart portal that you apply to, there's some flexibility in what actually gets proposed because these are concept plans. When design moves along, there are going to be changes that have to be made anyway just because of what's out there and what we find as we do the investigations and the further field investigations. So there's still flexibility and room to make things work in ADA compliant, moving forward with the design based on a recommendation to move forward with the, I guess, the idea of the concept to make these improvements along South Madison Street.

Danny Davis: But removing, say, the, you know, a portion of the project.

Mark Phillips: Right?

Bridge Littleton: No, no, no. I'm saying here's where I'm going with it, in your expert opinion. If we because you've done this, none of us have. If we submitted number three, and then three months from now, we all decide, you know what? One is better, that's the one we want to do. And the cost is about the same. If there's a difference, we'll eat it. We have and we get award the grant. We have the flexibility to say, no, we're doing number one.

Mark Phillips: Yes, I would say you would, because you're still meeting the intent of the project, which is to provide an ADA accessible, safe route to school. And that's what you're providing.

Bridge Littleton: Okay, then.

Mark Phillips: If we were to pull back. I'm sorry.

Bridge Littleton: No, no, it's fine. It's fine. I mean, so from my vantage point, I don't care which one you guys submit, as long as the cost is about the same. It's about the number, right? If we have that flexibility. [off mic] We get the award, then we'll figure it out between now and when it gets awarded what variation of whatever we want, as long as we stay within the same cost number.

Mark Phillips: And my advice and what I've recommended, if we are a little bit up for debate as to which concept we'd like to move [01:15:00] forward with is to go with the more conservative concept in terms of cost, because it is always more preferential that if we are going to be changing the scope that we're going down in cost versus up. So if we pick.

Bridge Littleton: You mean a more expensive concept?

Mark Phillips: Picking the more expensive of the concepts. Yes. Yes. The conservative estimate, yes.

Bridge Littleton: The more expensive estimate. Yes.

Chris Bernard: While we have the engineer here on this concept three to make that turn less tight can you remove the green space? [off mic]

Mark Phillips: Yes that could be done.

Chris Bernard: [off mic] the same width, but you scooch it all the way in. Yes. That's just [off mic] right?

Mark Phillips: Yeah, that could be done. I will mention that these have been run to make sure that the turns work for busses and horse trailers with gooseneck trailers. But these would not operate and they don't today. And they wouldn't in this condition work for what are called WB 62 so your semi-trailers those have to navigate using the opposing lanes.

Bridge Littleton: And you said [off mic] It today.

Mark Phillips: Correct right. [off mic]

Cindy Pearson: About people that drive that can drive.

Chris Bernard: Yeah yeah the thing about people be walking in closer to traffic or whatever and all the bump outs at all the big intersections. Have that same thing.

Bridge Littleton: But these are handicapped people. The whole point of that ramp is for handicapped people. Well, it's for anybody. Yeah. But you're going to channel handicapped people.

Danny Davis: No. I think we're channeling.

Chris Bernard: It's an ADA compliant sidewalk.

Danny Davis: It's not a handicapped ramp. It is a sidewalk. [multiple speakers]

Philip Miller: You don't have to have a handicapped placard to walk on this. Anybody can walk on this. [laughter]

Bridge Littleton: I get it. But if it's a ramp.

Danny Davis: So so. Let's look at, you know, all the bump outs. And I think that's all the bump outs we did are ADA accessible, right? And but it's the normal sidewalk. This would be the stone. The stone shown here really is only to serve his business. It's left there to preserve the stone and to serve the business. This becomes the default sidewalk for everyone else.

Chris Bernard: Moving the sidewalk around the stones [off mic].

Danny Davis: Correct. And again, don't think of it as a ramp. Think of it as a it's what 2%. [multiple speakers]

Mark Phillips: It's 5% max.

Bridge Littleton: Yeah, yeah, yeah. So and again, to me, I don't know if everybody else this is the hard part. I can't visualize anything you just said. All I have is an overhead. So there's no way I'm going to be on board for committing to a million and a half dollars without understanding a lot more of those details.

Danny Davis: If you think about this. Again, look at the tree in front of at Pendleton and Washington in front of Salamanders sales office. You've got a sidewalk there that splits, right? Both of those are usable, accessible sidewalks. You can choose to go left around the tree, right around the tree. This is almost the same way. This is again, it's not a hill down. It's a gentle slope. And this is your choice of how you're walking on your normal path, of walking.

Chris Bernard: And he's just like visualizing the elevation where the stones go flat.

Danny Davis: Yes.

Chris Bernard: And then there's a railing and then the sidewalk kind of goes down around it, I think is where people are tripping up.

Danny Davis: And we could do again, it's similar to what we did with the streetscape, we could do a rendering to show this is actually what it looks like from a usability standpoint.

Bridge Littleton: So let me ask everybody in the room from a process perspective, is everybody comfortable submitting the most expensive concept to put the marker in the road and give us decision space?

Cindy Pearson: Yes. [multiple speakers]

J. Kevin Daly: I like concept number 3.

Bridge Littleton: Because we don't have to take it, but if we miss the deadline.

J. Kevin Daly: Yeah.

Peter Leonard-Morgan: I would like to add, I totally agree with you about that. I mean, the stones are lovely and they're beautiful and old, but I mean, I just don't know how they're going to work necessarily.

Bridge Littleton: There might be a way. I don't know. I mean, I just.

Peter Leonard-Morgan: The green space is a great idea too.

Chris Bernard: [off mic] Get rid of the green space. I think it works.

Cindy Pearson: On both sides.

J. Kevin Daly: Can this question be asked, the stones, can they be pulled, extracted and then relayed?

Mark Phillips: That's something we could specify to the contractor in the design. Yes. And you could try, I think.

Bridge Littleton: I think you'd have to. Yes. They are already a trip hazard. Yeah.

J. Kevin Daly: So it's not leaving it. It's maintaining the stones, not destroying them, but relaying and reusing them.

Bridge Littleton: If you can.

J. Kevin Daly: If possible.

Philip Miller: I think I think the bigger question is, worst case scenario, they have to be replaced with brick. Is that built in as a cost, if that's possible? I mean, if it's not possible to save them.

Mark Phillips: It could be built into the cost. Yes, you guys should.

Philip Miller: Yeah, I would. Absolutely.

Bridge Littleton: They're rocks. I mean, they are irregular, right? I mean. Yeah. Okay. All right. So we've got two things to think about. I think everybody's on board for you guys to submit for the grant request and all that. I think between now and the spring, right. There's more work that needs to be done on what the end concept should be because, you [01:20:00] know, we're not going to adjudicate tonight. I don't think if everybody on how we want to do the trees, we're not going to adjudicate, I don't think, on the planter box or not the planter box or stones or not the stones or ramp, not the ramp. This is all stuff we need to noodle and think about. And you know, and I know I'm going to need to see a [inaudible] or whatever, not an overhead, but a straight on elevation view.

Philip Miller: I'm sure we will see many over 15 months. [laughter] Well.

Bridge Littleton: No, but I mean, my thought is by the time it comes award time, which I guess is in the spring or summer, we should already have decided what if it's concept one with a little bit of three. And I think we also have to have a backup plan. And the backup plan is, you know, even if it's just it's a thought idea, we failed on the grant award, you know? [off mic] Right, Exactly. Exactly. And I get it. We're not going to submit the grant as those are severable, but maybe the Hill school piece is the severable piece. And if it's a 1 in 3 mix and you guys come back to us and say, okay, well, that is 800 grand. And we go, okay, for Madison Street, are we comfortable with that or not?

Cindy Pearson: Doesn't it have to be part of it, though?

Bridge Littleton: What?

Cindy Pearson: The whole school part?

Bridge Littleton: [multiple speakers] Only for the grant. If we don't get the grant, we can do whatever we want. Yeah, we can do whatever we want. So does that work? Yeah, Bud.

Bud Jacobs: We're submitting concept three, more or less. That's the most expensive and the most conservative. Yes.

Bridge Littleton: Yes, sir. Okay. And add in the brick cost and add in Bud's reserved spot. [laughter]

J. Kevin Daly: We'll have the Placard. Yeah. I really like seeing the old trees and the roots because you can't pass two of the trees on the east side if you're in a stroller, let alone a wheelchair.

Bridge Littleton: Does that capture it for everybody? I mean, is that seem like the reasonable path forward?

Danny Davis: I do.

Bridge Littleton: I think we do. Yeah. But I just want to make sure we're all on the same page. Yeah, Bud.

Bud Jacobs: What's your experience or what is the general experience with respect to the federal money that's going to be a piece of this. I'm a veteran of procurement wars. [laughter] Federal money. And to my mind, some of these timelines are probably best understood as notional. Because we actually don't know what the federal piece of this putting aside [off mic] what they may decide to do in the intervening months and what they may change, it could be a real nightmare. What's your experience?

Mark Phillips: So with these funds, they're relatively straightforward in the sense that they're allocated to VDOT, to the CTB, to earmark towards these projects. And once the funds are allocated, they actually get administered by VDOT. So we would be working directly with VDOT for those reimbursement packages.

Bud Jacobs: [off mic] Gone through the OMB process and obligated.

Mark Phillips: If approved. That's what happens in June when the CTB makes their final award recommendations. It then is fully approved and the money is allocated to each individual project and set aside for that project. So at that point it becomes.

Bud Jacobs: The money already exists.

Mark Phillips: Correct? [multiple speakers] At that point? Yes. Yes.

Bridge Littleton: So that's a good program history. And so the funding for Fiscal for Virginia, fiscal 24 to 25, which is July 1st to June 30th, that was in the FY 23 federal budget.

Bud Jacobs: Okay, good. Yeah.

Bridge Littleton: Okay. Any other questions? Yeah. Chris.

Chris Bernard: Before we vote on it. There was a lot of public input and a lot of EDAC meetings on this, so thank you, guys. Mark your team and Danny and Philip for retooling Concept three, which incorporated a lot of random input and then retooling the memo so that it was more aligned with, I think, our vision from the beginning. I think it made a huge difference. Thanks.

Danny Davis: Good.

Peter Leonard-Morgan: Okay. I just want to ask if Mike's got any comments? We've been so involved in this. Or does that all encapsulate what you?

Mike Kilian: I had a whole list, Mr. Leonard-Morgan But I think Mr. Davis and Mark summarized my views and more generally the EDAC fees. So thanks for the opportunity, though.

Bridge Littleton: Okay. Is there a motion? Yeah. Peter.

Peter Leonard-Morgan: I move that the Town Council endorse option three for the South Madison Street Improvement Project and authorize the town manager to submit an application for the FY 25-26 [01:25:00] Safe Routes to Schools Transportation Alternatives Program through the Virginia Department of Transportation. I further move that the town Council adopt resolution number 2023-09-28, a resolution for the Town Council of the Town of Middleburg, Virginia, as an endorsement of South Madison Street Improvement Project Second.

J. Kevin Daly: Second.

Bridge Littleton: Any Discussion? No. All those in favor say aye?

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? All right. It's not a allocation money. Yeah, we're not spending yet. That'll be three years from now. Okay. Thank you guys very much. Appreciate it. Okay. Information, items. Does anybody have any information items? I have two. Last night we had the Dulles debate. The COLT debate. It was.

Philip Miller: Yeah, I think we skipped. Project status update.

Bridge Littleton: No, no we did that. Will did it.

Philip Miller: It's very fast.

Bridge Littleton: Yeah. He was efficient. Yeah. [multiple speakers] Yeah, exactly. He's learned. [laughter] I stand ready to answer any questions. You notice he doesn't do that anymore. Okay, so last night, COLT Loudoun Times Mirror Loudoun now had their debate for the Dulles district. Very good debate. It is COLT now. Has a Facebook page, so if you want to go watch them. Yeah, watch out. Well, we had one before, but then Nate Fontaine was no longer Mayor and he forgot the password, so we had to create a new one because his email address was, you know, he had his town email and it's been deleted. So anyway. But no, it was a very good debate. Two things I will note to it, which I think would be of enormous concern from both candidates, actually. Everybody knows the Dulles Cloud South project. Okay. Which is the putting the data centers down by Braddock Road and 15 and 50, 2/3 of that. It's about I think it's 600 acres. Two thirds of that would be in the Dulles district. One third would be in our district. The question was, do you support the project or not? And Matt Letourneau said, I do not support the project. That is sort of the last open area in eastern Loudoun and we need to have that for the things like parks and residential and mixed use commercial. So great. The other candidate, Puja Khanna, said, Absolutely, we should put the data centers there because there's power and water there. So on one level that concern me about Ms. Khanna. And then another question was, do you view the policy area as being suburban transition policy area and the rural policy area as hard lines that don't move? And we're going to respect those policy areas? And on that one, Mr. Letourneau said, I don't think we should have any development closer to Western Loudoun than Route 15. To which I reminded him that the rural policy area actually starts on Evergreen Mill, not Route 15. And it was sort of a Route 15 is the line for me. So that is a moving of the barrier of the rural policy area. So everything else was, you know, about transportation, a lot about transportation. It's a big issue for guys. For folks in Dulles, it's you know, they got Route 50 and Braddock Road and all that kind of stuff. So I encourage you to watch it. It was a good debate tonight is the.

Philip Miller: [multiple speakers] Candidates answer about the policy area.

Bridge Littleton: Well, and it was funny because I actually called an audible on both of them. Her answer was no. We should absolutely respect every policy area boundary, which then I followed up with, well, Dulles Cloud South is in the transition policy area, which does not allow data centers. So which is it? Yeah. So and yeah. And you know and Matt said, you know, Letourneau said the same thing we should absolutely respect the borders to 15 like well then you're changing the border because the 50 so and then tonight is the Algonkian debate which is Julie Briskman against Debbie Rose. Debbie Rose. And I just got an email that news Channel nine is there. So, yeah. And then the last debate is next Wednesday or the October 5th. It's either Wednesday or Thursday at Ida Lee and that will be the chair debate. So and then just a reminder for the community that Mickie Gordon information session will be the American Legion, October 4th, 6:30 to 8 p.m. It is a take two of the information charrette gathering session they did in [01:30:00] late August. And with that, yeah.

Chris Bernard: I do have one. So a couple of us went last week, the Loudoun Preservation Society and the, I guess joint architectural review boards for Loudoun had an award ceremony and there were several Middleburg businesses that got awards for signage. And so I just wanted to say thank you and shout out to our HDRC. They obviously are doing a good job being stewards of our historic districts because we got a whole bunch of recognition. So that's all.

Bridge Littleton: Anybody have any last minute items? Danny?

Danny Davis: Three real quick items as a reminder to the community. Mailers are going out today and we're handing them out. We will have a public community workshop on zoning and recent trends in the R-2 zoning district. And that will be Monday, October 16th at the American Legion. It'll be a roundtable discussion similar to the Mickie Gordon meetings where we'll intro the discussion and then we'll lead into some small table review of kind of reactions to to how things are today and then also possible conversations about the future of R-2. And so we encourage, especially those in Ridgeview to show up for that. But really anyone in the community is is again welcome as a brief town hall update we provided or we had our architects in town yesterday and the day before was our engineer to review the building for

substantial completion. They have a lot on their list. Much of it is cosmetic, to be fair, but there are still the remaining items that we're continuing to work on. The four major ones that we've been tracking, we think continue to proceed closer to actual completion. But there are some remaining pieces for all four of those to be deemed acceptable and substantially complete. So we are still targeting for the town a move in in mid-October, probably a third week of October is our goal. And we are the contractor understands that's our date and understands the things that we've stated are necessary for the town to be able to take beneficial use and substantial occupancy at that time. So we will continue to keep you updated as we get more information. But that's where we stand. And finally, just as a reminder and thank you to the Town Council, I'll be attending the ICMA Conference. It's International City County Management Association in Texas, so I'll be out all of next week, actually fly out tomorrow. So I'll be doing some various trainings courses and happy to talk more about that if you wish, offline, but appreciate your support of my professional growth in that area. And obviously we'll be in good hands with Will at the helm and with Rhonda here managing the project.

Bud Jacobs: I think it's great that you're attending this conference and training. However, you may not take your resume with you. [laughter]

Danny Davis: I do.

Bridge Littleton: But the sad thing is he's got it on a QR Code.

Danny Davis: You know that share contact feature is now share resume feature.

Chris Bernard: All we have to do is reference how long this building project is, you know. [laughter]

Bridge Littleton: You know, it's funny, every time you say ICMA, I think of International Contract Managers Association.

Danny Davis: Please No.

Philip Miller: That sounds like a hoot. Yeah, exactly.

Bridge Littleton: Want to talk about the FAR? All right. Any other questions? And we don't need close session, right? No, we're good. All right. Meeting adjourned.